STATUTORY INSTRUMENTS

2016 No. 929

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) (Amendment) Regulations 2016

Made - - - -	*14th September 2016*
Laid before Parliament	*15th September 2016*
Coming into force - -	*6th October 2016*

The Secretary of State makes the following Regulations with the consent of the Treasury(**1**), in exercise of the powers conferred by sections 68(1), (7), (8) and (10), 69(2), and 74(8) of the Immigration Act 2014. These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2016(**2**).

Citation and commencement

1. These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) Regulations 2016 and come into force on 6th October 2016.

Interpretation

2. In these Regulations "the Fees Regulations 2016" means the Immigration and Nationality (Fees) Regulations 2016(**3**).

Amendments to the Fees Regulations 2016

3. The Fees Regulations 2016 are amended in accordance with regulations 4 to 7.

Amendment to regulation 2 (interpretation)

4. In regulation 2—

(a) omit the definition of "assistance by a local authority";

(**1**) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(**2**) S.I. 2016/177.
(**3**) S.I. 2016/226.

(b) after the definition of "approval letter from a designated competent body" insert—

""being looked after by a local authority" means being looked after by a local authority (or in Northern Ireland, an authority, which has the same meaning as provided in article 2(2) of the Children (Northern Ireland) Order 1995(**4**)) under—

(a) section 22(1) of the Children Act 1989(**5**);

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

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

(d) section 74(1) of the Social Services and Well-being (Wales) Act 2014(**7**);".

Amendments to Schedule 2 to the Fees Regulations 2016

5. In Schedule 2 (applications for leave to remain in the United Kingdom)—

(a) in paragraph 1 (interpretation), in the definition of "positive conclusive grounds decision" omit—

(i) "in the United Kingdom"; and

(ii) "in England and Wales";

(b) in Schedule 2, Table 9, for exception 9.6 substitute—

"**9.6**	**Children being looked after by a local authority**	
	No fee is payable in respect of an application made in respect of a person who, at the time of making the application, is a child and is being looked after by a local authority.	Fees 6.1.1, 6.2.12, 6.2.13 and 8.1.1"

Amendments to Schedule 3 to the Fees Regulations 2016

6. In Schedule 3 (documents and administration)—

(a) in paragraph 1 (interpretation), for the definition of "certificate of travel" substitute—

""certificate of travel" means a travel document issued at the discretion of the Secretary of State to a person who has been granted leave to remain in the United Kingdom and is unable to obtain a passport issued by their national authority;";

(b) in table 13, for exception 13.4 substitute—

"**13.4**	**Children being looked after by a local authority**	
	No fee is payable for the process used to take a record of a person's biometric information if that person is a child and is being looked after by a local authority.	Fees 12.2.1 and 12.2.2"

Amendments to Schedule 4 to the Fees Regulations 2016

7. In Schedule 4 (sponsorship) —

(**4**) S.I. 1995/755 (N.I. 2).

(**5**) 1989 c. 41. Section 22(1) has been amended by section 107 of, and 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.

(**6**) 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 by S.S.I. 2013/211.

(**7**) 2014 anaw 4.