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. 3) Regulations 2008

Made - - - - ***

Coming into force - - *27th November 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 sections 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. 3) Regulations 2008 and shall come into force on 27th November 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 "Tier 5 migrant" insert "and"; and

(b) omit the definition "Tier 5 (Temporary Worker) migrant" and the "and" that follows it.

(**1**) In pursuance of section 52(5)(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 and S.I. 2008/1695.

(3) In regulation 5A (fees for applications for leave in the United Kingdom), for paragraph (3) substitute—

"(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—

(a) £400 for an application made by post or courier; or

(b) £600 where such application is made in person at a Public Enquiry Office of the UK Border Agency of the Home Office.".

(4) For regulation 9 (exceptions in respect of fees for leave to remain applications) substitute—

"**9.** No fee is payable in connection with applications referred to in—

(a) regulation 3;

(b) regulation 5A, in so far as the application is for leave to remain as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules;

(c) regulation 5C; or

(d) regulation 6, in so far as the application is for work permit employment under the immigration rules, as a highly skilled migrant under the immigration rules, as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules or a Tier Two migrant,

where the application is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter or the Council of Europe Revised Social Charter.".

(5) In regulation 12 (exceptions in respect of fees for leave to remain applications), omit ", 5D".

(6) Omit regulations 15, 16 and 18 (fees for immigration employment documents).

(7) At the beginning of regulation 20A (fees for sponsorship applications), insert "Subject to regulation 20AA,".

(8) After regulation 20A (fees for sponsorship applications), insert—

"**20AA.** In the case of an application to which article 3(2)(p)(**5**) of the 2007 Order applies, where such application is for a licence referred to in sub-paragraphs (a) to (d) of regulation 20A and is in respect of a person who—

(a) holds a valid licence in respect of Tier 4 migrants, Tier 5 migrants or Tier 4 and Tier 5 migrants; and

(b) is not a small sponsor,

the fee is £600.".

(9) For regulation 20B (fees for entry clearance applications), substitute—

"**20B.** In the case of an application to which article 3(2)(aa)(**6**) of the 2007 Order applies —

(a) subject to sub-paragraphs (b), (c) and (d), where the application is for entry clearance as a Tier 1 (General) migrant, a Tier 1 (Investor) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules, the fee is £600;

(b) subject to sub-paragraph (d), where the application is for entry clearance as a Tier 1 (General) migrant or a Tier 1 (Entrepreneur) migrant under the immigration rules and is in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter, the fee is £540;

(**5**) Article 3(2)(p) was inserted into S.I. 2007/807 by S.I. 2008/106.
(**6**) Article 3(2)(aa) was inserted into S.I. 2007/807 by S.I. 2008/106.