STATUTORY INSTRUMENTS

2016 No. 226

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) Regulations 2016

Made - - - - 23rd February 2016

Laid before Parliament 26th February 2016

Coming into force in accordance with regulation 1

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(**2**). These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2016(**3**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2016.

(2) Subject to paragraph (3) these Regulations come into force on 18th March 2016.

(3) Regulation 11 and Schedule 9 come into force on 6th April 2016.

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

(5) Regulations 1, 2, 11 and 13 to 15, and Schedule 9 extend to the Isle of Man, but only for the purpose of issuing entry clearance to enter the Isle of Man.

Interpretation

2.—(1) In these Regulations—

"the 1971 Act" means the Immigration Act 1971(**4**);

"the 1981 Act" means the British Nationality Act 1981(**5**);

(**1**) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(**2**) 2014 c. 22.
(**3**) S.I. 2016/177.
(**4**) 1971 c. 77.
(**5**) 1981 c. 61.

"the 1982 Order" means the British Protectorates, Protected States and Protected Persons Order 1982(**6**);

"the 1999 Act" means the Immigration and Asylum Act 1999(**7**);

"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002(**8**);

"the 2007 Act" means the UK Borders Act 2007(**9**);

"the 2008 Regulations" means the Immigration (Biometric Registration) Regulations 2008(**10**);

"the 2016 Order" means the Immigration and Nationality (Fees) Order 2016(**11**);

"administrative review" has the same meaning as provided in the immigration rules(**12**);

"application for naturalisation as a British citizen" means an application for naturalisation as a British citizen under section 6(1) or (2) of the 1981 Act(**13**);

"application for naturalisation as a British overseas territories citizen" means an application for naturalisation as a British overseas territories citizen under section 18(1) or (2) of the 1981 Act(**14**);

"application for registration as a British citizen under the 1981 Act" means an application for registration as a British citizen under sections 1(3), (3A) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4B, 4D, 4F, 10(1) or (2), or 13(1) or (3) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act(**15**);

"application for registration as a British citizen under the 1997 Act" means an application for registration as a British citizen under section 1 of the British Nationality (Hong Kong) Act 1997(**16**);

"application for registration as a British overseas citizen" means an application for registration as a British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act(**17**);

"application for registration as a British overseas territories citizen" means an application for registration as a British overseas territories citizen under sections 13(1) or (3) of the 1981 Act

(**6**) S.I. 1982/1070, as amended by sections 1(2) and 2(3) of the British Overseas Territories Act 2002 (c. 8), S.I. 1983/1699 and S.I. 2009/1892.
(**7**) 1999 c. 33.
(**8**) 2002 c. 41.
(**9**) 2007 c. 30.
(**10**) S.I. 2008/3048, as amended by S.I. 2009/819, S.I. 2012/594 and S.I. 2015/433.
(**11**) S.I. 2016/177.
(**12**) Laid before Parliament on 23rd May 1994 (HC 395).
(**13**) 1981 c. 61; section 6(2) was amended by section 40(1) of the Borders, Citizenship and Immigration Act 2009 (c. 11) (the "2009 Act") and section 261(1) of, and paragraph 72 of Schedule 27 to, the Civil Partnership Act 2004 (c. 33) (the "2004 Act").
(**14**) Section 18(1) was amended by section 2(2)(b) of the British Overseas Territories Act 2002 (c. 8) (the "2002 Act") and section 18(2) was amended by section 2(2)(b) of the 2002 Act and section 261(1) of, and paragraph 76 of Schedule 27 to, the 2004 Act.
(**15**) Section 1(3) was amended by section 42(1) and (3) of the 2009 Act; section 1(3A) was inserted by section 42(1) and (4) of the 2009 Act; section 3(2) was amended by section 5 of, and paragraph 3(1) and (2) of Schedule 1 to, the 2002 Act and section 43(1) and (2) of the 2009 Act; section 1(4) was amended by section 42(1) and (5) of the 2009 Act; section 3(5) was amended by section 5 of, and paragraph 3(1) and (4) of Schedule 1 to, the 2002 Act; section 4A was inserted by section 4 of the 2002 Act; section 4B was inserted by section 12 of the Nationality, Immigration and Asylum Act 2002 (c. 41) and was amended by section 44(1), (2), (3), and (4) of, section 56 and Part 2 of the Schedule to, the 2009 Act; section 4D was inserted by section 46 of the 2009 Act; section 4F was inserted by section 65 of the Immigration Act 2014 (c. 22); section 10(1) was amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002; section 10(2) was amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 and by section 261(1) of, and paragraph 73 of Schedule 27 to, the 2004 Act; paragraph 3 of Schedule 2 was amended by section 1(1)(b) of the 2002 Act, and sections 8 and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002; and paragraph 4 of Schedule 2 was amended by sections 1(1)(b) and 2(2)(b) of the 2002 Act.
(**16**) 1997 c. 20; section 1 was amended by section 2(3) of the 2002 Act and section 47(3) of the 2009 Act.
(**17**) Paragraph 4 of Schedule 2 to the 1981 Act was amended by sections 1(1)(b) and 2(2)(b) of the 2002 Act.

