

2011 No. 790

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Cost Recovery Fees)
Regulations 2011**

<i>Made</i> - - - -	<i>14th March 2011</i>
<i>Laid before Parliament</i>	<i>16th March 2011</i>
<i>Coming into force</i> - -	<i>6th April 2011</i>

The Secretary of State makes the following Regulations with the consent of the Treasury^(a) in exercise of the powers conferred by sections 51(3), 52(1) and 52(3) of the Immigration, Asylum and Nationality Act 2006^(b).

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Cost Recovery Fees) Regulations 2011 and shall come into force on 6 April 2011.

2. In these Regulations—

“the 1971 Act” means the Immigration Act 1971^(c);

“the 1981 Act” means the British Nationality Act 1981^(d);

“the 2011 Order” means the Immigration and Nationality (Fees) Order 2011^(e);

“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;

“academic visitor” has the same meaning as provided in 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;

“application for naturalisation” means an application for naturalisation as a:

(a) British citizen under section 6(1) or (2) of the 1981 Act, or

(b) British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

“an application for registration” means an application for registration as a:

(a) In pursuance of section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006 (c.13).

(b) 2006 c.13.

(c) 1971 c.77.

(d) 1981 c.61.

(e) S.I. 2011/445.

- (a) British citizen under section 1(3)(a), (3A)(b) or (4), 3(1), (2)(c) or (5)(d), 4(2) or (5), 4A(e), 4B(f), 4D(g), 10(1)(h) or (2)(i), or 13(1) or (3) of the 1981 Act, or paragraph 3(j), 4(k) or 5 of Schedule 2 to the 1981 Act,
- (b) British overseas territories citizen under sections 24(l) and 13(1) or (3), or 15(3)(m) or (4)(n), 17(1)(o), (2)(p) or (5)(q), or 22(1)(r) or (2)(s) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act,
- (c) British overseas citizen under section 27(1) of the 1981 Act, or paragraph 4 or 5 of Schedule 2 to that Act, or
- (d) British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act.

“assistance” means assistance, accommodation or maintenance provided under—

- (a) section 17, 20 or 23 of the Children Act 1989(t),
- (b) section 22, 25 or 26 of the Children (Scotland) Act 1995(u), or
- (c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995(v);

“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 overseas territory” means a territory as defined in section 50(1) of the 1981 Act and includes the territories listed in Schedule 6 to that Act;

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

“certificate of travel” means a travel document issued in the United Kingdom at the discretion of the Secretary of State to persons who have been formally and, in the view of the Secretary of State, unreasonably refused a passport by their own authorities and have either been granted indefinite leave to enter or remain in the United Kingdom or refused asylum but granted humanitarian protection or discretionary leave to remain in the United Kingdom;

“charity” means an English charity, a Scottish charity or a Northern Ireland charity;

“child” means a person under the age of eighteen;

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- (a) Section 1(3) was amended by section 42(3) of the Borders, Citizenship and Immigration Act 2009 (c.11).
 - (b) Section 1(3A) was inserted by section 42(4) of the Borders, Citizenship and Immigration Act 2009.
 - (c) Section 3(2) was amended by section 5 of, and paragraphs 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002 (c. 8) and section 43(2) of the Borders, Citizenship and Immigration Act 2009.
 - (d) Section 3(5) was amended by section 5 of, and paragraphs 3(1) and (4) of Schedule 1 to, the British Overseas Territories Act 2002.
 - (e) Section 4A was inserted by section 4 of the British Overseas Territories Act 2002.
 - (f) Section 4B was inserted by section 12 of the Nationality, Immigration and Asylum Act 2002 (c.41) and was amended by section 44(2), (3), and (4) of, and paragraph 2(1) of Schedule 1 to the Borders, Citizenship and Immigration Act 2009.
 - (g) Section 4D was inserted by section 46 of the Borders, Citizenship and Immigration Act 2009.
 - (h) Section 10(1) was amended by paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (i) Section 10(2) was amended by paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002 and by paragraph 73 of Schedule 27 to the Civil Partnership Act 2004 (c.33).
 - (j) Paragraph 3 of Schedule 2 was amended by sections 1(1)(b) and 2(3) of the British Overseas Territories Act 2002.
 - (k) Paragraph 4 of Schedule 2 was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002 and paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (l) Section 24 was amended by section 2(2) of the British Overseas Territories Act 2002.
 - (m) Section 15(3) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (n) Section 15(4) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (o) Section 17(1) was amended by section 2(2) of the British Overseas Territories Act 2002.
 - (p) Section 17(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (q) Section 17(5) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (r) Section 22(1) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002 and paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (s) Section 22(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002, paragraph 1 of Schedule 9 to the Nationality, Immigration and Asylum Act 2002 and paragraph 77 of Schedule 27 to the Civil Partnership Act.
 - (t) 1989 c.41.
 - (u) 1995 c.36.
 - (v) S.I.1995/755 (N.I. 2).

