Draft Order laid before Parliament under section 52(4)(b) of the Immigration, Asylum and Nationality Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

IMMIGRATION

The Immigration and Nationality (Fees) Order 2011

Made - - - - ***

Coming into force in accordance with Article 1.

The Secretary of State, in exercise of the powers conferred by section 51(1) and (2) of the Immigration, Asylum and Nationality Act 2006(**1**), and with the consent of the Treasury, makes the following Order:

A draft of this Order has been laid before and approved by a resolution of each House of Parliament, in pursuance of section 52(4)(b) of the Immigration, Asylum and Nationality Act 2006.

Citation, commencement and interpretation

1. This Order may be cited as the Immigration and Nationality (Fees) Order 2011 and shall come 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(**2**);

"the 1981 Act" means the British Nationality Act 1981(**3**);

"the 1997 Act" means the British Nationality (Hong Kong) Act 1997(**4**);

"the 1999 Act" means the Immigration and Asylum Act 1999(**5**);

"the 2006 Act" means the Immigration, Asylum and Nationality Act 2006;

"A-rated sponsor" means a sponsor who is recorded as being "A-rated" on the register of licensed sponsors maintained by the Secretary of State under the immigration rules;

"action plan" means an action plan issued under the immigration rules to a B-rated sponsor with which a B-rated sponsor must comply in order to become an A-rated sponsor;

(**1**) 2006 (c.15).
(**2**) 1971 (c.77).
(**3**) 1981 (c.61).
(**4**) 1997 (c.20).
(**5**) 1999 (c.33).

"B-rated sponsor" means a sponsor who is recorded as being "B-rated" on the register of licensed sponsors maintained by the Secretary of State under the immigration rules;

"British protected person" has the same meaning as provided in section 50(1) of the 1981 Act;

"certificate of sponsorship" means an authorisation issued under the immigration rules by the Secretary of State to a sponsor in respect of one or more applications, or potential applications, for leave to remain in or enter the United Kingdom;

"consular functions" 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(**6**) 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;

"entry clearance" has the same meaning as provided in section 33(1) of the 1971 Act(**7**);

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

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

"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;

"sponsor" means a sponsor within the meaning of the immigration rules;

"sponsor licence" means a licence granted by the Secretary of State under the immigration rules allowing a person to act as a sponsor;

"student" means a person given leave to enter, or remain, in the United Kingdom under Tier 4 of the points-based system set out in the immigration rules.

Requirement to pay a fee for applications connected with immigration or nationality

3.—(1) Applications to which this article applies must be accompanied by the fee specified in regulations made under section 51(3) of the 2006 Act.

(2) This article applies to applications for—

(a) leave to remain in the United Kingdom;

(b) entry clearance;

(c) variation of leave to enter, or remain in, the United Kingdom;

(d) permission for a student given leave to enter, or remain in, the United Kingdom to change their course of study or sponsor;

(e) the allocation of certificates of sponsorship to a sponsor, or any change to an existing allocation;

(f) the fixing of a stamp, sticker or other attachment which indicates that a person has been granted limited, or indefinite, leave to enter, or remain in, the United Kingdom on a passport or other document issued to the applicant;

(g) an immigration employment document, that is to say 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;

(**6**) 1968 (c.18).
(**7**) The definition of "entry clearance" in section 33(1) was amended by paragraph 15 of the Schedule to the Immigration Act 1988 (c.14) and paragraph 2 of Schedule 4 to the 1981 Act.

(h) a travel document not including a passport;

(i) naturalisation as a British citizen under the 1981 Act;

(j) the amendment of a certificate of registration or naturalisation as a British citizen issued under the 1981 Act;

(k) naturalisation as a British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

(l) registration as a British citizen under section 1(3) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4B, 4C, 4D, 10(1) or (2), or 13(1) or (3) of the 1981 Act, or paragraph 3, 4 or 5 of Schedule 2 to that Act;

(m) registration as a British overseas territories citizen under sections 24 and 13(1) or (3), or section 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of the 1981 Act, or paragraph 3, 4 or 5 of Schedule 2 to that Act;

(n) registration as a British overseas citizen under section 27(1) of the 1981 Act, or paragraph 4 or 5 of Schedule 2 to that Act;

(o) registration as a British subject under section 32 of the 1981 Act, or paragraph 4 of Schedule 2 to that Act;

(p) registration as a British protected person under Article 7 of the British Protectorates, Protected States and Protected Persons Order 1982(**8**);

(q) registration as a British citizen under section 1 of the 1997 Act;

(r) a transit visa within the meaning of section 41(2) of the 1999 Act;

(s) a certificate that a person has the right of abode in the United Kingdom, issued pursuant to section 10 of the Nationality, Immigration and Asylum Act 2002;

(t) permission to marry in the United Kingdom under section 19(3)(b), 21(3)(b) or 23(3)(b) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;

(u) permission to form a civil partnership in the United Kingdom under paragraph 2(1)(b) of Schedule 23 to the Civil Partnership Act 2004;

(v) a document recording biometric information within the meaning of section 5 of the UK Borders Act 2007;

(w) a sponsor licence, or the renewal of such a licence;

(x) any change to a sponsor's status under immigration rules; and

(y) a letter or other document confirming—

(i) a person's immigration or nationality status; or

(ii) that a person is not a British citizen.

Requirement to pay a fee in respect of the provision on request of a service connected with immigration or nationality

4. The Secretary of State shall charge the fee specified in regulations made under section 51(3) of the 2006 Act in respect of the provision on request of any of the following services:

(a) the registration of a declaration of a renunciation of British citizenship under section 12 of the 1981 Act;

(b) the registration of a declaration of a renunciation of British overseas territories citizenship under sections 24 and 12 of the 1981 Act;

(**8**) S.I. 2010/238.