(as applied by section 24 of that Act), 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of, or paragraph 3, 4 or 5 of Schedule 2 to the 1981 Act(**18**);

"application for registration as a British protected person" means an application for registration as a British protected person under article 7 of the 1982 Order(**19**);

"application for registration as a British subject" means an application for registration as a British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

"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 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;

"assistance by a local authority" means assistance, accommodation or maintenance provided 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(**20**)) under—

(a) section 17, 20 or 23 of the Children Act 1989(**21**);

(b) section 22, 25 or 26 of the Children (Scotland) Act 1995(**22**);

(c) Article 18, 21 or 27 of the Children (Northern Ireland) Order 1995; or

(d) section 37, 38, 76 or 81 of the Social Services and Well-being (Wales) Act 2014(**23**);

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

"certificate of registration or naturalisation" means a certificate of registration or naturalisation issued under the 1981 Act.

"certificate of sponsorship" 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;

(**18**) Sections 15(3) and (4), 17(2) and (5) were amended by sections 1(1)(b) and 2(2)(b) of the 2002 Act; section 22(1) was amended by sections 1(1)(b) and 2(2)(b) of the 2002 Act, and section 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002; section 22(2) was amended by sections 1(1)(b) and 2(2)(b) of the 2002 Act, Schedule 9 to the Nationality, Immigration and Asylum Act 2002, and section 261(1) of, and paragraph 77 of Schedule 27 to, the 2004 Act; and section 24 was amended by section 2(2) of the 2002 Act.

(**19**) S.I. 1982/1070; article 7 was amended by section 1(2) of the 2002 Act and paragraph 10(4)(a) and (b) of Schedule 1 to S.I. 2009/1892.

(**20**) S.I. 1995/755 (N.1.2), as amended by S.I. 1995/756.

(**21**) 1989 c. 41; section 17 was amended by paragraph 108(a) of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c. 6), section 7(2) of the Children (Leaving Care) Act 2000 (c. 35), section 116(1) of the Adoption and Children Act 2002 (c. 38), paragraphs 15, 16(1), (2)(a) and (3) of Schedule 3 to the Tax Credits Act 2002 (c. 21), section 53(1) of the Children Act 2004 (c. 31), and paragraph 6(1) and (2) of Schedule 3 to the Welfare Reform Act 2007 (c. 5), sections 8(2), 24 and 42 of, paragraph 1(a) and (b) of Schedule 1, paragraphs 1 and 2 of Schedule 3 and Schedule 4 to, the Children and Young Persons Act 2008 (c. 23), Schedule 7 to the Welfare Reform Act 2009 (c. 24) and paragraph 1(a) of Schedule 2 and Schedule 14 to the Welfare Reform Act 2012 (c. 5); section 20 was amended by section 53(2) of the Children Act 2004 (c. 31), paragraphs 54 and 59 of Schedule 3 to the Adoption and Children Act 2002 (c. 38) and section 12(4) and paragraphs 1 and 28 of Schedule 2 to the Children and Families Act 2014 (c. 6); section 23 was amended by paragraph 12 of Schedule 4 to the Courts and Legal Services Act 1990 (c. 41), paragraph 14(1) and (3) of the Care Standards Act 2000 (c. 14), section 49(3) of the Children Act 2004 (c. 31), sections 8(1) and 39 of, and paragraphs 1 and 7 of Schedule 3 to, the Children and Young Persons Act 2008 (c. 23) and paragraphs 1 and 30 of Schedule 2 to the Children and Families Act 2014 (c. 6).