“claim for asylum” has the same meaning given in section 94(1) of the Immigration and Asylum Act 1999(a) and a claim for asylum is to be taken to be determined—

- (a) on the day on which the Secretary of State notifies the claimant of his decision on the claim,
- (b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of, or
- (c) if the claimant has brought an appeal from within the United Kingdom, against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002(b), or section 2 of the Special Immigration Appeals Commission Act 1997(c), on the day on which the appeal is disposed of;

“Commonwealth country” means a country listed in Schedule 3 to the 1981 Act;

“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;

“Convention travel document” means a travel document issued in accordance with Article 28 of the Refugee Convention adopted on 28 July 1951 or Article 28 of the Stateless Persons Convention adopted on 28 September 1954;

“Council of Europe Social Charter” means the Council of Europe Treaty establishing social and economic human rights signed in Turin on 18 October 1961(d);

“Council of Europe Revised Social Charter” means the Council of Europe Treaty signed in Strasbourg on 3 May 1996(e);

“Crown Dependencies” means the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man;

“dependant” in respect of a person means—

- (a) the spouse, civil partner, or unmarried or same-sex partner, or
 - (b) a child
- of that person;

“document of identity” means a travel document issued in the United Kingdom to a person who is not a British citizen which enables the holder to make one journey out of the United Kingdom;

“English charity” means a charity as defined in section 1 of the Charities Act 2006(f);

“entry clearance” has, subject to regulations 36 and 37, the same meaning as provided in section 33(1) of the 1971 Act(g);

“European Community Association Agreement” means any of the following—

- (a) the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12 September 1963,
- (b) the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, signed at Brussels on 8 March 1993, or
- (c) the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, signed at Brussels on 1 February 1993;

(a) 1999 c.33; section 94(1) was amended by section 60(2) of the Nationality, Immigration and Asylum Act 2002 and paragraph 180 of Schedule 3 to the Transfer of Tribunal Functions Order 2008/2833 (S.I. 2008/2833).

(b) 2002 c.41.

(c) 1997 c.68; section 2 was amended by section 114(3) of the Nationality, Immigration and Asylum Act 2002.

(d) (CETS NO.:035).

(e) (CETS NO.:163).

(f) 2006 c.50.

(g) The definition of “entry clearance” in section 33(1) was amended by paragraph 2 of Schedule 4 to the 1981 Act and paragraph 5 of the Schedule to the Immigration Act 1988 (c.14).

“Foreign and Commonwealth Office’s Strategic or Bilateral Programmes” means programmes operated by the Foreign and Commonwealth Office to give funds directly to Embassies and Missions outside the United Kingdom to support activities directly connected to the United Kingdom’s international priorities or programmes of funding operated by the Foreign and Commonwealth Office to promote action on global issues in areas of strategic importance to the United Kingdom;

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

“Highly Skilled Migrant Programme” means the programme operated by the Secretary of State for highly skilled migrants under the immigration rules;

“Highly Trusted Sponsor status” means the status awarded on application to certain sponsor licence holders by the United Kingdom Border Agency;

“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;

“immigration rules” means, subject to regulation 37, rules made under section 3(2) of the Immigration Act 1971;

“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;

“Northern Ireland charity” means a charity within the meaning of section 1 of the Charities Act (Northern Ireland) 2008(a);

“Scottish charity” means a body entered in the Scottish Charity Register;

“small sponsor” means a sponsor that is either—

(a) a company that qualifies as small in accordance with sections 382 and 383 of the Companies Act 2006(b), or

(b) in the case of a person who is not a company for the purposes of those sections, a person who employs no more than 50 employees, or

(c) a charity;

“sponsor” means a sponsor under Part 6A 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;

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

“Tier 1 Migrant” has, subject to regulation 37, the same meaning as provided in the immigration rules;

“Tier 1 (Post Study Work) Migrant” has, subject to regulation 37, the same meaning as provided in the immigration rules;

“Tier 2 Migrant” has, subject to regulation 37, the same meaning as provided in the immigration rules;

“Tier 4 Migrant” has, subject to regulation 37, the same meaning as provided in the immigration rules;

“Tier 5 Migrant” has, subject to regulation 37, the same meaning as provided in the immigration rules;

(a) 2008 c.12.

