

2012 No. 813

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Cost Recovery Fees)
Regulations 2012**

<i>Made</i> - - - -	<i>13th March 2012</i>
<i>Laid before Parliament</i>	<i>15th March 2012</i>
<i>Coming into force</i> - -	<i>6th April 2012</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) and 52(1), (3) and (6) of the Immigration, Asylum and Nationality Act 2006^(b).

These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2011^(c)

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Cost Recovery Fees) Regulations 2012 and shall come into force on 6th April 2012.

2. In these Regulations—

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

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

“the 1982 Order” means the British Protectorates, Protected States and Protected Persons Order 1982^(f);

“the 1999 Act” means the Immigration and Asylum Act 1999^(g)

“the 2007 Act” means the UK Borders Act 2007^(h)

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

“application for registration or naturalisation” means—

(a) an application for naturalisation as a British citizen under section 6(1) or (2) of the 1981 Act;

(a) As required by section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006 (c. 13).
(b) 2006 c. 13.
(c) S.I. 2011/445.
(d) 1971 c. 77.
(e) 1981 c. 61.
(f) S.I. 1982/1070.
(g) 1999 c. 33.
(h) 2007 c. 30.

- (b) an application for naturalisation as a British overseas territories citizen under section 18(1) or (2) of the 1981 Act;
- (c) an application for registration as 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, or paragraph 3(j), 4(k) or 5 of Schedule 2 to, the 1981 Act;
- (d) an application for registration as a British citizen under section 1 of the British Nationality (Hong Kong) Act 1997(l);
- (e) an application for registration as a British overseas territories citizen under sections 13(1) or (3) of the 1981 Act (as applied by section 24(m) of that Act), or 15(3)(n) or (4)(o), 17(1)(p), (2)(q) or (5)(r), or 22(1)(s) or (2)(t) of, or paragraph 3, 4 or 5 of Schedule 2 to, that Act;
- (f) an application for registration as a British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act;
- (g) an application for registration as a British protected person under article 7 of the 1982 Order(u); or
- (h) an application for registration as a British subject under section 32 of, or paragraph 4 of Schedule 2 to, the 1981 Act;

“biometric immigration document” has the same meaning as in section 5 of the 2007 Act;

“CESC national” means a person who is a national of a state which has ratified the European Social Charter, agreed by the Council of Europe at Turin on 18th October 1961(v);

“child” means a person under the age of 18;

“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;

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- (a) Section 1(3) was amended by section 42(1) and (3) of the Borders, Citizenship and Immigration Act 2009 (c. 11).
 - (b) Section 1(3A) was inserted by section 42(1) and (4) of the Borders, Citizenship and Immigration Act 2009.
 - (c) Section 3(2) was amended by section 5 of, and paragraph 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002 (c. 8) and section 43(1) and (2) of the Borders, Citizenship and Immigration Act 2009.
 - (d) Section 3(5) was amended by section 5 of, and paragraph 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(1), (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 Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (i) Section 10(2) was amended by section 5 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002 and by section 261 of, and 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(2) of the British Overseas Territories Act 2002 and section 8 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002.
 - (k) Paragraph 4 of Schedule 2 was amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002.
 - (l) 1997 c. 20; section 1 was amended by section 2(3) of the British Overseas Territories Act 2002 and s.47(3) of the Borders, Citizenship and Immigration Act 2009.
 - (m) Section 24 was amended by section 2(2) of the British Overseas Territories Act 2002.
 - (n) Section 15(3) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (o) Section 15(4) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (p) Section 17(1) was amended by section 2(2) of the British Overseas Territories Act 2002.
 - (q) Section 17(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (r) Section 17(5) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002.
 - (s) Section 22(1) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002 and Schedule 9 to the Nationality, Immigration and Asylum Act 2002.
 - (t) Section 22(2) was amended by sections 1(1)(b) and 2(2) of the British Overseas Territories Act 2002, Schedule 9 to the Nationality, Immigration and Asylum Act 2002, and paragraph 77 of Schedule 27 to the Civil Partnership Act 2004 (c. 33).
 - (u) S.I. 1982/1070; article 7 was amended by section 1(2) of the British Overseas Territories Act 2002 and paragraph 10(4)(a) and (b) of Schedule 1 to the Human Fertilisation and Embryology (Consequential Amendments and Transitional and Saving Provisions) Order 2009 (S.I. 2009/1892).
 - (v) (CETS NO.:035).

“entry clearance” has the same meaning as in section 33(1) of the 1971 Act(a), as extended to the Channel Islands(b);

“immigration rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the 1971 Act(c);

“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 and any subsequent variation of that leave;

“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 and any subsequent variation of that leave;

“sponsor” means a sponsor under Part 6A of the immigration rules;

“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—

- (a) the fixing of a stamp, sticker or other attachment on a passport or other document issued to the applicant, which indicates that a person has been granted limited, or indefinite, leave to enter or remain in the United Kingdom; or
- (b) the issuing of a biometric immigration document to replace a stamp, sticker or other attachment on a passport or other document issued to the applicant, which indicated a person had been granted limited, or indefinite, leave to enter or remain in the United Kingdom;

“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;

