Draft Regulations laid before Parliament under section 42(7) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

IMMIGRATION
NATIONALITY

The Immigration and Nationality (Fees) (Amendment No. 2) Regulations 2008

Made - - - -	*****
Coming into force - -	*30th June 2008*

The Secretary of State makes the following Regulations with the consent of the Treasury(**1**) under sections 51(3) and 52(3) of the Immigration, Asylum and Nationality Act 2006(**2**) and in reliance on section 42(1) and 42(2A) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(**3**).

In accordance with section 42(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, the Secretary of State has consulted with such persons as appear to her to be appropriate prior to making these Regulations. In accordance with section 42(7) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation and Commencement

1. These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment No. 2) Regulations 2008 and shall come into force on 30th June 2008.

Amendment

2.—(1) The Immigration and Nationality (Fees) Regulations 2007(**4**) shall be amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of "assistance", insert—

> ""certificate of sponsorship" means an authorisation issued by the Secretary of State to a sponsor in respect of one or more applications, or potential

(**1**) In pursuance of section 52(4)(a) of the Immigration, Asylum and Nationality Act 2006.
(**2**) 2006 c. 13.
(**3**) 2004 c.19. Section 42(1) is amended by, and section 42(2A) is inserted by, section 20 of the UK Borders Act 2007 (c. 30).
(**4**) S.I. 2007/1158, as amended by S.I. 2008/544.

applications, for leave to remain or enter the United Kingdom under the immigration rules;"; and

(b) after the definition of "the 2007 Order", omit "and" and insert—

""Tier 1 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 1" of the immigration rules' "Points Based System";

"Tier 2 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 2" of the immigration rules' "Points Based System";

"Tier 4 migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 4" of the immigration rules' "Points Based System";

"Tier 5 migrant" means a migrant who makes make an application of a kind identified in the immigration rules as requiring to be considered under "Tier 5" of the immigration rules' "Points Based System";

"Tier 5 (Temporary Worker) migrant" means a migrant who makes an application of a kind identified in the immigration rules as requiring to be considered under the category "Tier 5 (Temporary Worker)" of the immigration rules' "Points Based System"; and".

(3) In regulation 5(1) (fees for applications for leave in the United Kingdom), omit sub-paragraphs (a) to (c).

(4) For regulation 5A(**5**) (fees for applications for leave in the United Kingdom) substitute—

"**5A.**—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 1 migrant, the fees are those specified in paragraphs (2) and (3).

(2) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is—

(a) subject to sub-paragraph (b), £750;

(b) £350 for an application by a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application.

(3) Where the application is for limited leave to remain in the United Kingdom as a Tier 1 (Post Study Work) migrant under the immigration rules the fee is £400.

(4) This regulation is subject to regulations 9, 12, 13 and 14."

(5) In regulation 5B(2)(**6**) (fees for applications for leave in the United Kingdom)—

(a) omit sub-paragraphs (e) to (g);

(b) after sub-paragraph (m), omit "or"; and

(c) after sub-paragraph (n), insert,

"; or

(o) of a kind identified in the immigration rules as requiring to be considered under a "Points Based System"."

(6) After regulation 5B (fees for applications for leave in the United Kingdom), insert—

(**5**) Regulation 5A is inserted by S.I. 2008/544.
(**6**) Regulation 5B is inserted by S.I. 2008/544

"**5C.**—(1) In the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom as a Tier 2 migrant, the fee is £400.

(2) This regulation is subject to regulations 9, 12, 13 and 14.".

(7) In regulation 9 (exceptions in respect of fees for leave to remain applications), after "5A" insert, ", 5C or, insofar as the application is in made for leave to remain as a Tier 5 (Temporary Worker) migrant, 5D.

(8) In regulation 12, (exceptions in respect of fees for leave to remain applications), after "5B" insert, ", 5C, 5D".

(9) In regulation 15(1) (fees for immigration employment documents), omit sub-paragraph (a) and "or" which follows it.

(10) Omit regulation 17 (fees for immigration employment documents).

(11) In regulation 20(1) (fees for nationality applications), for "article 3(2)(h) to (k)", substitute "article 3(2)(h) to (l)".

(12) For regulation 20A(**7**) (fees for sponsorship applications) substitute—

"**20A.**—(1) In the case of an application to which article 3(2)(p) of the 2007 Order applies, where the application is not in respect of a person who, if granted a sponsorship licence, would be a small sponsor, and the application is for a licence referred to in paragraph (2), the fee is £1000.

(2) The sponsorship licences are—

(a) a sponsorship licence in respect of Tier 2 migrants;

(b) a sponsorship licence in respect of Tier 2 and Tier 4 migrants;

(c) a sponsorship licence in respect of Tier 2 and Tier 5 migrants; and

(d) a sponsorship licence in respect of Tier 2, Tier 4 and Tier 5 migrants.".

(13) In regulation 20B(1)(**8**) (fees for entry clearance applications)—

(a) in sub-paragraph (a), after "Tier 1 (General) migrant", insert, ", Tier 1 (Entrepreneur) migrant or a Tier 1 (Investor) migrant";

(b) after sub-paragraph (b) insert—

"(ba) where the application is for entry clearance as a Tier 1 (Post Study) migrant under the immigration rules the fee is £205;

(bb) where the application is for entry clearance as a Tier 2 migrant the fee is £205."

(c) after sub-paragraph (d)(vi), omit "or"; and

(d) after sub-paragraph (d)(vii), insert—

"; or

(viii) as a Tier 5 migrant,".

(14) In regulation 20C(**9**), after paragraph (b), omit "or" and after paragraph (c) insert—

"; or

(d) the application is—

(i) for entry clearance as a Tier 1 (General) migrant under the immigration rules, a Tier 2 migrant or a Tier 5 (Temporary Worker) migrant; and

(**7**) Regulation 20A is inserted by S.I. 2008/544.
(**8**) Regulation 20B is inserted by S.I. 2008/544.
(**9**) Regulation 20C is inserted by S.I. 2008/544.