(b) 2006 c.46.

“Tier 5 (Temporary Worker) Migrant” has the same meaning as provided in the immigration rules;

“travel document” means a document, other than a passport, issued by the United Kingdom Border Agency allowing a person to travel outside the United Kingdom to persons who cannot use a passport issued by their own country;

“unmarried or same-sex partner” of a person means someone who is living with that other person in a relationship akin to marriage which has subsisted for two years or more;

“United Kingdom Border Agency” means the United Kingdom Border Agency of the Home Office;

“United Kingdom Border Agency website” means the public website maintained by the United Kingdom Border Agency.

Fees for applications for leave to remain in the United Kingdom

3.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, namely an application for limited leave to remain in the United Kingdom, the fee is—

- (a) £190 for an application for limited leave to remain in the United Kingdom as a Tier 5 Migrant made by post or courier or via the United Kingdom Border Agency website; or
- (b) £95 where an application is made as the dependant of a person making an application referred to in sub-paragraph (a) and is made at the same time, and by the same method, as that person’s application; or
- (c) £171 where an application is made for limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter and is made by post or courier or via the United Kingdom Border Agency website; or
- (d) £95 where the application is made as the dependant of a person making an application referred to in sub-paragraph (c) and is made at the same time, and by the same method, as that person’s application; or
- (e) £297 where—
 - (i) the application is for limited leave to remain in the United Kingdom;
 - (ii) the application is made as the dependant of another person applying for limited leave to remain in United Kingdom as a Tier 1 (Post Study Work) Migrant;
 - (iii) that other person makes their application by post or courier or via the United Kingdom Border Agency website; and
 - (iv) the application referred to in sub-paragraph (i) is made at the same time, and by the same method; or
- (f) £275 where, subject to sub-paragraph (g),—
 - (i) the application is for limited leave to remain in the United Kingdom;
 - (ii) the application is made as the dependant of another person applying for limited leave to remain in the United Kingdom;
 - (iii) that other person makes their application by post or courier or via the United Kingdom Border Agency website; and
 - (iv) the application referred to in sub-paragraph (i) is made at the same time and by the same method.
- (g) The fee referred to in paragraph (f) does not apply to applications for limited leave to remain in the United Kingdom as the dependant of a person applying for limited leave to remain in the United Kingdom—
 - (i) for work permit employment,
 - (ii) for the purposes of employment under the Sectors-Based Scheme,
 - (iii) for Home Office approved training,

- (iv) as a seasonal agricultural worker,
- (v) as a retired person of independent means,
- (vi) as a sole representative,
- (vii) as a student,
- (viii) to re-sit an examination,
- (ix) to write up a thesis,
- (x) as a student union sabbatical officer,
- (xi) as a prospective student, or
- (xii) of a kind identified in the immigration rules as requiring to be considered under a “Points-Based System”.

(2) This regulation is subject to regulations 6, 7, 8 and 9. Regulation 3(1)(f) is also subject to regulation 5.

4.—(1) In the case of an application to which article 3(2)(a) or (c) of the 2011 Order applies, where the application is made as the dependant of a Tier 4 Migrant who makes an application to which regulation 9(1)(a) of the Immigration and Nationality (Fees) Regulations 2011(a) applies and is made at the same time and by the same method, as that person’s application, the fee is £193.

(2) This regulation is subject to regulations 6, 7, 8, and 9.

Exceptions in respect of leave to remain applications

5. No fee is payable in connection with an application for leave to remain in the United Kingdom, which is made on the basis that the applicant is—

- (a) a person making a claim for asylum which has not been determined or has been granted,
- (b) a person who has been granted humanitarian protection under the immigration rules,
- (c) a person who has been granted limited leave to enter or remain in the United Kingdom outside the provisions of the immigration rules on the rejection of their claim for asylum,
- (d) a dependant of a person referred to in paragraph (a), (b) or (c) who has been given leave to enter or remain in the United Kingdom for the purpose of family reunion under paragraphs 352A to 352FI of the immigration rules, or
- (e) a child who does not come within paragraph (d) who was born in the United Kingdom to a person referred to in paragraph (a), (b) or (c).