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

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

Fees for applications and processes in connection with immigration

3. Schedule 1 to these Regulations has effect to specify—

- (a) the amount of the fees for specified applications for leave to remain in the United Kingdom and variation of such leave for the purposes of articles 3(2)(a) and (c) of the 2011 Order and exceptions to the requirement to pay such fees;
- (b) the amount of the fees for specified applications for entry clearance to enter the United Kingdom for the purposes of article 3(2)(b) of the 2011 Order, exceptions to the requirement to pay such fees, and circumstances in which such fees may be waived or reduced;
- (c) the amount of the fees for applications for specified sponsor licences for the purposes of article 3(2)(t) of the 2011 Order and exceptions to the requirement to pay such fees;
- (d) the amount of the fees for applications for permission for a student given leave to enter, or remain in, the United Kingdom to change their course of study or sponsor, for changes

(a) The definition of “entry clearance” in section 33(1) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

(b) Section 33(1) was extended with modifications to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993 (S.I. 1993/1796), and to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993 (S.I.1993/1797).

(c) Laid before Parliament on 23rd May 1994 (HC 395).

to a sponsor's status, and for processes related to sponsors for the purposes of articles 3(2)(d) and (u) and 5 of the 2011 Order; and

- (e) the amount of the fees for specified applications for a transfer of conditions, for documents relating to employment, for travel documents, for a transit visa, and for a biometric immigration document for the purposes of articles 3(2)(e), (f), (g), (q) and (s) of the 2011 Order.

Fees for applications and services in connection with nationality

4. Schedule 2 to these Regulations has effect to specify—

- (a) the amount of fees for applications in connection with nationality for the purposes of article 3(2)(h), (i), (j), (k), (l) (m), (n), (o), (p), (r) and (v) of the 2011 Order; and
- (b) the amount of the fees for services in connection with nationality for the purposes of article 4(a), (b), (c), (d), (e), (f), (g) and (h) of the 2011 Order.

Fees for the exercise of consular functions in connection with immigration and nationality

5. Schedule 3 to these Regulations has effect to specify the amount of the fees for the exercise of consular functions in connection with immigration and nationality for the purpose of article 6 of the 2011 Order.

Fees for applications for entry clearance to enter the Channel Islands

6. Schedule 4 to these Regulations has effect to specify the amount of the fees for specified applications for entry clearance to enter either of the Channel Islands for the purposes of article 6 of the 2011 Order.

Consequences of failing to pay the specified fee

7. Where these Regulations specify a fee which must accompany an application for the purpose of the 2011 Order, the application is not validly made unless it is accompanied by that fee.

Revocation

8. The Immigration and Nationality (Cost Recovery Fees) Regulations 2011(a) are revoked.

Home Office
13th March 2012

Damian Green
Minister of State

We consent

12th March 2012

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

(a) S.I. 2011/790.

FEES FOR APPLICATIONS AND PROCESSES IN CONNECTION WITH IMMIGRATION

PART 1

INTERPRETATION

1. In this Schedule-

“2008 Regulations” means the Immigration (Biometric Registration) Regulations 2008(a);

“assistance by a local authority” means assistance, accommodation or maintenance provided by a local authority (or in Northern Ireland, an authority, which has the same meaning as in Article 2(2) of the Children (Northern Ireland) Order 1995(b)) under—

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

“biometric information” has the same meaning as in section 15 of the 2007 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, by the same person for leave to enter or remain the United Kingdom;

“claim for asylum” has the same meaning as in section 94(1) of the 1999 Act(e);

“convention travel document” means a travel document issued in accordance with Article 28 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951;

“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;

“EC Association Agreement with Turkey” means the agreement establishing an association between the European Community and Turkey signed at Ankara on 12th September 1963;

“small sponsor or charity” means a sponsor that is—

- (a) a company that qualifies as small in accordance with sections 382 and 383 of the Companies Act 2006(f);
- (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 within the meaning of section 1 of the Charities Act 2011(g), or section 1 of the Charities Act (Northern Ireland) 2008(h) or a body entered in the Scottish Charity Register;

“standard application” means—

(a) S.I. 2008/3048.
 (b) S.I. 1995/755 (N.I.2).
 (c) 1989 c. 41.
 (d) 1995 c. 36.
 (e) Section 94(1) was amended by section 60(2) of the Nationality, Immigration and Asylum Act 2002 (c. 41) and article 6 of, and paragraph 180 of Schedule 3 to, the Transfer of Tribunal Functions Order (S.I. 2008/2833).
 (f) 2006 c. 46.
 (g) 2011 c. 25. This section is due to come into force on 14th March 2012 under section 355 of that Act.
 (h) 2008 c. 12.

- (a) an application made by post or courier; or
- (b) an application made via the public website maintained by the United Kingdom Border Agency where the applicant, when making the application, chooses not to use the procedure which requires applicants to attend a Public Enquiry Office of the United Kingdom Border Agency for the purposes of processing the application;

“stateless person’s travel document” means a travel document issued in accordance with Article 28 of the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954;

“Tier 1 Migrant”, “Tier 1 (General) Migrant”, “Tier 1 (Post-Study Work) Migrant”, “Tier 2 Migrant”, “Tier 4 Migrant”, “Tier 5 Migrant” and “Tier 5 (Temporary Worker) Migrant” have the same meaning as in the immigration rules.

