STATUTORY INSTRUMENTS

2017 No. 515

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) Regulations 2017

Made - - - - 30th March 2017

Laid before Parliament 3rd April 2017
Coming into force in accordance with regulation 1(2) and (3)

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(**1**). These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016(**2**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2017.

(2) These Regulations, other than the provision cited in paragraph (3), come into force on 6th April 2017.

(3) The entry in Table 18 described as 18.5.2 in column one of that table (email assistance from the international contact service) in Schedule 7 comes into force on 1st June 2017.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(5) Regulations 1, 2, 11 and 15 to 18 and Schedule 9 extend to the Isle of Man, but only for the purpose of issuing entry clearance to enter the Isle of Man.

(6) Regulations 1, 2, 12 and 15 to 18 and Schedule 10 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.

Interpretation

2. In these Regulations—

(**1**) 2014 c. 22. Treasury consent has been obtained in pursuance of section 69(1) of the Immigration Act 2014 ("the 2014 Act").
(**2**) S.I. 2016/177; this Order was amended by S.I. 2017/440.

"the 1971 Act" means the Immigration Act 1971(**3**);

"the 1981 Act" means the British Nationality Act 1981(**4**);

"the 1982 Order" means the British Protectorates, Protected States and Protected Persons Order 1982(**5**);

"the 1999 Act" means the Immigration and Asylum Act 1999(**6**);

"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002(**7**);

"the 2007 Act" means the UK Borders Act 2007(**8**);

"the 2008 Regulations" means the Immigration (Biometric Registration) Regulations 2008(**9**);

"the 2016 Order" means the Immigration and Nationality (Fees) Order 2016(**10**);

"administrative review" has the same meaning as provided in the immigration rules(**11**);

"approval letter from a designated competent body" means—

(a) except in relation to Schedule 9 to these Regulations, a letter from a designated competent body, within the meaning of the immigration rules, endorsing a proposed application for leave to enter or leave to remain in the United Kingdom as a Tier 1 (Exceptional Talent) Migrant;

(b) in Schedule 9 to these Regulations, a letter from a designated competent body, within the meaning of the Isle of Man immigration rules, endorsing a proposed application for leave to enter the Isle of Man as a Tier 1 (Exceptional 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(**12**);

(b) section 17(6) of the Children (Scotland) Act 1995(**13**);

(c) article 25(1) of the Children (Northern Ireland) Order 1995(**14**); or

(d) section 74(1) of the Social Services and Well-being (Wales) Act 2014(**15**);

"biometric immigration document" has the same meaning as provided in section 5 of the 2007 Act(**16**);

"certificate of sponsorship" means—

(a) except in relation to Schedule 9, 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

(**3**) 1971 c. 77. This Act was extended subject to modifications to the Bailiwick of Guernsey by S.I. 1993/1796, as amended by S.I. 2003/2900, and to the Bailiwick of Jersey by S.I. 1993/1797, as amended by S.I. 2003/1252 and S.I. 2012/2593. It was also extended with modifications to the Isle of Man by S.I. 2008/680 as amended by S.I. 2011/1158, S.I. 2011/1408, S.I. 2015/1765, S.I. 2016/156 and SI 2016/755.
(**4**) 1981 c. 61.
(**5**) S.I. 1982/1070, as amended by sections 1(2) and 2(3) of the British Overseas Territories Act 2002 (c. 8) ("the Overseas Territories Act"), S.I. 1983/1699 and S.I. 2009/1892.
(**6**) 1999 c. 33.
(**7**) 2002 c. 41.
(**8**) 2007 c. 30.
(**9**) S.I. 2008/3048, as amended by S.I. 2009/819, 2009/3321, S.I. 2010/2958; S.I. 2012/594, S.I. 2015/433 and S.I. 2015/897.
(**10**) S.I. 2016/177.
(**11**) Laid before Parliament on 23rd May 1994 (HC 395).
(**12**) 1989 c. 41. Section 22(1) has been amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22); section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35); section 116(2) of the Adoption and Children Act 2002 (c. 38); and S.I. 2016/413.
(**13**) 1995 c. 36. Section 17(6) has been amended by paragraph 9(4)(b) of Schedule 2 to the Adoption and Children (Scotland) Act 2007 (asp 4); paragraph 2(4) of Schedule 5 to the Children's Hearings (Scotland) Act 2011 (asp 1); and S.S.I. 2013/211.
(**14**) S.I. 1995/755 (N.I. 2).
(**15**) 2014 anaw 4.
(**16**) Section 5 was amended by paragraph 19 of the Schedule to the Identity Documents Act 2010 (c. 40); S.I. 2008/3048 was made under this section.

application, for entry clearance, leave to enter or leave to remain in the United Kingdom as a sponsored worker;

(b) in Schedule 9, an authorisation allocated by the Lieutenant Governor to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance to the Isle of Man as a sponsored worker;

"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(**17**);

"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(**18**);

"dependant" in respect of a person means—

(a) the spouse or civil partner of that person;

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

(c) a child of that person;

"EC Association Agreement with Turkey" means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963(**19**);

"entry clearance"—

(a) subject to sub-paragraphs (b) to (d) has the same meaning as provided in section 33(1) of the 1971 Act(**20**);

(b) in relation to 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(**21**);