6. No fee is payable in respect of an application referred to in regulations 3 and 4 if the application is made in respect of a person who, at the time of making the application, is a child who is being provided with assistance by a local authority (or, in Northern Ireland, an authority, which has the same meaning given in article 2(2) of the Children (Northern Ireland) Order 1995.

7. No fee is payable in respect of an application referred to in regulations 3 and 4 if the application is made in respect of a person seeking variation of leave to enter or remain in the United Kingdom for a period of up to 6 months where the application is made to an immigration officer on arrival at a port of entry in the United Kingdom.

8. No fee is payable in respect of an application referred to in regulations 3 and 4 if it is made under the terms of a European Community Association Agreement.

9.—(1) Where two or more applications for leave to remain in the United Kingdom are made at the same time, or are being considered by the Secretary of State, in respect of the same person and fees are specified in respect of those applications, a single fee shall be payable.

(2) The fee payable shall be the higher, or as the case may be, the highest of the fees specified in respect of those applications, where those fees are different.

(a) S.I. 2011/XXX.

Fees for entry clearance

- 10.—(1) In the case of an application to which article 3(2)(b) of the 2011 Order applies—
- (a) subject to sub-paragraph (b), where the application is for entry clearance as a visitor under the immigration rules for a period of—
 - (i) twelve months or less in the case of an academic visitor, or
 - (ii) six months or less in the case of a visitor other than an academic visitor,the fee is £76;
 - (b) the fee referred to in sub-paragraph (a) will be reduced to £56 where the Secretary of State decides that the application is one to which the operation of a scheme for such a reduced fee applies;
 - (c) subject to sub-paragraph (d), where the application is for entry clearance as a Tier 1 (General) Migrant under the immigration rules and is in respect of a person who has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application, the fee is £332;
 - (d) where the application is for entry clearance as a Tier 1 (General) Migrant under the immigration rules and is in respect of a person who—
 - (i) has been granted an approval letter under the Highly Skilled Migrant Programme that is valid for such an application, and
 - (ii) who is a national of a state which has ratified the Council of Europe Social Charter,the fee is £300;
 - (e) where the application is for entry clearance as the dependant of a Tier 1 (General) Migrant who has been granted a valid approval letter under the Highly Skilled Migrant Programme under the immigration rules, the fee is £332;
 - (f) where the application is for entry clearance as a Tier 4 Migrant, the fee is £255;
 - (g) where the application is for entry clearance as the dependant of a Tier 4 Migrant, the fee is £255;
 - (h) subject to sub-paragraph (i), where the application is for entry clearance as a Tier 5 Migrant, the fee is £190;
 - (i) where the application is for entry clearance as a Tier 5 (Temporary Worker) Migrant and is in respect of a person who is a national of a state that has ratified the Council of Europe Social Charter, the fee is £171;
 - (j) where the application is for entry clearance as the dependant of a Tier 5 (Temporary Worker) Migrant, the fee is £190;
 - (k) where the application is for entry clearance for passing through the United Kingdom, the fee is £51;
 - (l) where the application is for entry clearance as the dependant of a student under paragraphs 76 to 81 of the immigration rules, the fee is £255;
 - (m) where the application is for entry clearance as a student visitor under paragraph 56K of the immigration rules, to attend an English language course for a period of more than 6 months and not more than 11 months, the fee is £140;
 - (n) where the application is for entry clearance for the purposes of obtaining a replacement document recording biometric information within the meaning of section 5 of the UK Borders Act 2007(a), the fee is £70.
- (2) This regulation is subject to regulations 11 and 12.

(a) 2007 c.30.

Exceptions and waivers in respect of fees for entry clearance applications

11. No fee is payable by the applicant in relation to an application referred to in regulation 10 where—

- (a) the application is made in connection with the official duty of any official of Her Majesty's Government,
- (b) the application is made for the purpose of family reunion under paragraphs 352A to 352FI of the immigration rules, or
- (c) the Secretary of State determines that the fee should be waived.