- (2) For the purposes of this Schedule 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 the 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^(a) or section 2 of the Special Immigration Appeals Commission Act 1997^(b) on the day on which the appeal is disposed of.

PART 2

FEES FOR APPLICATIONS FOR LEAVE TO REMAIN IN THE UNITED KINGDOM

Fees for standard applications for leave to remain in the United Kingdom

2.—(1) Table 1 specifies the amount of the fees for the applications for limited leave to remain in the United Kingdom listed in the second column of that table where the application is made as a standard application.

(2) Table 2 provides for exceptions to the requirement to pay the fees specified in Table 1.

(3) Subject to sub-paragraph (4), the fees specified in Table 1 for standard applications for leave to remain in the United Kingdom as the dependant of a person making such an application (“the main applicant”) apply where the application is made at the same time and by the same method as the main applicant’s application.

(4) In a case not specified in sub-paragraph (3), the fee for an application for leave to remain in the United Kingdom as the dependant of the main applicant will be the fee specified for the main applicant’s application.

(5) The fees specified in Table 1 are subject to paragraph 3 (Multiple applications for leave to remain in the United Kingdom).

Table 1 (Fees)

<i>Number of fee</i>	<i>Type of application for limited leave to remain</i>	<i>Amount of fee for standard applications</i>

(a) 2002 c. 41.

(b) 1997 c. 68; section 2 was amended by section 114 of, and paragraph 2 of Schedule 7 to, the Nationality, Immigration and Asylum Act 2002 and section 14 of, and paragraph 14 of Schedule 1 to, the Immigration, Asylum and Nationality Act 2006.

1.1	Fees for standard applications for limited leave to remain in the United Kingdom under Tier 5 of the Points-Based System	
1.1.1	Application for limited leave to remain as a Tier 5 Migrant where fees 1.1.2 and 1.1.3 do not apply.	£194
1.1.2	Application for limited leave to remain as a Tier 5 (Temporary Worker) Migrant where fee 1.1.3 does not apply.	£194
1.1.3	Application for limited leave to remain as a Tier 5 (Temporary Worker) Migrant where the applicant is a CESC national.	£175
1.2	Fees for standard applications for limited leave to remain in the United Kingdom by dependants of those applying for limited leave to remain under the Points-Based System	
1.2.1	Application for limited leave to remain as the dependant of a Tier 5 Migrant.	£97
1.2.2	Application for limited leave to remain as the dependant of a Tier 5 (Temporary Worker) Migrant.	£97
1.3	Fee for standard applications for limited leave to remain in the United Kingdom as the dependant of a person granted limited leave to remain under the Points-Based System	
1.3.1	Application for leave to remain as the dependant of a Tier 1 (Post-Study Work) Migrant.	£303

Table 2 (Exceptions)

<i>Number and description of the exception</i>		<i>Fees to which exception applies</i>
2.1	Short term variation of leave to enter or remain	
	No fee is payable in respect of an application made to an immigration officer on arrival at a port of entry in the United Kingdom in respect of a person seeking variation of leave to remain in the United Kingdom for a period of up to 6 months.	All fees in Table 1
2.2	Children being provided with assistance by a local authority	
	No fee is payable in respect of an application made in respect of a person who, at the time of making the application, is a child and is being provided with assistance by a local authority.	All fees in Table 1
2.3	Applications under the EC Association Agreement with Turkey	
	No fee is payable in respect of an application made under the terms of the EC Association Agreement with Turkey.	All fees in Table 1

Multiple applications for leave to remain in the United Kingdom

3.—(1) A single fee shall be payable where two or more applications for limited or indefinite leave to remain in the United Kingdom in respect of the same person—

- (a) are made at the same time; or
- (b) are being considered at the same time by the Secretary of State.

(2) Where the fees in respect of applications are different, the fee shall be the higher, or the highest, of the fees specified in respect of those applications.

PART 3

FEES FOR APPLICATIONS FOR ENTRY CLEARANCE TO ENTER THE UNITED KINGDOM

Fees for applications for entry clearance

4.—(1) Table 3 specifies the amount of the fees for the applications for entry clearance to enter the United Kingdom listed in the second column of that table.

(2) Table 4 provides for exceptions to the requirement to pay the fees specified in Table 3 and Table 5 confers a discretion on the Secretary of State or the official determining an application to waive or reduce the fees specified in Table 3 in certain circumstances.

Table 3 (Fees)

