Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Immigration and Nationality (Fees) Regulations 2018. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2018 No. 330

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) Regulations 2018

Made - - - - *15th March 2018*

Laid before Parliament *16th March 2018*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations with the consent of the Treasury, in exercise of the powers conferred by sections 68(1), (7), (8) and (10), 69(2), and 74(8)(a), (b) and (d) of the Immigration Act 2014 [F1]. These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016 [F2].

F1 2014 c. 22. Treasury consent has been obtained in pursuance of section 69(1) of the Immigration Act 2014 ("the 2014 Act"). Sections 68 to 70 of that Act were extended, subject to specified modifications, to the Isle of Man by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765) which inserted new articles 22 and 23 and Schedule 9A into the Immigration (Isle of Man) Order 2008 (S.I. 2008/680); other amendments have been made to the Order of 2008 but none are relevant for the present purposes. Sections 68 to 70 of the 2014 Act were extended to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 (S.I. 2016/994) subject to modifications specified in the Schedule to that Order. Sections 68 to 70 of the 2014 Act were extended to the Bailiwick of Guernsey by article 4 of the Immigration (Guernsey) Order 2016 (S.I. 2016/996) subject to modifications specified in the Schedule to that Order.

F2 S.I. 2016/177; this Order was amended by S.I. 2017/440 and S.I. 2018/329.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2018.

(2) These Regulations come into force on 6th April 2018.

(3) Subject to paragraphs (4) to (6), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) This regulation and regulations 2, 11, **[**[F3]13A,**][**[F4]13B, 13C, 13D,**]** 15 and 17 and Schedule 9 also extend to the Isle of Man, but only for the purpose of issuing entry clearance to enter the Isle of Man.

(5) This regulation and regulations 2, 12, **[**F5 13A,**]****[**F6 13B, 13C, 13D,**]** 15 and 17 and Schedule 10 also extend to the Bailiwick of Guernsey and the Bailiwick of Jersey, but only for the purpose of issuing entry clearance to enter the bailiwick concerned.

(6) Paragraphs (a) and (b) of regulation 18 have the same extent as the instruments which they revoke.

F3 Word in reg. 1(4) inserted (30.5.2018) by The Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018 (S.I. 2018/618), regs. 1(2), **4(a)**

F4 Words in reg. 1(4) inserted (5.10.2020 at 9.00 a.m.) by The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020 (S.I. 2020/966), regs. 1(2), **4**

F5 Word in reg. 1(5) inserted (30.5.2018) by The Immigration and Nationality (Requirements for Naturalisation and Fees) (Amendment) Regulations 2018 (S.I. 2018/618), regs. 1(2), **4(b)**

F6 Words in reg. 1(5) inserted (5.10.2020 at 9.00 a.m.) by The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020 (S.I. 2020/966), regs. 1(2), **4**

Interpretation

2. In these Regulations—

"the 1971 Act" means the Immigration Act 1971 [M1];

"the 1981 Act" means the British Nationality Act 1981 [M2];

"the 1982 Order" means the British Protectorates, Protected States and Protected Persons Order 1982 [M3];

"the 1999 Act" means the Immigration and Asylum Act 1999 [M4];

"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002 [M5];

"the 2007 Act" means the UK Borders Act 2007 [M6];

"the 2008 Regulations" means the Immigration (Biometric Registration) Regulations 2008 [M7];

"the 2016 Order" means the Immigration and Nationality (Fees) Order 2016;

[F7"administrative review" means administrative review under Appendix AR or Appendix AR (EU) to the immigration rules;**]**

"approval letter from a designated competent body"—

(a) F8...

(b) F9... means a letter from a designated competent body, within the meaning of the Isle of Man immigration rules [M8], endorsing a proposed application for entry clearance to enter the Isle of Man as a Tier 1 (Exceptional Talent) Migrant;

[F10"approval letter from an endorsing body" means a letter from an endorsing body, within the meaning given by Annex 1 of Appendix W to the immigration rules, endorsing a proposed application for entry clearance to enter, leave to enter or leave to remain in the United Kingdom as a Global Talent Migrant;**]**

"being looked after by a local authority" means being looked after by a local authority (or in Northern Ireland, an authority) under—

(a) section 22(1) of the Children Act 1989 [M9];

(b) section 17(6) of the Children (Scotland) Act 1995 [M10];

(c) article 25(1) of the Children (Northern Ireland) Order 1995 [M11]; or

(d) section 74(1) of the Social Services and Well-being (Wales) Act 2014 [M12];

"biometric immigration document" has the same meaning as provided in section 5 of the 2007 Act [M13];

"certificate of sponsorship"—

(a) [F11]... means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance, leave to enter or leave to remain in the United Kingdom as a sponsored worker;

(b) [F12]. . . . . .