12. The official determining the application may waive the payment of a fee or reduce the fee required under regulation 10 where—

- (a) it is made by a candidate for or holder of a scholarship funded by Her Majesty's Government and is in connection with such a scholarship, or
- (b) the official so decides as a matter of international courtesy, or
- (c) the applicant intends to visit the United Kingdom in connection with one of the Foreign and Commonwealth Office's Strategic or Bilateral Programmes.

Fees for transfer of conditions

13.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(e) of the 2011 Order applies, the fee is—

- (a) £216 for an application made by post or courier within the United Kingdom or via the United Kingdom Border Agency website, or
- (b) £100 for an application made outside the United Kingdom.

(2) Where an application referred to in paragraph (1)(a) is made by an applicant and at the same time he makes a similar application on behalf of one or more of his dependants, there will be a fee of £108 for each dependant's application.

Fee for a work card in respect of a seasonal agricultural worker

14.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(f) of the 2011 Order applies, namely an application for an immigration employment document, which is made in respect of a person who is seeking to enter, or remain in, the United Kingdom as a seasonal agricultural worker under the immigration rules, the fee is £12.

(2) No fee is payable in connection with an application referred to in paragraph (1) if it is made 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.

Fees for travel documents (not including passports)

15.—(1) Subject to paragraphs (2) and (3), in the case of an application to which article 3(2)(g) of the 2011 Order applies, other than an application referred to in paragraph (4), the fee to be paid is—

- (a) £149 in a case where the person in respect of whom the application is made has not, at the date of the application, attained the age of sixteen, or
- (b) £238 in any other case.

(2) No fee is payable in connection with an application referred to in paragraph (1) where the application is stated as being made in order to enable the applicant to participate in a project operated or approved by the Secretary of State for the purpose of enabling a person in the United Kingdom to make a single trip to a country outside the United Kingdom in order to assist the reconstruction of that country or to decide whether to re-settle there.

(3) No fee is payable in connection with an application made for a travel document for a body that is travelling abroad for the purposes of burial or cremation.

(4) In the case of an application to which article 3(2)(g) of the 2011 Order applies, where the application is for a Convention travel document or a document of identity, the fee is—

- (a) £49 in a case where the person in respect of whom the application is made has not, at the date of the application, attained the age of sixteen, or
- (b) £77.50 in any other case.

Fee for a transit visa

16. In the case of an application to which article 3(2)(q) of the 2011 Order applies, namely an application for a transit visa, the fee is £51.

Fee for a certificate of entitlement to the right to abode

17. In the case of an application to which article 3(2)(r) of the 2011 Order applies, namely an application for a certificate of entitlement to the right to abode, the fee is—

- (a) £162 for an application made in respect of an applicant who is in the United Kingdom, or
- (b) £265 for an application made in respect of an applicant who is outside the United Kingdom.

Fee for an application for a document recording biometric information

18.—(1) Subject to paragraphs (2) and (3), in the case of an application to which article 3(2)(s) of the 2011 Order applies, namely an application for a document recording biometric information within the meaning of section 5 of the UK Borders Act 2007, where the application is required by regulations made under section 5 of the UK Borders Act 2007, the fee is £37.

(2) No fee is payable in respect of an application referred to in paragraph (1) which is required under the Immigration (Biometric Registration) (Pilot) Regulations 2008^(a).

(3) No fee is payable in respect of an application referred to in paragraph (1) where the application is made in conjunction with an application for leave to remain in the United Kingdom.

(4) Subject to paragraph (5), where the application is for a document recording biometric information within the meaning of section 5 of the UK Borders Act 2007, in order to transfer data previously contained in a stamp, sticker or other attachment on a passport or other document which indicates that a person has been granted leave to enter or remain in the UK, the fee is £216.

(5) Where an application referred to in paragraph (4) is made by an applicant and at the same time he makes a similar application on behalf of one or more of his dependants, there will be a fee of £108 for each dependant's application.

Fees for sponsor licences

19. In the case of an application to which article 3(2)(t) of the 2011 Order applies, where such application is in respect of a person who, if granted a sponsor licence, would be a small sponsor and the application is for a sponsor licence in respect of Tier 2 Migrants, the fee is £310.