<i>Number</i>	<i>Type of application for entry clearance to enter the United Kingdom</i>	<i>Amount of fee</i>
3.1	Fees for applications for entry clearance to enter the United Kingdom under the Points-Based System	
3.1.1	Application for entry clearance as a Tier 1 (General) Migrant where the applicant has been previously granted a Highly Skilled Migrant Approval letter under Part 6A of the immigration rules that is valid for such an application and fee 3.1.2 does not apply.	£332
3.1.2	Application for entry clearance as a Tier 1 (General) Migrant where the applicant has been previously granted a Highly Skilled Migrant Approval letter under Part 6A of the immigration rules that is valid for such an application and is a CESC national.	£300
3.1.3	Application for entry clearance as a Tier 4 Migrant.	£289
3.1.4	Application for entry clearance as a Tier 5 Migrant where fees 3.1.5 and 3.1.6 do not apply.	£194
3.1.5	Application for entry clearance as a Tier 5 (Temporary Worker) Migrant where fee 3.1.6 does not apply.	£194
3.1.6	Application for entry clearance as a Tier 5 (Temporary Worker) Migrant where the applicant is a CESC national.	£175
3.2	Fees for applications for entry clearance by dependants of those applying for entry clearance to enter the United Kingdom under the Points-Based System	
3.2.1	Application for entry clearance as the dependant of a Tier 4 Migrant.	£289
3.2.2	Application for entry clearance as the dependant of a Tier 5 (Temporary Worker) Migrant	£194
3.3	Fees for applications for entry clearance to enter the United Kingdom as a visitor	
3.3.1	Application for entry clearance as a visitor under the immigration rules for a period of six months or less where fees 3.3.2 and 3.3.3 do not apply	£78
3.3.2	Application for entry clearance as an academic visitor under the immigration rules for a period of twelve months or less where fee 3.3.3 does not apply.	£78
3.3.3	Application for entry clearance as a visitor under the immigration rules for a period of six months or less where the Secretary of State decides the application is one to which a scheme for reduced fees applies.	£57
3.3.4	Application 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 but not more than 11 months.	£140
3.4	Fees for other applications for entry clearance to enter the United Kingdom	
3.4.1	Application for entry clearance as the dependant of a student under paragraphs 76 to 81 of the immigration rules.	£289

<i>Number of fee</i>	<i>Type of application for entry clearance to enter the United Kingdom</i>	<i>Amount of fee</i>
3.4.2	Application for entry clearance as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection under paragraphs 319V to 319Y of the immigration rules.	£458
3.4.3	Application for entry clearance for the purposes of obtaining a replacement biometric immigration document.	£70

Table 4 (Exceptions)

<i>Number and description of the exception</i>	<i>Fees to which exception applies</i>
4.1 Officials of Her Majesty's Government	
No fee is payable in respect of an application made in connection with the official duty of any official of Her Majesty's Government.	All fees in Table 3
4.2 Dependants of refugees or persons granted humanitarian protection	
No fee is payable in respect of an application made under paragraphs 352A to 352FI of the immigration rules.	All fees in Table 3
4.3 Applications under the EC Association Agreement with Turkey	
No fee is payable in respect of an application made under the terms of the EC Association Agreement with Turkey.	All fees in Table 3

Table 5 (Waivers)

<i>Number and description of the waiver</i>	<i>Fees to which waiver applies</i>
5.1 General waiver	
No fee is payable in respect of an application where the Secretary of State determines that the fee should be waived.	All fees in Table 3.
5.2 Scholarships funded by Her Majesty's Government	
The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the application 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.	All fees in Table 3.
5.3 International courtesy	
The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee as a matter of international courtesy.	All fees in Table 3.
5.4 Visitors under a Foreign and Commonwealth Office Bilateral Programme	
The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the applicant intends to visit the United Kingdom in connection with 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.	All fees in Table 3.
5.5 Visitors under a Foreign and Commonwealth Office Strategic Programme	

The official determining an application may decide to waive the payment of the fee or reduce the amount of the fee where the applicant intends to visit the United Kingdom in connection with 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.	All fees in Table 3.
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PART 4

FEES FOR SPONSOR LICENCES, HIGHLY TRUSTED SPONSOR STATUS AND RELATED APPLICATIONS AND PROCESSES

Fees for applications for sponsor licences

5.—(1) Table 6 specifies the amount of the fees for the applications listed in the second column of that table.

(2) Table 7 provides for exceptions to the requirement to pay the fees specified in Table 6.

Table 6 (Fees)

<i>Number of fee</i>	<i>Type of application or process</i>	<i>Amount of fee</i>
6.1	Fees for applications for sponsor licences where the applicant is a small sponsor or charity	
6.1.1	Application for sponsor licence in respect of Tier 2 Migrants where the applicant is a small sponsor or charity.	£500
6.1.2	Application for sponsor licence in respect of Tier 2 and Tier 4 Migrants where the applicant is a small sponsor or charity.	£500
6.1.3	Application for sponsor licence in respect of Tier 2 and Tier 5 Migrants where the applicant is a small sponsor or charity.	£500
6.1.4	Application for sponsor licence in respect of Tier 2, Tier 4 and Tier 5 Migrants where the applicant is a small sponsor or charity.	£500
6.2	Fees for applications for sponsor licences where the applicant is not a small sponsor or charity	
6.2.1	Application for sponsor licence in respect of Tier 2 Migrants where the applicant holds a valid sponsor licence in respect of Tier 4 Migrants.	£1000
6.2.2	Application for sponsor licence in respect of Tier 2 Migrants where the applicant holds a valid sponsor licence in respect of Tier 4 and Tier 5 Migrants.	£1000
6.2.3	Application for sponsor licence in respect of Tier 2 Migrants where the applicant holds a valid sponsor licence in respect of Tier 5 Migrants.	£1000
6.2.4	Application for sponsor licence in respect of Tier 2 and Tier 4 Migrants where the applicant holds a valid sponsor licence in respect of Tier 5 Migrants.	£1000
6.2.5	Application for sponsor licence in respect of Tier 2 and Tier 5 Migrants where the applicant holds a valid sponsor licence in respect of Tier 4 Migrants.	£1000
6.2.6	Application for sponsor licence in respect of Tier 4 Migrants.	£500
6.2.7	Application for sponsor licence in respect of Tier 4 and Tier 5 Migrants.	£500
6.2.8	Application for sponsor licence in respect of Tier 5 Migrants.	£500

