STATUTORY INSTRUMENTS

2015 No. 768

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) Regulations 2015

Made - - - -	*18th March 2015*
Laid before Parliament	*19th March 2015*
Coming into force - -	*6th April 2015*

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), (10) and (12), 69(1) and (2), and 74(8)(a), (b) and (d) of the Immigration Act 2014(**2**). These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2015(**3**).

Citation and commencement

1. These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2015 and come into force on 6th April 2015.

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**);

"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 2014 Act" means the Immigration Act 2014;

(**1**) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(**2**) 2014 c.22.
(**3**) S.I. 2015/746.
(**4**) 1971 c. 77.
(**5**) 1981 c. 61.
(**6**) 1999 c. 33.
(**7**) 2002 c. 41.
(**8**) 2007 c. 30.

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

"the 2015 Order" means the Immigration and Nationality (Fees) Order 2015;

"administrative review" has the same meaning as provided in the immigration rules(**10**);

"approval letter from a designated competent body" means 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;

"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(**11**)) under—

(a) section 17, 20 or 23 of the Children Act 1989(**12**);

(b) section 22, 25 or 26 of the Children (Scotland) Act 1995(**13**); or

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

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

"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(**14**);

"Channel Islands" means the Bailiwick of Guernsey and the Bailiwick of Jersey;

"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(**15**);

"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;

(**9**) S.I. 2008/3048, as amended by S.I. 2009/819, S.I. 2012/594 and S.I. 2015/433.

(**10**) Laid before Parliament on 23rd May 1994 (HC 395).

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

(**12**) 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).

(**13**) 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).

(**14**) (CETS NO.:035).

(**15**) 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.

"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 and nationality to applicants;

"Convention rights" means the rights identified as Convention rights by section 1 of the Human Rights Act 1998(**16**);

"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(**17**);

"immigration rules" means 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;

"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;

"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 those categories set out in Part 6A of the immigration rules;

"premium service" means optional premium service in connection with immigration or nationality applications offered by the Home Office;

"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(**18**), section 126 of the 2002 Act(**19**) or section 5 of the 2007 Act(**20**) 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;

(**16**) 1998 c. 42, as amended by S.I. 2003/1587 and S.I. 2004/1574.
(**17**) OJ No C 113, 24.12.73, p 2.
(**18**) 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.
(**19**) 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.
(**20**) 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.

"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" have the same meaning as provided in the 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" have the same meaning as provided in the immigration rules;

"Tier 4 Migrant" has the same meaning as provided in the immigration rules;

"Tier 5 Migrant", "Tier 5 (Temporary Worker) Migrant" and "Tier 5 (Youth Mobility) Temporary Migrant", have the same meaning as provided in the immigration rules;

"transfer of conditions" means the fixing of a stamp, sticker or other attachment on a passport or other document issued to an applicant which indicates that a person has been granted leave to enter or remain in the United Kingdom;

"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 a person who is a refugee, stateless or cannot obtain or use a passport issued by his or her own country;

"User-Pays Application Centre" means an office at which applicants can access certain entry clearance, leave to enter or leave to remain services in connection with immigration or nationality;

"work permit holder" means, except in relation to Schedule 9 to these Regulations, a person holding an extant work permit granted under the work permit provisions formerly contained in the immigration rules(**21**).

(2) In these Regulations, "entry clearance" has the same meaning as provided in section 33(1) of the 1971 Act(**22**), save that in regulation 11 and Schedule 9, it has the same meaning as provided in section 33(1) of the 1971 Act as extended to each of the Channel Islands(**23**).

(3) For the purposes of these Regulations a claim for asylum is to be taken to be determined on—

(a) the day on which the Secretary of State notifies the claimant of the decision on the claim;

(b) if the claimant has appealed against the Secretary of State's decision, the day on which the appeal is disposed of; or

(c) if the claimant has brought an appeal from within the United Kingdom under section 82 of the Nationality, Immigration and Asylum Act 2002(**24**) or section 2 of the Special Immigration Appeals Commission Act 1997(**25**) the day on which the appeal is disposed of.

(**21**) The provisions previously set out in the immigration rules relating to leave to enter the United Kingdom as a work permit holder have been withdrawn and replaced by Part 6A of the immigration rules (Points-Based System).

(**22**) 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).

(**23**) Section 33(1) was extended with modifications to the Bailiwick of Guernsey by the S.I. 1993/1796 and to the Bailiwick of Jersey by S.I.1993/1797.

(**24**) 2002 c. 41; section 82 was amended by sections 26(2) and 31 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), sections 2, 47(6) and 57(3) of and Schedule 3 to the Immigration, Asylum and Nationality Act 2006, section 35 of the UK Borders Act 2007 (c. 30) and substituted by section 15(2) of the Immigration Act 2014 (c. 22).

(**25**) 1997 c.68; section 2 was amended by paragraph 20 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002, paragraph 14 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006 and paragraph 26 of Schedule 9 to the Immigration Act 2014.

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 2015 Order(**26**);

(ii) specified applications for entry clearance to enter and leave to enter the United Kingdom and variation of such leave for the purposes of article 5 of the 2015 Order;

(iii) specified applications for a transit visa and an approval letter from a designated competent body for the purposes of article 6 of the 2015 Order; and

(b) exceptions to the requirement to pay the fees referred to in sub-paragraph (a)(i) and (ii), 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 2015 Order;

(ii) an application for an approval letter from a designated competent body for the purposes of article 6 of the 2015 Order; and

(b) exceptions to the requirement to pay the fees referred to in sub-paragraph (a)(i) and (ii), and circumstances in which such fees may be reduced.

5. Schedule 3 (documents and administration) has effect to specify—

(a) the amount of the fees for specified applications and documents for the purposes of article 6 of the 2015 Order; and

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

6. Schedule 4 (sponsorship) has effect to specify the amount of the fees for specified applications, services and premium customer services in relation to sponsorship for the purposes of article 7 of the 2015 Order.

7. Schedule 5 (consular functions) has effect to specify—

(a) the amount of fees for specified consular functions for the purposes of article 8 of the 2015 Order; and

(b) circumstances in which such fees may be waived or reduced.

8. Schedule 6 (premium services (in the United Kingdom)) has effect to specify—

(a) the amount of the fees for specified premium services offered in the United Kingdom for the purposes of article 9 of the 2015 Order; and

(b) circumstances in which such fees may be waived or reduced.

9. Schedule 7 (premium services (outside the United Kingdom)) has effect to specify—

(a) the amount of the fees for specified premium services offered outside the United Kingdom for the purposes of article 9 of the 2015 Order; and

(b) circumstances in which such fees may be waived or reduced.

10. Schedule 8 (nationality) has effect to specify—

(**26**) S.I.2015/433.