STATUTORY INSTRUMENTS

2016 No. 928 (L. 16)

TRIBUNALS AND INQUIRIES

The First-tier Tribunal (Immigration and Asylum Chamber) Fees (Amendment) Order 2016

Made - - - -	*14th September 2016*
Laid before Parliament	*15th September 2016*
Coming into force - -	*10th October 2016*

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 42(1) and (2), 49(3) of the Tribunals, Courts and Enforcement Act 2007(**1**).

The Lord Chancellor has consulted the Senior President of Tribunals in accordance with section 42(5) of that Act before making this Order and has obtained the consent of the Treasury in accordance with section 42(6) of that Act.

Citation and commencement

1. This Order may be cited as the First-tier Tribunal (Immigration and Asylum Chamber) Fees (Amendment) Order 2016 and comes into force on 10th October 2016.

Amendment of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011

2. The First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011(**2**) is amended as follows.

3. In article 2 (interpretation), insert at the appropriate place—

> ""appealable decision" means a decision from which there is a right of appeal to the Immigration and Asylum Chamber of the First-tier Tribunal";
>
> ""respondent" has the meaning given by article 1(4) of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014(**3**)
>
> ""the 2016 Regulations" means the Immigration and Nationality (Fees) Regulations 2016(**4**).".

4. In article 3 (fees for appeals)—

(**1**) 2007 c. 15; relevant amendments were made to section 42 by S.I. 2010/21 and S.I. 2013/2042.
(**2**) S.I. 2011/2841.
(**3**) S.I. 2014/2604.
(**4**) S.I. 2016/226.

(a) in paragraph (3)(a), for "£80" substitute "£490";

(b) in paragraph (3)(b), for "£140" substitute "£800"; and

(c) after paragraph (5) insert—

"(5A) Where a notice of decision against which the appellant is appealing contains more than one appealable decision, one fee is payable in respect of each appealable decision that is not exempt under article 5".

5.—(1) In article 5 (exemption from fees)—

(a) for paragraph (1) substitute—

"(1) No fee is payable for—

(a) an appeal against a decision made under—

(i) section 40 of the British Nationality Act 1981(**5**) (deprivation of citizenship);

(ii) regulation 19(3) of the Immigration (European Economic Area) Regulations 2006(**6**) (exclusion and removal from the United Kingdom);

(b) an appeal under section 82(1)(c) of the Nationality, Asylum and Immigration Act 2002(**7**) (revocation of protection status).";

(b) after paragraph (1) insert—

"(1A) No fee is payable for a relevant appeal brought by an appellant who has been excepted from the requirement to pay an application fee under the 2016 Regulations in accordance with the following exceptions—

(a) exception 4.5 (application by person physically present in UK but liable to immigration detention where the requirement to pay the fee would be incompatible with the person's Convention rights) in Table 4 of paragraph (2) of Schedule 1 to those Regulations; or

(b) exception 9.4 (specified human rights applications) in Table 9 of paragraph (2) of Schedule 2 to those Regulations.

(1B) For the purposes of this article, a "relevant appeal" is an appeal against a decision to refuse the application in respect of which the appellant was excepted from the requirement to pay a fee under the 2016 Regulations.";

(c) for paragraph (4) substitute—

"(4) No fee is payable where the appellant is—

(a) a child for whose benefit services are provided by a local authority under—

(i) section 17 of the Children Act 1989(**8**) (provision of services for children in need, their families and others);

(**5**) 1981 c. 61; section 40 was substituted by section 4 of the Nationality, Immigration and Asylum Act 2002 (c. 41) and amended by section 56 of the Immigration, Asylum and Nationality Act 2006 (c.13) and section 66 of the Immigration Act 2014 (c. 22).

(**6**) S.I. 2006/1003; regulation 19(3) was substituted by paragraph 6(b) of Schedule 1 to S.I. 2009/1117 and amended by S.I. 2013/3032.

(**7**) 2002 c. 41; section 82 was substituted by section 15(2) of the Immigration Act 2014 (c. 22), subject to savings and transitional provisions as specified in articles 9 to 11 of S.I. 2014/2771.

(**8**) 1989 c. 41; relevant amendments were made to section 17 by sections 7(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35), section 116(1) of the Adoption and Children Act 2002 (c. 38), section 53(1) of the Children Act 2004 (c. 31), and sections 8(2) and 24 of, paragraph 1 of Schedule 1 to, paragraphs 1 and 2 of Schedule 3 to, and Schedule 4 to, the Children and Young Persons Act 2008 (c. 23).