Table 7 (Exceptions)

<i>Number and description of exception</i>	<i>Fees to</i>
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		<i>which exception applies</i>
7.1	Application for additional sponsor licences by a small sponsor or charity holding a valid sponsor licence	
	No fee is payable in respect of an application for a sponsor licence where the applicant holds a valid sponsor licence of a different type and is a small sponsor or charity.	Fees 6.1.1 to 6.1.4.
7.2	Application for sponsor licence in respect of Tier 4 Migrants where the applicant holds a sponsor licence in respect of Tier 5 Migrants	
	No fee is payable in respect of an application for a sponsor licence in respect of Tier 4 Migrants where at the time the application is made the applicant holds a valid sponsor licence in respect of Tier 5 Migrants and is not a small sponsor or charity.	Fee 6.2.5.
7.3	Application for sponsor licence in respect of Tier 5 Migrants where the applicant holds a sponsor licence in respect of Tier 4 Migrants	
	No fee is payable in respect of an application for a sponsor licence in respect of Tier 5 Migrants where at the time the application is made the applicant holds a valid sponsor licence in respect of Tier 4 Migrants and is not a small sponsor or charity.	Fee 6.2.7.
7.4	Application for sponsor licence in respect of Tier 4 or 5 Migrants where the applicant holds a sponsor licence in respect of Tier 2 Migrants	
	No fee is payable in respect of an application for a sponsor licence in respect of Tier 4 Migrants, Tier 4 and Tier 5 Migrants, or Tier 5 Migrants where at the time the application is made the applicant holds a valid sponsor licence in respect of Tier 2 Migrants and is not a small sponsor or charity.	Fees 6.2.5 to 6.2.7.

Fees for other applications and processes in connection with sponsorship

6. Table 8 specifies the amount of the fees for the applications listed in the second column of that table.

Table 8 (Fees)

<i>Number of fee</i>	<i>Type of application or process</i>	<i>Amount of fee</i>
8.1	Fee for Tier 4 Migrants changing to another sponsor	
8.1.1	Application by a Tier 4 Migrant for the United Kingdom Border Agency's permission to change to another sponsor for the purposes of paragraph 323A of the immigration rules where that migrant's leave to remain in the United Kingdom as a Tier 4 Migrant results from an application for entry clearance or leave to remain in the United Kingdom made during the period beginning on 31st March and ending on 4th October 2009.	£160
8.2	Fee for applications for Highly Trusted Sponsor status	
8.2.1	Application by a sponsor holding a sponsor licence in respect of Tier 4 Migrants to be awarded Highly Trusted Sponsor status by the United Kingdom Border Agency in respect of Tier 4 Migrants.	£500
8.3	Fees for the processes relating to sponsor licences	
8.3.1	The issuing of a certificate of sponsorship in respect of an application or potential application for leave to enter or remain in the United Kingdom as a Tier 4 Migrant.	£13
8.3.2	The issuing of a certificate of sponsorship in respect of an application or potential application for leave to remain in or enter the United Kingdom as a Tier 5 Migrant other than where the application is for such leave as	£13

	a Tier 5 (Temporary Worker) Migrant and the applicant is a CESC national (in which case no fee is payable).	
8.3.3	The issuing of an action plan under the immigration rules to a sponsor who is recorded as being “B-rated” on the register of licensed sponsors maintained by the Secretary of State with which that sponsor must comply in order to become a sponsor recorded as being “A-rated” on that register.	£1,500

PART 5

FEES FOR TRANSFERS OF CONDITIONS AND OTHER DOCUMENTS RELATING TO IMMIGRATION

7. Table 9 specifies the amount of fees for the applications listed in the second column of that table.

8. Table 10 provides for exceptions to the requirement to pay the fees specified in Table 9.

Table 9 (Fees)

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
9.1	Fees for applications made in the United Kingdom for a transfer of conditions	
9.1.1	Application for a transfer of conditions where the application is made within the United Kingdom by post or courier or via the public website maintained by the United Kingdom Border Agency and fee 9.1.2 does not apply.	£220
9.1.2	Application by a person making an application referred to in fee 9.1.1 (the main application) for a transfer of conditions for a dependant where the application is made at the same time as the main application.	£110
9.2	Fee for applications made overseas for a transfer of conditions (vignette transfer fee)	
9.2.1	Application for a transfer of conditions where the application is made outside the United Kingdom.	£102
9.3	Fee for applications for immigration employment documents	
9.3.1	Application for a letter to confirm an amendment to information held by the UK Border Agency relating to employment as a work permit holder within the meaning of the immigration rules, which does not constitute a change requiring a new application for permission to work.	£22
9.4	Fees for applications for travel documents (not including passports)	
9.4.1	Application for a travel document where fee 9.4.2 does not apply.	£238
9.4.2	Application for a travel document where the person in respect of whom the application is made has not attained the age of 16 at the time the application is made.	£149
9.4.3	Application for a convention travel document, stateless person’s travel document, or document of identity where fee 9.4.4 does not apply	£77.50
9.4.4	Application for a convention travel document, stateless person’s travel document, or document of identity where the person in respect of whom the application is made has not attained the age of 16 at the time the application is made.	£49
9.5	Fee for an application for a transit visa	
9.5.1	Application for a transit visa within the meaning of section 41(2) of the 1999 Act.	£52

