

## SCHEDULE 2

Regulation 4

### APPLICATIONS FOR LEAVE TO REMAIN IN THE UNITED KINGDOM

#### Interpretation

1.—(1) In this Schedule—

“Article 3 or Refugee Convention application” means an application for leave to remain in the United Kingdom made on the basis that the applicant is—

- (a) a person making a claim for asylum under Part 11 of the immigration rules which has either not been determined or has been granted;
- (b) a person who has been granted humanitarian protection under that Part of the immigration rules;
- (c) a person claiming that, due to an ongoing medical condition, removal from the United Kingdom would be incompatible with Article 3 of the European Convention on Human Rights;
- (d) a person who is a dependant of a refugee or person granted humanitarian protection under the immigration rules and is applying for leave to remain in the United Kingdom under paragraphs 352A to 352FI of the immigration rules; or
- (e) a child who was born in the United Kingdom to a person referred to in paragraph (a) or (b);

“claim for asylum” has the meaning given by section 94(1) of the 1999 Act<sup>(1)</sup>;

“positive conclusive grounds decision” means a decision made by a designated competent authority of the United Kingdom for the purposes of the Trafficking Convention<sup>(2)</sup> that the applicant is either—

- (a) a victim of human trafficking; or
- (b) a victim of slavery, servitude or forced or compulsory labour;

“specified human rights application” means an application for limited leave to remain in the United Kingdom under—

- (a) paragraph 276ADE(1) of the immigration rules;
- (b) section R-LTRP.1.1. (a), (b) and (d) of Appendix FM to the immigration rules;
- (c) section R-LTRPT.1.1. (a), (b) and (d) of Appendix FM to the immigration rules; or
- (d) any other application other than an Article 3 or Refugee Convention application in which the applicant relies solely or primarily on a claim that to remove the applicant from the United Kingdom or to require the applicant to leave the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998<sup>(3)</sup> (public authority not to act contrary to Convention rights);

“the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings<sup>(4)</sup>;

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(1) Section 94(1) was amended by section 60 of the 2002 Act and [S.I. 2008/2833](#). It was also amended by section 44 of the 2002 Act but those amendments are not yet in force and have been prospectively repealed, from a date to be appointed, by paragraph 41 of Schedule 11 to the Immigration Act 2016 (“the 2016 Act”). Section 94(1) has also been prospectively amended, from a date to be appointed, by paragraphs 3 and 7 of Schedule 11 to the 2016 Act.

(2) The designated competent authorities for the United Kingdom for the purposes of the Trafficking Convention are the Home Office (postal address: UKVI, Waterside Court, 471 Kirkstall Road, Leeds LS4 2QB) and the United Kingdom Human Trafficking Centre (postal address: UKHTC, PO Box 8000, London SE11 5EN).

(3) [1998 c. 42](#); section 6(4) was repealed by paragraph 66 of Schedule 9 to the Constitutional Reform Act [2005 \(c. 4\)](#).

(4) Cm 8414. The Convention entered into force in respect of the United Kingdom on 1st April 2009.

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“Trafficking Convention reason” means a reason, in accordance with the United Kingdom’s obligations under the Trafficking Convention, that the applicant’s stay in the United Kingdom is necessary(5)—

- (a) because of the applicant’s personal situation;
- (b) because the applicant is co-operating with a police investigation or criminal proceedings; or
- (c) in order to pursue a claim for compensation against the applicant’s trafficker or modern slavery facilitator.

(2) For the purposes of this Schedule a claim for asylum is determined on—

- (a) 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, the day on which the appeal is disposed of; or
- (c) if the claimant has brought an appeal from within the United Kingdom under section 82 of the 2002 Act(6) or section 2 of the Special Immigration Appeals Commission Act 1997(7), the day on which the appeal is disposed of.

**Fees for, and in connection with, applications for leave to remain in the United Kingdom**

2.—(1) Table 6 specifies the amount of the fees for the specified applications for limited leave to remain in the United Kingdom and the amount of the fee for an approval letter from a designated competent body.

(2) Table 7 specifies the amount of the fees for the specified applications for limited leave to remain in the United Kingdom as the dependant of a main applicant.

(3) Table 8 specifies the amount of the fee for an application for indefinite leave to remain in the United Kingdom.

(4) Table 9 provides for exceptions to and waivers of the requirement to pay certain fees specified in Tables 6, 7 and 8.

(5) Paragraph 3 makes provision for the amount of the fees to be paid in respect of an application for leave to remain in the United Kingdom by a dependant of a main applicant, in cases where Table 7 does not apply.