"CESC national" means a person who is a national of a state which has ratified the European Social Charter, agreed by the Council of Europe at Turin on 18th October 1961 [M14];

"child" means a person under the age of 18;

"contractor" means a person with whom the Secretary of State has entered into a contract, by which the person agrees to provide certain services in connection with immigration or nationality to applicants;

"Convention rights" means the rights identified as Convention rights by section 1 of the Human Rights Act 1998 [M15];

"dependant" in respect of a person ("P") means—

(a) the spouse or civil partner of P;

(b) someone who has been living with P in a relationship akin to a marriage or civil partnership for at least two years; or

(c) any other person whose entitlement to make an application referred to in these Regulations arises by virtue of a connection between that person and P;

"EC Association Agreement with Turkey" means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963 [M16];

"entry clearance"—

(a) in respect of the United Kingdom has the same meaning as provided in section 33(1) of the 1971 Act [M17];

(b) in respect of the Isle of Man has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Isle of Man [M18];

(c) in respect of the Bailiwick of Guernsey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Guernsey [M19];

(d) in respect of the Bailiwick of Jersey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Jersey [M20];

[[F13]"Global Talent Migrant" has the meaning given by paragraph 6 of the immigration rules;**]**

"immigration rules" means the rules made under section 3(2) of the 1971 Act;

"indefinite leave" has the same meaning as provided in section 33(1) of the 1971 Act;

[[F14]"Innovator"—

(a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules;

(b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules;**]**

"Isle of Man immigration rules" means the rules made under section 3(2) of the 1971 Act as that section extends to the Isle of Man [M21];

"leave to enter the United Kingdom" means leave to enter the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and any subsequent variation of that leave;

"leave to remain in the United Kingdom" means leave to remain in the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and any subsequent variation of that leave;

"Life in the UK Test" means the test referred to as the Life in the UK Test in Appendix KoLL to the immigration rules and regulation 5A of the British Nationality (General) Regulations 2003 [M22];

"limited leave" has the same meaning as provided in section 33(1) of the 1971 Act;

"main applicant" means the person who has made an application or claim in connection with immigration, as distinct from a person applying as the dependant of such a person;

"Points-Based System"—

(a) in respect of the United Kingdom means those categories set out in Part 6A of the immigration rules **[**[F15]and in Appendix ST: Student and Appendix CS: Child Student to those rules**]**;

(b) in respect of the Isle of Man means those categories set out in Part 6A of the Isle of Man immigration rules;

"private medical treatment"—

(a) in respect of the United Kingdom has the same meaning as provided in Appendix V to the immigration rules;

(b) in respect of the Isle of Man has the same meaning as provided in Appendix V to the Isle of Man immigration rules;

"process used to take a record of a person's biometric information" means the process, or combination of processes, to which a person may be required to submit in order to enable a record to be taken of that person's biometric information, where the person is required by regulations made under section 41 of the 1981 Act [M23], section 126 of the 2002 Act [M24] or section 5 of the 2007 Act to provide such information for the purposes of an application or claim in connection with immigration or nationality;

"shortage occupation certificate of sponsorship"—

(a) [F16]... means a certificate of sponsorship issued in respect of employment in an occupation listed in the Shortage Occupation List set out in Appendix K to the immigration rules;

(b) [F17]. . . . . .

"sponsor"—

(a) [F18]... means a person licensed by the Secretary of State to issue certificates of sponsorship, or confirmations of acceptance for studies, or both;

(b) [F19]. . . . . .

"sponsor licence" means a licence granted by the Secretary of State to a person who, by virtue of such a grant, is licensed as a sponsor;

"sponsored worker"—

(a) [F20]...means a person seeking entry clearance, leave to enter or leave to remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other

economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;

(b) F21 . . . . . .

[F22"Start-up Migrant"—

(a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules;

(b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules;**]**

"Tier 1 (Entrepreneur) Migrant", "Tier 1 (Exceptional Talent) Migrant", "Tier 1 (General) Migrant", "Tier 1 (Graduate Entrepreneur) Migrant", "Tier 1 (Investor) Migrant", and "Tier 1 (Post-Study Work) Migrant"—

(a) in respect of the United Kingdom have the meanings given by paragraph 6 of the immigration rules;

(b) in respect of the Isle of Man have the meanings given by paragraph 6 of the Isle of Man immigration rules;

"Tier 2 Migrant", "Tier 2 (General) Migrant", "Tier 2 (Intra-Company Transfer) Migrant", "Tier 2 (Minister of Religion) Migrant" and "Tier 2 (Sportsperson) Migrant"—

(a) F23... have the meanings given by paragraph 6 of the immigration rules;

(b) F24 . . . . . .

[F25"Tier 2 (Intra-Company Transfer) Long Term Staff Migrant" and "Tier 2 (Intra-Company Transfer) Graduate Trainee Migrant" mean a Tier 2 (Intra-Company Transfer) Migrant granted leave in, respectively, the Long Term staff sub-category or the Graduate Trainee sub-category within the meaning of Part 6A of the immigration rules;**]**

"Tier 4 Migrant"—

(a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules;

(b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules;

"Tier 5 Migrant", "Tier 5 (Temporary Worker) Migrant" and "Tier 5 (Youth Mobility) Temporary Migrant"—

(a) in respect of the United Kingdom have the meanings given by paragraph 6 of the immigration rules;

(b) in respect of the Isle of Man have the meanings given by paragraph 6 of the Isle of Man immigration rules;

"transit visit visa" has the same meaning as in Part V7 of Appendix V to the immigration rules;

"travel document" means a document which—

(a) is not a passport;

(b) allows a person (or, if the person has died, the body of that person) to travel outside the United Kingdom; and

(c) is issued by the Home Office to a person who is either a refugee or stateless, or cannot obtain or use a passport issued by the person's own country;

"User-Pays Application Centre" means an office at which applicants can access—