(c) in relation to 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(**22**);

(d) in relation to 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(**23**);

"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;

"Isle of Man immigration rules" means the rules made under section 3(2) of the 1971 Act as extended to the Isle of Man(**24**);

"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;

(**17**) (CETS No. 035).
(**18**) 1998 c. 42, as amended by S.I. 2003/1887 and S.I. 2004/1574.
(**19**) OJ No C 113, 24.12.73, p 2.
(**20**) The definition of "entry clearance" in section 33(1) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).
(**21**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Isle of Man by S.I. 2008/680 as amended by S.I. 2015/1765; there are other amendments to that Order but none are relevant.
(**22**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Bailiwick of Guernsey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, S.I. 1993/1796.
(**23**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Bailiwick of Jersey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, S.I. 1993/1797.
(**24**) Section 3(2) of the Immigration Act 1971 was extended with modifications to the Isle of Man by S.I. 2008/680; there are amendments to that Order but none are relevant.

"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(**25**);

"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" means—

(a) except in relation to Schedule 9 to these Regulations, those categories set out in Part 6A of the immigration rules;

(b) in Schedule 9 to these Regulations, those categories set out in Part 6A of the Isle of Man immigration rules;

"private medical treatment" means treatment provided outside of the National Health Service and paid for by the applicant;

"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(**26**), section 126 of the 2002 Act(**27**) 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" means—

(a) except in relation to Schedule 9, 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) in relation to Schedule 9, 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 Isle of Man immigration rules;

"sponsor" means a sponsor under Part 6A of the immigration rules, except in relation to entry 5.6.1 in Table 5 in Schedule 1;

"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;

"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) subject to sub-paragraph (b) have the same meaning as provided in the immigration rules;

(b) in relation to the Isle of Man have the same meaning as provided in the Isle of Man immigration rules;

(**25**) S.I. 2003/548; regulation 5A was inserted by S.I. 2004/1726 and subsequently amended by S.I. 2013/2541, S.I. 2015/681 and S.I. 2015/1806.

(**26**) Section 41 was amended by sections 1(3) and (4) and 3 of, and paragraphs 3 to 7 of Schedule 1 to, the Nationality, Immigration and Asylum Act 2002 (c. 41) ("the 2002 Act"), section 50(4) of, and paragraph 1 of Schedule 2, and Schedule 3 to, the Immigration, Asylum and Nationality Act 2006 (c. 13) ("the 2006 Act"), section 10 of the 2014 Act, S.I. 1986/948 and S.I. 2014/542. Regulations have been made: S.I. 2003/548, as amended by S.I. 2015/738; other amendments have been made but none are relevant.

(**27**) Section 126 was amended by sections 8 and 14(3) of, and paragraph 3 of Schedule 2 and paragraph 19 of Schedule 9 to, the 2014 Act. Regulations have been made: S.I. 2006/1743, as amended by S.I. 2011/1779 and S.I. 2015/737.

"Tier 2 Migrant", "Tier 2 (General) Migrant", "Tier 2 (Intra-Company Transfer) Long Term Staff Migrant", "Tier 2 (Intra-Company Transfer) Short Term Staff Migrant", "Tier 2 (Intra-Company Transfer) Graduate Trainee Migrant", "Tier 2 (Intra-Company Transfer) Skills Transfer Migrant", "Tier 2 (Minister of Religion) Migrant", and "Tier 2 (Sportsperson) Migrant"—

(a) subject to sub-paragraph (b) have the same meaning as provided in the immigration rules;

(b) in relation to the Isle of Man have the same meaning as provided in the Isle of Man immigration rules;

"Tier 4 Migrant"—

(a) subject to sub-paragraph (b) has the same meaning as provided in the immigration rules;

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

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

(a) subject to sub-paragraph (b) have the same meaning as provided in the immigration rules;

(b) in relation to the Isle of Man have the same meaning as provided in the Isle of Man immigration rules;

"travel document" means a document which is not a passport, allowing a person (or, if the person has died, the body of that person) to travel outside the United Kingdom, and is issued by the Home Office to persons who are either refugees or stateless, or cannot obtain or use a passport issued by their own country;

"User-Pays Application Centre" means an office at which applicants can access services in connection with immigration or nationality specifically in relation to entry clearance, leave to enter or leave to remain in the United Kingdom.

Fees for applications, processes and services in connection with immigration and nationality

3. Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) has effect to specify—

(a) the amount of the fees for—

(i) specified applications for entry clearance to enter the United Kingdom and variation of such leave for the purposes of article 4 of the 2016 Order;

(ii) specified applications for entry clearance to enter and leave to enter the United Kingdom and variation of such leave to enter for the purposes of article 5 of the 2016 Order;

(iii) specified applications for a transit visit visa and an approval letter from a designated competent body for the purposes of article 6 of the 2016 Order; and

(b) exceptions to the requirement to pay the fees referred to in paragraph (a), and the circumstances in which such fees may be waived or reduced.

4. Schedule 2 (applications for leave to remain in the United Kingdom) has effect to specify—

(a) the amount of the fees for—

(i) specified applications for leave to remain in the United Kingdom for the purposes of articles 4 and 5 of the 2016 Order;

(ii) applications for an approval letter from a designated competent body for the purposes of article 6 of the 2016 Order; and