(6) The fees specified in Table 6 are subject to paragraph 4 (applications by CESC nationals), and the fees specified in Tables 6, 7 and 8 are subject to paragraph 5 (variation of an application for leave to remain in the United Kingdom).

**Table 6 (Fees for applications for limited leave to remain in the United Kingdom and connected applications)**

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
<b>6.1</b>	<b>General fee for applications for limited leave to remain in the United Kingdom</b>	
6.1.1	Application for limited leave to remain in the United Kingdom where the fee is not specified elsewhere in these Regulations.	£1,033

(5) Further information is available in the Competent Authority guidance at [www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies](http://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies).

(6) Section 82 was substituted by section 15(2) of the Immigration Act 2014 (“the 2014 Act”).

(7) 1997 c.68; section 2 was substituted by paragraph 20 of Schedule 7 to the 2002 Act and was amended by paragraph 14 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006 Act, paragraphs 2 and 26 of Schedule 9 to the 2014 Act and section 64(2) of the 2016 Act. The amendments made to section 2 by paragraph 26 of Schedule 9 to the 2014 Act are not yet in force.

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
<b>6.2</b>	<b>Fees for and in connection with applications for limited leave to remain in the United Kingdom under the Points-Based System</b>	
6.2.1	Application to the Home Office for an approval letter from a designated competent body in respect of a proposed application for limited leave to remain in the United Kingdom as a Tier 1 (Exceptional Talent) Migrant.	£456
6.2.2	Application for limited leave to remain in the United Kingdom as a Tier 1 (Exceptional Talent) Migrant where fee 6.2.1 applies.	£152
6.2.3	Application for limited leave to remain in the United Kingdom as a Tier 1 (Exceptional Talent) Migrant where fee 6.2.1 does not apply.	£608
6.2.4	Application for limited leave to remain in the United Kingdom as a Tier 1 (Entrepreneur) Migrant.	£1,277
6.2.5	Application for limited leave to remain in the United Kingdom as a Tier 1 (Graduate Entrepreneur) Migrant.	£493
6.2.6	Application for limited leave to remain in the United Kingdom as a Tier 1 (Investor) Migrant.	£1,623
6.2.7	Application for limited leave to remain in the United Kingdom as— (a) a Tier 2 (General) Migrant; (b) a Tier 2 (Intra-Company Transfer) Long Term Staff Migrant; (c) a Tier 2 (Minister of Religion) Migrant; or (d) a Tier 2 (Sportsperson) Migrant,  where a certificate of sponsorship has been issued for a period of three years or less, and where fee 6.2.9 does not apply.	£704
6.2.8	Application for limited leave to remain in the United Kingdom as— (a) a Tier 2 (General) Migrant; or (b) a Tier 2 (Intra-Company Transfer) Long Term Staff Migrant,  where a certificate of sponsorship has been issued for a period of more than three years, and where fee 6.2.10 does not apply.	£1,408
6.2.9	Application for limited leave to remain in the United Kingdom as a Tier 2 (General) Migrant where a shortage occupation certificate of sponsorship has been issued for a period of three years or less.	£464
6.2.10	Application for limited leave to remain in the United Kingdom as a Tier 2 (General) Migrant where a shortage occupation certificate of sponsorship has been issued for a period of more than three years.	£928
6.2.11	Application for limited leave to remain in the United Kingdom as a Tier 2 (Intra-Company Transfer) Graduate Trainee Migrant.	£482

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<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
6.2.12	Application for limited leave to remain in the United Kingdom as a Tier 4 Migrant.	£475
6.2.13	Application for limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant.	£244
<b>6.3</b>	<b>Fees for other applications for limited leave to remain in the United Kingdom</b>	
6.3.1	Application for limited leave to remain in the United Kingdom as a representative of an overseas business under Part 5 of the immigration rules.	£704
6.3.2	Application for limited leave to remain in the United Kingdom as a retired person of independent means under Part 7 of the immigration rules.	£1,949
6.3.3	Application for limited leave to remain in the United Kingdom as a visitor.	£993

**Table 7 (Fees for specified applications for limited leave to remain in the United Kingdom as a dependant)**

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
<b>7.1</b>	<b>Specified fees for applications for leave to remain in the United Kingdom as the dependant of a main applicant</b>	
7.1.1	Application for limited leave to remain in the United Kingdom as the dependant of a Tier 1 (Exceptional Talent) Migrant.	£608
7.1.2	Application for limited leave to remain in the United Kingdom as the dependant of a Tier 1 (General) Migrant.	£1,878
7.1.3	Application for limited leave to remain in the United Kingdom as the dependant of a Tier 2 (Intra-Company Transfer) Short Term Staff Migrant.	£482