20. Subject to regulation 21, in the case of an application to which article 3(2)(t) of the 2011 Order applies, where the application is—

- (a) for a sponsor licence in respect of Tier 4 Migrants,
- (b) for a sponsor licence in respect of Tier 5 Migrants,
- (c) for a sponsor licence in respect of Tier 4 Migrants and Tier 5 Migrants,

(a) S.I. 2008/1183 now revoked. Transitional provisions in paragraph 24 of S.I. 2008/3048.

- (d) in respect of a person who, if granted a sponsor licence, would be a small sponsor and is for—
 - (i) a sponsor licence in respect of Tier 2 Migrants and Tier 4 Migrants,
 - (ii) a sponsor licence in respect of Tier 2 Migrants and Tier 5 Migrants, or
 - (iii) a sponsor licence in respect of Tier 2 Migrants, Tier 4 Migrants, and Tier 5 Migrants, the fee is £410.

21. In the case of an application to which article 3(2)(t) of the 2011 Order applies, where the application is for a licence referred to in sub-paragraphs (a) to (c) of regulation 20 and is in respect of a person who—

- (a) holds a valid sponsor licence in respect of Tier 2 Migrants, and
- (b) is a small sponsor,

the fee is £100.

22.—(1) In the case of an application to which article 3(2)(t) of the 2011 Order applies, where a person—

- (a) holds a valid sponsor licence in respect of Tier 4 Migrants, Tier 5 Migrants or Tier 4 and Tier 5 Migrants, and
- (b) is not a small sponsor, and
- (c) the application is for a licence referred to in paragraph (2),

the fee is £615.

(2) The sponsor licences are—

- (a) a sponsor licence in respect of Tier 2 Migrants,
- (b) a sponsor licence in respect of Tier 2 and Tier 4 Migrants, or
- (c) a sponsor licence in respect of Tier 2 and Tier 5 Migrants.

Fee for Highly Trusted Sponsor status

23. In the case of an application to which article 3(2)(u) of the 2011 Order applies, for an application to acquire Highly Trusted Sponsor status in respect of Tier 4 Migrants, the fee is £410.

Fee for the process of issuing a certificate of sponsorship

24.—(1) Subject to paragraph (2), in the case of a process to which article 5 of the 2011 Order applies, where the process is the issuing of a certificate of sponsorship in respect of an application or applications or a potential application or applications for leave to remain or enter the United Kingdom as—

- (a) a Tier 5 Migrant, or
- (b) a Tier 4 Migrant,

the fee is £10.

(2) No fee is payable in respect of the process for which a fee is specified in paragraph (1) where the certificate is issued in respect of an application or applications or a potential application or applications for leave to remain or enter the United Kingdom as a Tier 5 (Temporary Worker) made by a person who is a national of a state which has ratified the Council of Europe Social Charter.

Fee for Tier 4 Migrants changing to another sponsor

25.—(1) In the case of an application by a Tier 4 Migrant under Part 9 of the immigration rules for the Secretary of State's permission for the migrant to change to another sponsor, to which article 3(2)(d) of the 2011 Order applies, the fee is £160.

(2) The fee referred to in paragraph 1 is only payable by a Tier 4 Migrant who has extant leave resulting from an application to become a Tier 4 migrant which was made during the period beginning on 31 March and ending on 4 October 2009.

Fee for arranging a citizenship ceremony

26.—(1) In respect of a service to which article 4(e) of the 2011 Order applies, namely the arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony), the fee to be paid for the provision of this service is £80.

(2) The fee referred to in paragraph (1) shall be payable by an applicant who is required by section 42 of the 1981 Act to make a citizenship oath and pledge at a citizenship ceremony.

(3) Where the fee referred to in paragraph (1) is paid in accordance with paragraph (2) and—

- (a) the Secretary of State refuses the application, or
- (b) the Secretary of State decides that the registration should be effected or the certificate of naturalisation should be granted, but disappplies the requirement to attend a citizenship ceremony because of the special circumstances of the case,

the fee paid in respect of the arrangement of a citizenship ceremony shall be refunded.

(4) Where the fee referred to in paragraph (1) is to be paid in accordance with paragraph (2), and the fee is not paid in accordance with that paragraph, the Secretary of State will not consider the application for registration or naturalisation.

Fee for the administration of a citizenship oath, or oath and pledge

27.—(1) In respect of a service to which article 4(f) of the 2011 Order applies, namely the administration of a citizenship oath, or oath and pledge (where not administered at a citizenship ceremony), the fee to be paid for the provision of this service is £5.