9.6	Fee for applications for a biometric immigration document	
9.6.1	Application for a biometric immigration document where the application is required by regulation 3 of the 2008 Regulations(a) other than where the biometric immigration document is required due to errors made by the United Kingdom Border Agency.	£37

Table 10 (Exceptions)

<i>Number and description of the exception</i>		<i>Fees to which exception applies</i>
10.1	Travel documents for bodies being taken abroad for burial	
	No fee is payable in respect of an application for a travel document for a body that is being taken abroad for the purposes of burial or cremation.	Fees 9.4.1 to 9.4.4.
10.2	Travel documents for reconstruction or resettlement	
	No fee is payable in respect of an application for a travel document 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 purposes 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 resettle there.	Fees 9.4.1 to 9.4.4.
10.3	Biometric immigration documents required under the Immigration (Biometric Registration) (Pilot) Regulations 2008	
	No fee is payable in respect of an application for a biometric immigration document which is required under the Immigration (Biometric Registration) (Pilot) Regulations 2008(b).	Fee 9.6.1
10.4	Applications for biometric immigration documents made in conjunction with applications for leave to remain in the United Kingdom	
	No fee is payable for an application for a biometric immigration document where that application is made in conjunction with an application for leave to remain in the United Kingdom.	Fee 9.6.1
10.5	Applications for biometric immigration documents made in conjunction with applications for a travel document.	
	No fee is payable for an application for a biometric immigration document where that application is made in conjunction with an application for a travel document and both applications are made in respect of the same person.	Fee 9.6.1

Fee for the enrolment of biometric information by third parties

9.—(1) Where—

- (a) a person (the applicant) is required to make an application for a biometric immigration document under regulation 3 of the 2008 Regulations;
- (b) the applicant is required by regulation 5 of the 2008 Regulations to provide a record of their biometric information to an immigration officer or an officer of the Secretary of State who is an authorised person for the purposes of the 2008 Regulations; and
- (c) the applicant is required by regulation 8 of the 2008 Regulations(c) to provide the record of their biometric information to a person other than an immigration officer or an officer of the Secretary of State referred to in paragraph (b);

(a) Regulation 3 was amended by regulation 4 of the Immigration (Biometric Registration)(Amendment) Regulations 2012 (S.I. 2012/594).

(b) S.I. 2008/1183 has been revoked. Transitional provisions are to be found in paragraph 24 of the 2008 Regulations.

(c) Regulation 3 was amended by regulation 6 of the Immigration (Biometric Registration)(Amendment) Regulations 2012.

a fee of £19.20 is payable to the person acting on behalf of the United Kingdom Border Agency.

(2) The fee specified in paragraph (1) is payable in addition to any fee payable for an application for a biometric document.

10. Table 11 provides for exceptions to the requirement to pay the fee specified in paragraph 9.

Table 11 (Exceptions)

<i>Number and description of the exception</i>	
11.1	Asylum-seekers or persons granted asylum or humanitarian protection No fee is payable under paragraph 9 where the applicant is making a claim for asylum which has not been determined, has made a claim for asylum which has been granted, has been granted humanitarian protection under the immigration rules, or has been granted limited leave to remain in the United Kingdom outside the immigration rules or on rejection of their claim for asylum.
11.2	Dependants of asylum-seekers or persons granted humanitarian protection No fee is payable under paragraph 9 where the applicant is a dependant of a person to whom exception 11.1 applies and has leave to remain in the United Kingdom under paragraphs 352A to 352FI of the immigration rules.
11.3	Children of asylum-seekers or persons granted humanitarian protection No fee is payable under paragraph 9 where exception 11.2 does not apply and the applicant is a child who was born in the United Kingdom to a person to whom exception 11.1 applies.
11.4	Stateless persons No fee is payable under paragraph 9 where the applicant appears to the Secretary of State to be stateless.
11.5	Victims of domestic violence No fee is payable under paragraph 9 where the applicant has leave to remain in the United Kingdom as a victim of domestic violence and at the time of making the application appears to the Secretary of State to be destitute.
11.6	Children receiving local authority support No fee is payable under paragraph 9 where the applicant is a child and is being provided with assistance by a local authority.
11.7	Applicants with leave to remain under the EC Association Agreement with Turkey No fee is payable under paragraph 9 where the applicant has leave to remain in the United Kingdom under the terms of the EC Association Agreement with Turkey.
11.8	Olympic or Paralympic Games Family Member Visitors No fee is payable under paragraph 9 where the applicant has leave to remain in the United Kingdom under paragraphs 56R to 56T of the immigration rules(a).
11.9	Olympic or Paralympic Games Family Member Child Visitors No fee is payable under paragraph 9 where the applicant has leave to remain in the United Kingdom under paragraphs 56U to 56W of the immigration rules(b).
11.10	Qualifying work permit holders No fee is payable under paragraph 9 where the applicant has leave to remain in the United Kingdom for 3 years as a Tier 2 Migrant on the basis that they were a Qualifying Work Permit Holder under Part 6A of the immigration rules and is still working for the same employer and in the same role as they were when that leave was granted.
11.11	Applications made in conjunction with an application for leave to remain in the United Kingdom which is exempt from the application fee

(a) Paragraphs 56R to 56T were inserted by the statement of changes in immigration rules presented to Parliament on 10th October 2011 (HC 1511).