**Table 8 (Fees for applications for indefinite leave to remain in the United Kingdom)**

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
<b>8.1</b>	<b>General fee for applications for indefinite leave to remain in the United Kingdom</b>	
8.1.1	Application for indefinite leave to remain in the United Kingdom.	£2,389

**Table 9 (Exceptions and waivers in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom)**

<i>Number and description of exception or waiver</i>	<i>Fees to which exception or waiver applies</i>
<b>9.1</b>	<b>Article 3 or Refugee Convention applications</b>

<i>Number and description of exception or waiver</i>	<i>Fees to which exception or waiver applies</i>
No fee is payable in respect of an Article 3 or Refugee Convention application.	Fees 6.1.1, 8.1.1
<b>9.2 Applications for leave to remain under the Destitution Domestic Violence concession</b>	
No fee is payable in respect of an application made under the Destitution Domestic Violence Concession(8) operated outside the immigration rules by the Secretary of State.	Fee 6.1.1
<b>9.3 Applications for leave to remain in the United Kingdom as a victim of domestic violence or abuse under paragraph 289A, Appendix FM or Appendix Armed Forces</b>	
No fee is payable in respect of an application as a victim of domestic violence or abuse under paragraph 289A of, or Appendix FM or Appendix Armed Forces to, the immigration rules where, at the time of making the application, the applicant appears to the Secretary of State to be destitute(9).	Fee 8.1.1
<b>9.4 Specified human rights applications where to require payment of the fee would be incompatible with the applicant's Convention rights</b>	
No fee is payable in respect of a specified human rights application where to require payment of the fee would be incompatible with the applicant's Convention rights.	Fee 6.1.1
<b>9.5 Short term variation of leave to remain in the United Kingdom</b>	
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 six months.	Fees 6.2.12, 6.2.13, 6.3.1, 6.3.2
<b>9.6 Children being looked after by a local authority</b>	
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, 6.2.12, 6.2.13, 8.1.1
<b>9.7 Applications under the EC Association Agreement with Turkey</b>	
No fee is payable in respect of an application made under the terms of the EC Association Agreement with Turkey.	Fee 6.1.1
<b>9.8 Applications from stateless persons</b>	

(8) The Destitution Domestic Violence Concession enables destitute applicants who intend to apply for indefinite leave to remain in the United Kingdom as a victim of domestic violence or abuse to be provided with access to public funds pending resolution of their application. Further information is available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679269/victims-of-domestic-violence-and-abuse-DDV-concession-v1\\_0.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/679269/victims-of-domestic-violence-and-abuse-DDV-concession-v1_0.pdf)

(9) More information on the exercise of this destitution policy is available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680977/victims-of-domestic-violence-v14.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680977/victims-of-domestic-violence-v14.pdf).

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<i>Number and description of exception or waiver</i>	<i>Fees to which exception or waiver applies</i>
No fee is payable in respect of an application for limited leave to remain or indefinite leave to remain in the United Kingdom as a stateless person, or as the family member of a stateless person, under Part 14 of the immigration rules.	Fees 6.1.1, 8.1.1
<b>9.9 Applications for variation of limited leave to enter or remain in the United Kingdom to allow recourse to public funds</b>	
<p>No fee is payable in respect of an application for variation of the conditions attached to a grant of limited leave to enter or remain in the United Kingdom, in order to be permitted access to public funds, by a person who has been granted such leave (subject to a condition of no recourse to public funds)—</p> <p>(a) under—</p> <ul style="list-style-type: none"> <li>(i) paragraph 276BE(1) (including when it is read with paragraph 276A01(1)) of Part 7 of the immigration rules;</li> <li>(ii) paragraph 276DG of that Part of the immigration rules;</li> <li>(iii) paragraph D-LTRP.1.2. (including when it is read with paragraph GEN.2.3.(1.) of Appendix FM to the immigration rules;</li> <li>(iv) paragraph D-LTRPT.1.2. (including when it is read with paragraph GEN.2.3.(1.) of Appendix FM to the immigration rules;</li> <li>(v) paragraph D-ILRP.1.2. of Appendix FM to the immigration rules; or</li> <li>(vi) paragraph D-ILRPT.1.2. of Appendix FM to the immigration rules;</li> </ul> <p>(b) outside the immigration rules—</p> <ul style="list-style-type: none"> <li>(i) as mentioned in paragraph 276BE(2) (including when it is read with paragraph 276A01(1)) of Part 7 of the immigration rules; or</li> <li>(ii) before 10th August 2017, as mentioned in paragraph GEN.1.10. of Appendix FM to the immigration rules as the rules had effect immediately before that date<sup>(10)</sup>.</li> </ul>	Fee 6.1.1
<b>9.10 Applications for discretionary leave by an individual with a positive conclusive grounds decision</b>	
9.10.1 No fee is payable in respect of an application or request for the first grant of limited discretionary leave for a Trafficking Convention reason, where the individual has received a positive conclusive grounds decision.	Fee 6.1.1
9.10.2 No fee is payable in respect of an application or request for a further grant of limited discretionary leave for a Trafficking Convention reason, where the individual has received a positive conclusive grounds decision and has not yet accrued thirty months limited discretionary leave for a Trafficking Convention reason.	Fee 6.1.1