(**22**) 1995 c. 36; section 22 was amended by paragraph 6(j) of Schedule 1 to the Tax Credits Act 1999 (c. 10), paragraph 50 of Schedule 3 to the Tax Credits Act 2002 (c. 21), paragraph 14 of Schedule 3 to the Welfare Reform Act 2007 (c. 5) and regulation 5 of S.S.I. 2013/137; section 26 was amended by paragraph 1 of Schedule 3 to the Adoption and Children (Scotland) Act 2007 (2007 asp. 4) and paragraph 9 of Schedule 1 to the Children and Young Persons Act 2008 (c. 23).

(**23**) 2014 anaw 4. These provisions are due to be commenced on 6th April 2016 by the Social Services and Well-being (Wales) Act 2014 (Commencement No. 3, Savings and Transitional Provisions) Order 2016.

"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(**24**);

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

"claim for asylum" means a claim for asylum within the meaning of section 94(1) of the 1999 Act(**25**);

"confirmation of acceptance for studies" means an authorisation issued 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 student;

"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(**26**);

"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(**27**);

"entry clearance"–

(a) subject to sub-paragraph (b) has the same meaning as provided in section 33(1) of the 1971 Act(**28**);

(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(**29**);

"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(**30**);

"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;

(**24**) (CETS NO.:035).
(**25**) 1999 c. 33; section 94(1) was amended by sections 44(1), (2), (3), (4) and 60(2) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and S.I. 2008/2833.
(**26**) 1998 c. 42, as amended by S.I. 2003/1587 and S.I. 2004/1574.
(**27**) OJ No C 113, 24.12.73, p 2.
(**28**) The definition of "entry clearance" in section 33(1) was amended by section 39(6) of and paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) ("the 1981 Act") and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).
(**29**) The definition of "entry clearance" in section 33(1) was extended with modifications to the Isle of Man by the Immigration (Isle of Man) Order 2008, S.I. 2008/680; as amended by 2015/1765; there are other amendments to that Order but none are relevant for the present purposes.
(**30**) Section 3(2) of the Immigration Act 1971 was extended with modifications to the Isle of Man by the Immigration (Isle of Man) Order 2008, S.I. 2008/680; there are amendments to that Order but none are relevant for the present purpose.

"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;

"premium services" means optional premium services in connection with immigration or nationality applications;

"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(**31**), section 126 of the 2002 Act(**32**) or section 5 of the 2007 Act(**33**) to provide such information for the purposes of an application or claim in connection with immigration or nationality;

"settlement" means, except in relation to Schedule 9 to these Regulations, being ordinarily resident in the United Kingdom without being subject under the immigration laws to any restriction on the period for which an individual may remain;

"shortage occupation certificate of sponsorship" 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;

"sponsor" means a sponsor under Part 6A of the immigration rules;

"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;

"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;

(**31**) Section 41 was amended by S.I. 1986/948, sections 1(3) and (4) and 3 of, and paragraphs 3 to 7 of Schedule 1 to, the Nationality, Immigration and Asylum Act 2002 section 50(4) of, and paragraphs 1(a) and (b)(i) of Schedule 2, and Schedule 3 to, the Immigration, Asylum and Nationality Act 2006 (c. 13), section 10 of the Immigration Act 2014 (c. 22) and S.I. 2014/542. Regulations have been made; S.I. 2003/548.

(**32**) Section 126 was amended by sections 8, 12(3) and 14(3) of, and paragraph 19 of Schedule 9 to, the Immigration Act 2014. Regulations have been made; S.I. 2006/1743.

(**33**) Section 5 was amended by section 12 of, and paragraph 19 of the Schedule to, the Identity Documents Act 2010 (c. 40). Regulations have been made; S.I. 2008/3048.