STATUTORY INSTRUMENTS

2018 No. 329

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) (Amendment) Order 2018

Made - - - - 8th March 2018

Coming into force in accordance with article 1

The Secretary of State makes the following Order with the consent of the Treasury(**1**), in exercise of the powers conferred by sections 68(1) to (6), 69(2) and 74(8) of the Immigration Act 2014(**2**).

In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Immigration and Nationality (Fees) (Amendment) Order 2018 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

(3) Paragraphs (2) and (8) of article 2 also extend to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.

(4) Paragraph (3) of article 2 additionally extends to the Isle of Man.

Amendment of the Immigration and Nationality (Fees) Order 2016

2.—(1) The Immigration and Nationality (Fees) Order 2016(**3**) is amended in accordance with the following paragraphs.

(2) In article 1 (citation, commencement, extent and interpretation), after paragraph (5) insert—

(**1**) See section 69(1) of the Immigration Act 2014 (c. 22).

(**2**) 2014 c. 22. Sections 68 to 70 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 that Order but none are relevant for the present purposes), to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 (S.I. 2016/994) and to the Bailiwick of Guernsey by article 4 of the Immigration (Guernsey) Order 2016 (S.I. 2016/996).

(**3**) S.I. 2016/177, as amended by S.I. 2017/440.

"(6) Article 9A extends to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man but only where the services described in that article are provided in relation to the consideration of an application or potential application for entry clearance to enter the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man respectively.".

(3) In article 2 (interpretation)—

(a) for the definition of "certificate of sponsorship" substitute—

""certificate of sponsorship"—

(a) in respect of the United Kingdom 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) in respect of the Isle of Man means an authorisation, allocated by or on behalf of the Lieutenant-Governor of the Isle of Man to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance to enter the Isle of Man as a sponsored worker;";

(b) for the definition of "sponsor" substitute—

""sponsor"—

(a) in respect of the United Kingdom means a person licensed by the Secretary of State to issue certificates of sponsorship, or confirmations of acceptance for studies, or both;

(b) in respect of the Isle of Man means a person licensed by or on behalf of the Lieutenant-Governor of the Isle of Man to issue certificates of sponsorship;";

(c) for the definition of "sponsored worker" substitute—

""sponsored worker"—

(a) in respect of the United Kingdom 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) in respect of the Isle of Man means a person seeking entry clearance to the Isle of Man for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the Isle of Man immigration rules(**4**) to obtain a certificate of sponsorship;";

(d) for the definition of "unsponsored worker" substitute—

""unsponsored worker"—

(a) in respect of the United Kingdom 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 not required by the immigration rules to obtain a certificate of sponsorship;

(b) in respect of the Isle of Man means a person seeking entry clearance to enter the Isle of Man for the purposes of employment (whether paid or unpaid) or

(**4**) The Isle of Man immigration rules are made under section 3(2) of the Immigration Act 1971 (c. 77) as extended to the Isle of Man with modifications by virtue of S.I. 2008/680.

some other economic activity, where that person is not required by the Isle of Man immigration rules to obtain a certificate of sponsorship;".

(4) In article 6 (documents and administration), in Table 3 in paragraph (2)—

(a) in the row beginning 3.1.1, in the entry in the column headed "Type of application, claim, request or administrative activity"—

(i) omit "or" at the end of paragraph (iv); and

(ii) insert after paragraph (iv)—

"(v) regulation 17(j) of those Regulations(**5**); or";

(b) omit the row beginning "3.1.11" (copy or replacement of immigration decision letters or nationality related correspondence etc.).

(5) In article 7 (sponsorship), in Table 4 in paragraph (2), omit the row beginning "4.5" (permission to change sponsor or course of study).

(6) In article 8 (consular functions) in Table 5 in paragraph (2), omit from the column headed "Function"—

(a) "at consular premises" in the row beginning "5.2"; and

(b) "where such activity is conducted at consular premises" in the row beginning "5.3".

(7) In article 9 (premium services)—

(a) at the end of the heading insert ": United Kingdom";

(b) after "specifies" insert "in respect of the United Kingdom";

(c) in Table 6—

(i) in the row beginning "6.4", in the entry in the column headed "Function", after "where this is done" insert "by the Home Office";

(ii) after the row beginning "6.4" insert—

"6.4A	The acceptance or processing of a claim or application, or the provision of a service or process in connection with immigration or nationality at a place other than an office of the Home Office, where this is done by a contractor in the United Kingdom.	Hourly rate per person providing the function	£2,600".

(8) After article 9 insert—

"**Premium services: the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man**

9A. Table 6A specifies, in respect of the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man, the functions relating to the provision of premium services which are exercised following an application, claim or request, for which a fee is to be charged, how the fee is to be calculated and the maximum amount that can be charged in respect of each service.

(**5**) Regulation 17(j) was inserted into S.I. 2008/3048 by S.I. 2015/433. There are other amendments to S.I. 2008/3048 but none is relevant for the purposes of this Order.