(10) The text of the immigration rules as they had effect on 9th August 2017 is accessible at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/646421/Immigration\\_Rules\\_-\\_Archive\\_20170501\\_JM.PDF](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/646421/Immigration_Rules_-_Archive_20170501_JM.PDF).

<i>Number and description of exception or waiver</i>	<i>Fees to which exception or waiver applies</i>
9.10.3 No fee is payable in respect of an application or request for a further grant of limited discretionary leave for a Trafficking Convention reason, where an individual has received a positive conclusive grounds decision, where— (a) 9.10.2 does not apply because the individual has accrued thirty months or more limited discretionary leave for a Trafficking Convention reason; and (b) at the time of making the application or request the applicant appears to the Secretary of State to be destitute.	Fee 6.1.1
9.10.4 No fee is payable by a dependant of a person granted an exception under 9.10.1 to 9.10.3.	Fee 6.1.1
<b>9.11 Applications for leave as a domestic worker who is the victim of slavery or human trafficking</b>	
9.11.1 No fee is payable in respect of an application for leave to remain made under paragraph 159I of the immigration rules as a domestic worker who is the victim of slavery or human trafficking.	Fee 6.1.1
<b>9.12 Applications by qualifying residents of Grenfell Tower and Grenfell Walk</b>	
9.12.1 No fee is payable in respect of an application for leave to remain made under the Grenfell Tower Immigration Cases Policy for qualifying residents of Grenfell Tower and Grenfell Walk <sup>(11)</sup> .	Fee 6.1.1
9.12.2 The official determining an application for leave to remain may decide to waive the payment of the fee where the application is made (on or after the day on which these Regulations come into force)— (a) by a person who, on 31st January 2018, was eligible to be considered under the policy referred to in 9.12.1; or (b) in respect of a child born on or after 14th June 2017 in the United Kingdom to a person who was so eligible on 31st January 2018 (whether or not the person had come forward for consideration under the policy by that date).	Fee 6.1.1

### Applications by dependants

3. Except in respect of applications for which a fee is specified in Table 7, and subject to the exceptions and waivers set out in Table 9, the fee for an application for leave to remain in the United Kingdom made by the dependant of a main applicant is the fee specified in Table 6 or 8 (as the case may be) in respect of the main applicant's application.

<sup>(11)</sup> The policy, is accessible at [www.gov.uk/government/publications/grenfell-tower-fire-handling-immigration-cases](http://www.gov.uk/government/publications/grenfell-tower-fire-handling-immigration-cases). As of 1st February 2018, it is closed to new cases but leave granted under the policy before that date can be extended under the policy after that date.

#### **Applications made by CESC Nationals**

4.—(1) Where an application for leave to remain in the United Kingdom of a kind within sub-paragraph (2) is made by a CESC national, and the applicant is the main applicant, the fee set out in Table 6 is to be reduced by £55.

(2) An application is of a kind within this sub-paragraph if it is an application for leave to remain in the United Kingdom as—

- (a) a Tier 1 (Entrepreneur) Migrant;
- (b) a Tier 1 (Exceptional Talent) Migrant;
- (c) a Tier 1 (Graduate Entrepreneur) Migrant;
- (d) a Tier 2 Migrant; or
- (e) a Tier 5 (Temporary Worker) Migrant.

#### **Variation of an application for leave to remain in the United Kingdom**

5.—(1) This sub-paragraph applies where—

- (a) an application for leave to remain in the United Kingdom is made in respect of a person on or after the day that these Regulations come into force; but
- (b) before that application is determined a further application is submitted which has the effect of varying it.

(2) Where sub-paragraph (1) applies, the Secretary of State may refund any fee (or fees) other than the higher (or highest, as the case may be) paid in respect of the applications described in that sub-paragraph.