STATUTORY INSTRUMENTS

2015 No. 746

IMMIGRATION

The Immigration and Nationality (Fees) Order 2015

Made - - - - 17th March 2015

Coming into force in accordance with article 1

The Secretary of State makes the following Order with the consent of the Treasury(**1**), in exercise of the powers conferred by sections 68(1) to (6) and (12), 69(1) and (2) and 74(8)(a), (b) and (d) of the Immigration Act 2014(**2**).

In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1. This Order may be cited as the Immigration and Nationality (Fees) Order 2015 and comes into force on the day after the day on which it is made.

2. In this Order—

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

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

"the 1997 Act" means the British Nationality (Hong Kong) Act 1997(**5**);

"the 1986 Order" means the Hong Kong (British Nationalities) Order 1986(**6**);

"approval letter" means a letter signifying approval to an application or request, from a body or a panel of individuals designated by the Secretary of State as competent to issue such letters in respect of a person making or intending to make an application for entry clearance, leave to enter or leave to remain in the United Kingdom under the immigration rules;

"basic service" has the same meaning as provided in regulation 3 of the Immigration Control (Charges) (Basic Service) Regulations 2003(**7**);

"biometric information" means information about a person's external physical characteristics;

(**1**) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(**2**) 2014 c. 22. See definition of "specified".
(**3**) 1971 c. 77.
(**4**) 1981 c. 61.
(**5**) 1997 c. 20.
(**6**) S.I. 1986/948.
(**7**) S.I. 2003/1502.

"British citizen" means a person who has that status in accordance with the provisions of the 1981 Act, the 1997 Act or the British Overseas Territories Act 2002(**8**);

"British National (Overseas)" means a person who has that status in accordance with the provisions of the 1986 Order;

"British overseas citizen" means a person who has that status in accordance with the provisions of the 1981 Act or the 1986 Order;

"British overseas territories citizen" means a person who has that status in accordance with the provisions of the 1981 Act;

"British protected person" means a person who has that status in accordance with the provisions of the British Protectorates, Protected States and Protected Persons Order 1982(**9**);

"British subject" means a person who has that status in accordance with the provisions of 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;

"confirmation of acceptance for studies" 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 student;

"consular function" means any of the functions described in Article 5 of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968(**10**) or functions in the United Kingdom which correspond with those functions;

"consular premises" has the same meaning as provided in Article 1(1)(j) of the Vienna Convention on Consular Relations set out in Schedule 1 to the Consular Relations Act 1968;

"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 outside the United Kingdom;

"control port" means a port in which a control area is designated under paragraph 26(3) of Schedule 2 to the 1971 Act;

"Electronic Visa Waiver" means a document authorising a person to enter the United Kingdom where that person, in the absence of such a document, would require entry clearance in order to do so;

"entry clearance" has the same meaning as provided in section 33(1) of the 1971 Act(**11**);

"European residence document" means a document issued as evidence that a person is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972(**12**);

"the former nationality Acts" has the same meaning as provided in section 50(1) of the 1981 Act;

(**8**) 2002 c.8.
(**9**) S.I. 1982/1070.
(**10**) 1968 c.18.
(**11**) The definition of 'entry clearance' in section 33(1) was amended by section 39(6) of paragraph 2 of Schedule 4 to the 1981 Act (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c.14).
(**12**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

"immigration employment document" means a work permit, or any other document which relates to employment and is issued for the purposes of the immigration rules or in connection with leave to enter or remain in the United Kingdom;

"the immigration rules" means rules made under section 3(2) of the 1971 Act;

"leave to enter the United Kingdom" and "leave to remain in the United Kingdom" mean respectively leave to enter the United Kingdom and leave to remain in the United Kingdom given in accordance with the provisions of the 1971 Act or the immigration rules and "leave to enter or leave to remain in the United Kingdom" is to be construed accordingly;

"limited leave" and "indefinite leave" respectively have the same meanings as provided in section 33(1) of the 1971 Act;

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

"right of abode" has the same meaning as provided in section 2 of the 1971 Act(**13**);

"sponsor" means a person licensed by the Secretary of State to issue certificates of sponsorship, or confirmations of acceptance for studies, or both;

"sponsored worker" means a person seeking entry clearance, leave to enter or leave to remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;

"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;

"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;

"transit visa" means a document authorising the holder to remain within a port, without passing through immigration control, pending departure from the United Kingdom from the same port;

"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 who cannot obtain or use a passport issued by their own country;

"unsponsored worker" means a person seeking entry clearance, leave to enter or remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is not required by the immigration rules to obtain a certificate of sponsorship.