(2) No fee is payable under these Regulations where the oath, or oath and pledge, is administered by a justice of the peace.

Fee for the supply of a certified copy

28. In respect of a service to which article 4(g) of the 2011 Order applies, namely the supply of a certified copy of a notice, certificate, order, declaration or entry given, granted or made under the 1981 Act, any of the former nationality Acts or the British Nationality (Hong Kong) Act 1997^(a), the fee to be paid for the provision of this service is £86.

Fee for technical changes to a work permit document

29. In the case of an application to which article 3(2)(f) of the 2011 Order applies, for a letter to confirm an amendment to information held by the UK Border Agency relating to employment within the terms of the work permit arrangements, which does not constitute a change requiring a new application for permission to work, the fee is £22.

Fee for amending a certificate of registration or naturalisation as a British citizen issued under the 1981 Act

30.—(1) In the case of an application to which article 3(2)(i) of the 2011 Order applies, for amendment to a certificate of registration or naturalisation as a British citizen issued under the 1981 Act, the fee is £86.

(2) The fee referred to in paragraph (1) is not payable where the amendment is made to rectify errors made by employees of the United Kingdom Border Agency.

(a) 1997 c.20.

Fee for a letter or other document confirming immigration or nationality status

31. In the case of an application to which article 3(2)(v) of the 2011 Order applies, namely an application for a letter or other document confirming—

- (a) a person's immigration or nationality status, or
- (b) that a person is not a British citizen,

the fee is £86.

Fee for services in connection with immigration or nationality applications

32.—(1) Subject to paragraph (2), in respect of a service to which article 6 of the 2011 Order applies, namely the provision of the services of a consular officer or a consular employee in relation to any other service which the consular post or diplomatic mission has agreed to undertake, for each hour or part hour (to include travel time if performed away from the consular premises) and in addition to direct costs, if any, the fee is £130 per hour.

(2) The official determining the provision of these services may waive the payment of the fee in paragraph (1) where the official considers it is appropriate in the particular circumstances of the case.

Fee for reconsideration of an application for naturalisation or registration

33. In the case of an application to which article 3(2)(h), (j), (k), (l) or (m) of the 2011 Order applies, namely an application for naturalisation or registration, where an applicant seeks reconsideration of a decision by the Secretary of State to refuse that application, the fee for reconsideration of each application is £80.

Fee for the issuing of an action plan

34. In respect of a process to which article 5(b) of the 2011 Order applies, namely the issuing of an action plan, the fee is £1,000 for each action plan.

Fee for the registration of a declaration of renunciation

35.—(1) In respect of a service to which article 4(a) to (d) of the 2011 Order applies, namely a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status, the fee to be paid for the provision of this service is £225.

(2) Where a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status is made by a person at the same time as a declaration of renunciation by him of another such citizenship or status, the total fee payable in respect of those declarations shall be the same as that for registration of a single declaration.

Fees for documents relating to travel or entry into the United Kingdom, Commonwealth countries, British Overseas Territories and Crown Dependencies

36.—(1) In respect of applications to which article 6 of the 2011 Order applies, namely preparing or forwarding, or both, any letter, certificate, declaration or other document which may be required by an authority in any country or territory in connection with an application for or the issue or renewal of an entry clearance (for a country or territory for which the consular officer does not himself have authority to issue entry clearance), a residence permit or identity card (issued by any other country or territory) or forwarding any other certificate or document (except a travel document and applications for registration and naturalisation), the fee is £70.

(2) In respect of receiving an application for entry clearance to a Commonwealth country or British Overseas Territory the fee is £50.

(3) In respect of receiving, outside the United Kingdom, an application for entry clearance to the Crown Dependencies—

- (a) as a visitor, for single, double and multiple entries valid for up to six months from the date of issue the fee is £76,
- (b) as a student the fee is £255,
- (c) as a temporary or voluntary worker, unless (d) below applies, the fee is £190,
- (d) as a temporary or voluntary worker 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 the fee is £171.

(4) In respect of receiving, outside the United Kingdom, an application for a certificate of entitlement to the right of abode in the Crown Dependencies the fee is £265.

