

2016 No. 929

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment)
Regulations 2016**

<i>Made</i> - - - -	<i>14th September 2016</i>
<i>Laid before Parliament</i>	<i>15th September 2016</i>
<i>Coming into force</i> - -	<i>6th October 2016</i>

The Secretary of State makes the following Regulations with the consent of the Treasury^(a), in exercise of the powers conferred by sections 68(1), (7), (8) and (10), 69(2), and 74(8) of the Immigration Act 2014. These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2016^(b).

Citation and commencement

1. These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) Regulations 2016 and come into force on 6th October 2016.

Interpretation

2. In these Regulations “the Fees Regulations 2016” means the Immigration and Nationality (Fees) Regulations 2016^(c).

Amendments to the Fees Regulations 2016

3. The Fees Regulations 2016 are amended in accordance with regulations 4 to 7.

Amendment to regulation 2 (interpretation)

4. In regulation 2—

- (a) omit the definition of “assistance by a local authority”;
- (b) after the definition of “approval letter from a designated competent body” insert—
 - ““being looked after by a local authority” means being looked after by a local authority (or in Northern Ireland, an authority, which has the same meaning as provided in article 2(2) of the Children (Northern Ireland) Order 1995^(d)) under—

(a) In pursuance of section 69(1) of the Immigration Act 2014 (c. 22).
(b) S.I. 2016/177.
(c) S.I. 2016/226.
(d) S.I. 1995/755 (N.I. 2).

- (a) section 22(1) of the Children Act 1989(a);
- (b) section 17(6) of the Children (Scotland) Act 1995(b);
- (c) article 25(1) of the Children (Northern Ireland) Order 1995; or
- (d) section 74(1) of the Social Services and Well-being (Wales) Act 2014(c);”.

Amendments to Schedule 2 to the Fees Regulations 2016

5. In Schedule 2 (applications for leave to remain in the United Kingdom)—

- (a) in paragraph 1 (interpretation), in the definition of “positive conclusive grounds decision” omit—
 - (i) “in the United Kingdom”; and
 - (ii) “in England and Wales”;

(b) in Schedule 2, Table 9, for exception 9.6 substitute—

<i>“9.6</i>	<i>Children being looked after by a local authority</i>	
	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 looked after by a local authority.	Fees 6.1.1, 6.2.1 2, 6.2.1 3 and 8.1.1 ”

Amendments to Schedule 3 to the Fees Regulations 2016

6. In Schedule 3 (documents and administration)—

- (a) in paragraph 1 (interpretation), for the definition of “certificate of travel” substitute—

““certificate of travel” means a travel document issued at the discretion of the Secretary of State to a person who has been granted leave to remain in the United Kingdom and is unable to obtain a passport issued by their national authority;”;

(b) in table 13, for exception 13.4 substitute—

<i>“13.4</i>	<i>Children being looked after by a local authority</i>	
	No fee is payable for the process used to take a record of a person’s biometric information if that person is a child and is being looked after by a local authority.	Fees 12.2. 1 and 12.2. 2”

Amendments to Schedule 4 to the Fees Regulations 2016

7. In Schedule 4 (sponsorship) —

- (a) in paragraph 1 (interpretation), after the definition of “small or charitable sponsor” insert—

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- (a) 1989 c. 41. Section 22(1) has been amended by section 107 of, and paragraph 19 of Schedule 5 to, the Local Government Act 2000 (c. 22); section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35); section 116(2) of the Adoption and Children Act 2002 (c. 38); and S.I. 2016/413.
 - (b) 1995 c. 36. Section 17(6) has been amended by paragraph 9(4)(b) of Schedule 2 to the Adoption and Children (Scotland) Act 2007 (asp 4); paragraph 2(4) of Schedule 5 to the Children’s Hearings (Scotland) Act 2011 (asp 1); and by S.S.I. 2013/211.
 - (c) 2014 anaw 4.

““sponsorship management request” means an electronic request made by a sponsor in connection with their sponsor licence, through their sponsorship management system account;”;

(b) in Table 14, after fee 14.3.5 insert—

“14.3.6	The expedited processing of a sponsorship management request made by a Tier 2 or Tier 5 sponsor, where the sponsor does not hold a valid premium service package for which one of fees 14.3.1 to 14.3.4 has been paid.	£200”
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Home Office
12th September 2016

Robert Goodwill
Minister of State

We consent

14th September 2016

David Evennett
Andrew Griffiths

Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Nationality (Fees) Regulations 2016 (S.I. 2016/226) (“the Fees Regulations 2016”). In particular, this instrument amends the definition of a positive conclusive grounds decision for the purposes of applications for leave to remain in the United Kingdom made by victims of human trafficking, slavery, servitude, or forced or compulsory labour, and the definition of certificate of travel. This instrument also introduces a new fee into the Fees Regulations 2016 for an optional premium service for the expedited processing of a request in connection with a sponsor’s sponsor management system account, and amends the effect of the waivers relating to children being looked after by local authorities.

A full impact assessment estimating the effect that the Fees Regulations 2016 would have on the costs of business and the voluntary sector was published with an explanatory memorandum alongside the Immigration and Nationality (Fees) Order 2016 (S.I. 2016/177) (“the Fees Order”) and was based upon the fees maxima within the Fees Order. The impact assessment is available alongside that instrument at www.legislation.gov.uk. No further impact assessment has been produced for this instrument.

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