(b) Paragraphs 56R to 56W were inserted by the statement of changes in immigration rules presented to Parliament on 10th October 2011 (HC 1511).

No fee is payable under paragraph 9 where the application for a biometric immigration document referred to in paragraph 9(1)(a) is made in conjunction with an application for leave to remain in the United Kingdom and no fee is payable in respect of the application for leave to remain.

SCHEDULE 2

Regulation 4

FEEES FOR APPLICATIONS AND SERVICES IN CONNECTION WITH NATIONALITY

Fees for applications and services in connection with nationality

1.—(1) Table 12 specifies the amount of fees for the applications and services listed in the second column of that table.

(2) The fees specified in Table 12 are subject to paragraph 2 (Multiple declarations of renunciation of British citizenship).

Table 12 (Fees)

<i>Number of fee</i>	<i>Type of application or service</i>	<i>Amount of fee</i>
12.1	Fees for applications in connection with nationality	
12.1.1	Application for the amendment of a certificate of registration or naturalisation other than where the amendment is required to rectify errors made by the United Kingdom Border Agency.	£88
12.1.2	Application for the reconsideration of an application for registration or naturalisation which has been refused by the Secretary of State.	£80
12.1.3	Application for a certificate of entitlement within the meaning of section 33(1) of the 1971(a) Act where the application is made in respect of an applicant who is in the United Kingdom.	£165
12.1.4	Application for a certificate of entitlement within the meaning of section 33(1) of the 1971 Act where the application is made in respect of an applicant who is outside the United Kingdom.	£270
12.1.5	Application for a letter or other document confirming a person's nationality status or that a person is not a British citizen.	£88
12.2	Fees for services in connection with nationality	
12.2.1	Registration of a declaration of a renunciation of British citizenship under section 12 of the 1981 Act.	£229
12.2.2	Registration of a declaration of a renunciation of British overseas territories citizenship under sections 12 and 24 of the 1981 Act.	£229
12.2.3	Registration of a declaration of a renunciation of British overseas citizenship under sections 29 and 12 of the 1981 Act.	£229
12.2.4	Registration of a declaration of a renunciation of the status of British subject under sections 34 and 12 of the 1981 Act.	£229
12.2.5	Registration of a declaration of a renunciation of the status of British protected person under Article 11 of the 1982 Order(b).	£229
12.2.6	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	£88

(a) The definition of “certificate of entitlement” was added by section 10(5)(b) of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(b) S.I. 1982/1070.

	nationality Acts within the meaning of section 50 (1) of the 1981 Act, or the British Nationality (Hong Kong) Act 1997(a).	
12.3	Fees for services in connection with citizenship ceremonies and citizenship oaths	
12.3.1	The arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony).	£80
12.3.2	The administration of a citizenship oath, or oath and pledge where the oath, or oath and pledge, are not administered at a citizenship ceremony or by a justice of the peace.	£5

Multiple declarations of a renunciation of British citizenship

2. Where a person—

- (a) makes a declaration of renunciation for which the fee is specified in Table 12; and
- (b) at the same time makes another such declaration of renunciation;

the total fee payable in respect of those declarations shall be the same as that for registration of a single declaration.

Responsibility for paying the fee for the arrangement of a citizenship ceremony

3.—(1) The fee specified in Table 12 for the arrangement of a citizenship ceremony is payable by the person who is required by section 42 of the 1981 Act(b) to make a citizenship oath and pledge at a citizenship ceremony.

(2) Where the fee for the arrangement of a citizenship ceremony is not paid in accordance with sub-paragraph (1), the Secretary of State will not consider any related application for registration or naturalisation made by the person responsible for paying that fee.

Refunds of fees for the arrangement of a citizenship ceremony where an application is refused or the requirement to attend the ceremony is disapplied

4. Where the fee specified in Table 12 for the arrangement of a citizenship ceremony is paid in accordance with paragraph 3 it must be refunded where—

- (a) the Secretary of State refuses to arrange the citizenship ceremony; or
- (b) the Secretary of State decides that the registration should be effected or the certificate of naturalisation should be granted, but disapplies the requirement to make a citizenship oath and pledge at a citizenship ceremony because of the special circumstances of the case.

SCHEDULE 3

Regulation 5

FEES FOR THE EXERCISE OF CONSULAR FUNCTIONS IN CONNECTION WITH IMMIGRATION AND NATIONALITY

Interpretation

1. In this Schedule—

“the 1968 Act” means the Consular Relations Act 1968(c);

(a) 1997 c. 20.

(b) Section 42 was substituted by section 3 of, and paragraph 1 of Schedule 1 to, the Nationality, Immigration and Asylum Act 2002 (c. 41).

(c) 1968 c. 18.