(5) In this regulation “entry clearance” means a visa, entry certificate, entry permit or other document which, in accordance with the applicable immigration laws or rules, is to be taken as evidence of a person’s eligibility for entry into the United Kingdom, a Crown Dependency, a British overseas territory, a Commonwealth country or any other country or territory, as the case may be (but does not include a work permit).

(6) The fees specified in this regulation are to be charged in place of the fees for the applications referred to in that regulation specified in paragraphs 22, 27 and 28 of Schedule 1 to the Consular Fees Order 2010(a).

Fees in respect of applications involving the exercise of consular functions relating to the Isle of Man

37.—(1) In the case of the following applications, to which article 6 of the 2011 Order applies, namely applications received outside the United Kingdom for entry clearance into the Isle of Man, the fees are

- (a) £432 where the application is for entry clearance as a Tier 1 Migrant,
- (b) £459 where the application is for entry clearance as a Tier 1 (Post Study Work) Migrant,
- (c) £250 where the application is for entry clearance as a Tier 2 Migrant,
- (d) £255 where the application is for entry clearance as a Tier 4 Migrant, or
- (e) £190 where the application is for entry clearance as a Tier 5 Migrant.

(2) In this regulation—

- (i) “entry clearance” means a visa, entry certificate, entry permit or other document which in accordance with the applicable immigration laws or rules, is to be taken as evidence of a person’s eligibility for entry into the Isle of Man, and
- (ii) “Tier 1 Migrant”, “Tier 1 (Post Study Work) Migrant”, “Tier 2 Migrant”, “Tier 4 Migrant” and “Tier 5 Migrant” have the same meanings as provided in immigration rules made in respect of the Isle of Man by the Council of Ministers under section 3(2) of the 1971 Act(b).

Consequences of failing to pay the fee

38. Where an application to which these Regulations refer is to be accompanied by a specified fee, the application is not validly made unless it has been accompanied by that fee.

(a) S.I. 2010/238.

(b) Section 3(2) was extended to the Isle of Man by article 6 of S.I. 2008/680 subject to the modifications set out in paragraph 4 of Schedule 3 to S.I. 2008/680.

Revocation

39. The Immigration and Nationality (Cost Recovery Fees)(No.2) Regulations 2010(a) are revoked.

Home Office
14th March 2011

Damian Green
Minister of State

We consent

14th March 2011

Angela Watkinson
Michael Fabricant
Two of the Lords Commissioners of Her Majesty's Treasury

(a) S.I. 2010/228.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 51(3), 52(1) and 52(3) of the Immigration, Asylum and Nationality Act 2006, specify fees relating to immigration and nationality. Under section 52(5)(b) of the Immigration and Nationality Act 2006 they are subject to annulment in pursuance of a resolution of either House of Parliament. These Regulations follow on from the Immigration and Nationality (Fees) Order 2011, which sets out the applications, services and processes related to immigration and nationality in respect of which fees may be specified in regulations.

The Regulations specify fees in cases where the amount of the fee does not exceed the administrative costs incurred by the Secretary of State. Fees which exceed the cost involved in processing an application or providing a particular service or process related to immigration and nationality are specified in the Immigration and Nationality (Fees) Regulations 2011.

These Regulations replace, with modifications, the Immigration and Nationality (Cost Recovery Fees)(No.2) Regulations 2010. They specify fees for various types of application related to immigration and nationality, including applications for; limited leave to remain in the United Kingdom, entry clearance into the United Kingdom, the transfer of conditions, work cards, travel documents (other than passports), transit visas, certificates of entitlement to the right of abode, documents recording biometric information, sponsor licences, Highly Trusted Sponsor status, and changing sponsor. In addition they specify the fees for various services and processes related to immigration and nationality, including the arrangement of citizenship ceremonies, the administration of citizenship oaths, the supply of certified copies, the amendment of certificates of registration or naturalisation as a British citizen, the reconsideration of applications for registration or naturalisation as a British citizen, and the issuing of action plans. Finally these Regulations specify a number of fees for documents relating to travel or entry into the United Kingdom, Commonwealth countries, British Overseas Territories and Crown Dependencies and fees for certain applications made outside the United Kingdom for entry clearance into the Isle of Man. These fees were previously charged under the Consular Fees Order 2010; the fees in these Regulations replace the fees specified in that Order.

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STATUTORY INSTRUMENTS

2011 No. 790

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Cost Recovery Fees)
Regulations 2011

£5.75