Requirement to pay a fee in respect of the exercise of a function in connection with immigration or nationality

3.—(1) The Secretary of State, or a contractor, or any person appointed by, or acting on behalf of the Secretary of State, must charge the fee specified in fees regulations in respect of the exercise of the functions in connection with immigration or nationality that are specified in this Order.

(2) The fee specified in such regulations may not exceed the maximum amount specified in this Order in respect of the relevant function.

(3) The fee specified in such regulations must be calculated in the manner specified in this Order.

(4) Where no particular manner is specified, the fee must be a fixed amount.

(**13**) 1971 c. 77; section 2 was amended by section 39(2) of the 1981 Act (c. 61) .

Applications for entry clearance to enter or leave to remain in the United Kingdom as a visitor

4.—(1) A fee is to be charged for the consideration of an application for entry clearance to enter or leave to remain in the United Kingdom of a type specified in table 1.

(2) Table 1 also specifies how the fee is to be calculated and the maximum amount that may be charged in respect of each application.

(3) In this article, an application includes an application for variation of leave to enter or remain in the United Kingdom.

Table 1

Number	*Type of application*	*Method of calculation*	*Maximum amount/rate*
1.1	Entry clearance as a visitor for a period of six months or less.	Fixed fee	£85
1.2	Entry clearance as a visitor for a period of more than six months up to and including twelve months.	Fixed fee	£162
1.3	Entry clearance as a visitor for a period of more than twelve months.	Annual rate	£162
1.4	Leave to remain in the United Kingdom as a visitor.	Fixed fee	£649

Applications for entry clearance to enter, leave to enter the United Kingdom or leave to remain in the United Kingdom as a sponsored worker, an unsponsored worker, a student or for any other purpose (excluding visits)

5.—(1) A fee is to be charged for the consideration of an application for entry clearance to enter, leave to enter or leave to remain in the United Kingdom of a type specified in table 2.

(2) Table 2 also specifies the maximum amount that may be charged in respect of each application.

(3) In this article an application includes an application for variation of leave to enter or remain in the United Kingdom.

Table 2

Number	*Type of application*	*Maximum amount*
2.1	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a sponsored worker, where a certificate of sponsorship has been issued for a period of three years or less.	£651
2.2	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a sponsored worker, where a certificate of sponsorship has been issued for a period of more than three years.	£1,302
2.3	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as an unsponsored worker for a period of three years or less.	£1,736

Number	*Type of application*	*Maximum amount*
2.4	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as an unsponsored worker for a period of more than three years.	£1,500
2.5	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom as a student.	£439
2.6	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom where the basis upon which that leave is given may (after one or more subsequent periods of leave on the same basis) lead to a grant of indefinite leave to remain in the United Kingdom.	£2,141
2.7	Entry clearance, limited leave to enter or limited leave to remain in the United Kingdom for any purpose (excluding visits) not referred to in the preceding provisions of this table.	£1,224
2.8	Indefinite leave to enter or remain in the United Kingdom.	£2,141

Documents and administration

6.—(1) A fee is to be charged for —

(a) attending to an application or request for a document of a type specified in table 3; and

(b) carrying out the administrative activities, in connection with an application or claim or on request, specified in table 3.

(2) Table 3 also specifies the maximum amount that may be charged in respect of each document or administrative activity.

Table 3

Number	*Type of application, request or administrative activity*	*Maximum amount*
3.1	**Application or request for documents**	
3.1.1	Document recording biometric information.	£45
3.1.2	Transfer of conditions.	£260
3.1.3	Immigration employment document.	£25
3.1.4	Approval letter.	£281
3.1.5	Electronic Visa Waiver.	£15
3.1.6	Transit visa.	£56
3.1.7	Travel document.	£382
3.1.8	European residence document.	£65
3.1.9	Any other letter or document (not including a passport) confirming a person's identity and immigration or nationality status, or setting out any conditions attendant on such status, or confirming that the person is not a British citizen.	£324