“consular employee” has the same meaning as in Article 1(1)(e) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

“consular post” has the same meaning as in Article 1(1)(a) of the Vienna Convention on Consular Relations set out in Schedule 1 to the 1968 Act;

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

“supporting documents” means any letter, certificate, declaration or other document which may be required by an authority in any country or territory in connection with an application;

“visa” means a visa, entry certificate, entry permit or other document which is to be taken as evidence of a person’s eligibility for entry into a country or territory (other than a work permit).

Fees for the exercise of consular functions in connection with immigration and nationality

2.—(1) Table 13 specifies the amount of the fees for the exercise of the consular functions listed in the second column of that table.

(2) The fees in Table 13 are subject to paragraph 3 (charges for costs incurred by consular officers or employees) and paragraph 4 (discretion to waive fees for the services of consular officers or employees).

Table 13

<i>Number of fee</i>	<i>Service provided</i>	<i>Amount of fee</i>
13.1	General fee for the services of consular officers	
13.1.1	The provision of the services of a consular officer or consular employee in relation to any service which the consular post or diplomatic mission has agreed to undertake.	£130 per hour or part hour
13.2	Fees for preparing and forwarding documents	
13.2.1	Preparing or forwarding supporting documents for an application for a visa where the consular officer does not have authority to issue that visa.	£70
13.2.2	Preparing or forwarding supporting documents for an application for residence permit or identity card issued by any country or territory other than the United Kingdom.	£70
13.2.3	Forwarding any certificate or document except a travel document or an application for registration or naturalisation.	£70
13.3	Fee for receiving applications for visas on behalf of Commonwealth countries or British Overseas Territories	
13.3.1	Receiving an application for a visa for a country listed in Schedule 3 to the 1981 Act(a) or a British Overseas Territory within the meaning of section 50(1) of the 1981 Act(b).	£50

(a) Schedule 3 was amended by article 1(2) and 3 of the British Nationality (Brunei) Order 1983 (S.I. 1983/1699), section 8 of the Brunei and Maldives Act 1985 (c. 3), article 2 of the British Nationality (Pakistan) Order 1989 (S.I. 1989/1331), article 2 of the British Nationality (Namibia) Order 1990 (S.I. 1990/1502), article 2 of the British Nationality (Cameroon and Mozambique) Order 1998 (S.I. 1998/3161), article 2 of the British Nationality (South Africa) Order 1994 (S.I. 1994/1634), and article 2 of the British Nationality (Rwanda) Order 2010 (S.I. 2010/246).

(b) The definition of “British Overseas Territory” in section 50(1) was added by section 1(1)(a) of the British Overseas Territories Act 2002 (c. 8).

Charges for costs incurred by consular officers or employees

3.—(1) The fee specified in Table 13 for the services of consular officers or consular employees is payable in addition to any charge for direct costs incurred by the Secretary of State in providing such services.

(2) The fee specified in Table 13 per hour or part hour during which the services of consular officers or consular employee are provided includes travel time where those services are provided away from the consular premises.

Discretion to waive fees for the services of consular officers or employees

4. The official responsible for determining whether the services of consular officers or employees should be provided may waive the payment of the fee specified for such services in Table 13 where the official considers it is appropriate in the particular circumstances of the case.

SCHEDULE 4

Regulation 6

FEES FOR APPLICATIONS FOR ENTRY CLEARANCE TO ENTER THE CHANNEL ISLANDS

Fees for receiving applications for entry clearance to enter the Channel Islands

5. Table 14 specifies the amount of the fees for applications for entry clearance to enter either of the Channel Islands listed in the second column of that table where the application is received outside the British Islands.

Table 14 (Fees)

<i>Number of fee</i>	<i>Type of application for entry clearance to enter the Channel Islands</i>	<i>Amount of fee</i>
14.1	Fee for applications for entry clearance to enter either of the Channel Islands as a visitor	
14.1.1	Application for entry clearance as a visitor for single, double and multiple entries valid for up to six months.	£78
14.2	Fee for applications for entry clearance to enter either of the Channel Islands as a student	
14.2.1	Application for entry clearance as a student.	£289
14.3	Fee for applications for entry clearance to enter either of the Channel Islands as a temporary or voluntary worker	
14.3.1	Application for entry clearance as a temporary or voluntary worker where fee 14.3.2 does not apply.	£194
14.3.2	Application for entry clearance as a temporary or voluntary worker where the applicant is a CESC national.	£175

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. They are made for the purposes of the Immigration and Nationality (Fees) Order 2011 (S.I. 2011/445), which sets out the applications, services and processes related to immigration and nationality for which fees may be specified in regulations.

These Regulations specify fees in cases where the amount of the fee does not exceed the administrative costs incurred by the Secretary of State in relation to the application, service or process concerned. Fees relating to immigration and nationality applications, processes and services which exceed the administrative costs involved are specified in other regulations, subject to the affirmative procedure, made under sections 51(3), 52(1) and 52(3) of the Immigration, Asylum and Nationality Act 2006. Consequently where fees are not specified in these Regulations in relation to certain types of applications they may be specified in those other regulations.

These Regulations replace, with modifications, the Immigration and Nationality (Cost Recovery Fees) Regulations 2011. 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, 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 the Channel Islands.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

2012 No. 813

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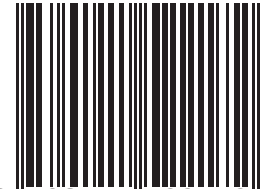
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