

SCHEDULE 1

Regulation 5

FEES FOR APPLICATIONS FOR LEAVE TO REMAIN IN THE UNITED KINGDOM AND FOR AN APPROVAL LETTER

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 which has either 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 person who is a dependant of a person referred to in paragraph (a), (b) or (c) and is applying for leave to enter or remain in the United Kingdom 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);

“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 provided in Article 2(2) of the Children (Northern Ireland) Order 1995(1)) under—

- (a) section 17, 20 or 23 of the Children Act 1989(2);
- (b) section 22, 25 or 26 of the Children (Scotland) Act 1995(3); or
- (c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995;

“claim for asylum” means a claim within the meaning of section 94(1) of the Immigration and Asylum Act 1999(4);

“Convention rights” means the rights identified as Convention rights by section 1 of the Human Rights Act 1998(5);

“indefinite leave to remain” means leave to remain in the United Kingdom for an indefinite period;

“limited leave to remain” means leave to remain in the United Kingdom for a limited period;

“qualifying work permit holder” means an applicant for limited leave to remain in the United Kingdom who—

- (a) was granted 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;
- (b) is applying to extend the duration of that leave to remain to 5 years; and
- (c) is still working for the same employer and in the same role as they were when that leave to remain was granted;

(1) S.I. 1995/755 (N.I.2).

(2) 1989 c.41.

(3) 1995 c.36.

(4) 1999 c.33; section 94(1) was amended by sections 44(1), (2) and (3) and 60(2) of the Nationality, Immigration and Asylum Act 2002 (c.41) and paragraph 180 of Schedule 3 to the Transfer of Tribunal Functions Order (S.I. 2008/2833).

(5) 1998 c.42.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Immigration and Nationality (Fees) Regulations 2014* ISBN 978-0-11-111014-0

“Specified Human Rights Application” means an application for limited leave to remain in the United Kingdom under—

- (a) paragraph 276ADE of the immigration rules;
 - (b) section R-LTRP.1.1 of Appendix FM to the immigration rules;
 - (c) section R-LTRPT.1.1 of Appendix FM to the immigration rules; or
 - (d) any other application which is not an Article 3 or Refugee Convention application and in which the applicant relies solely or primarily on a claim that to remove a person from the United Kingdom or to require a person to leave the United Kingdom would be unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Convention rights).
- (2) For the purposes of this Schedule a claim for asylum is to be taken to be determined on—
- (a) the day on which the Secretary of State notifies the claimant of her 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, against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002⁽⁶⁾ or section 2 of the Special Immigration Appeals Commission Act 1997⁽⁷⁾ on 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 1 specifies the amount of the fees for the specified applications for limited leave to remain in the United Kingdom.

(2) Table 1.2.1 specifies the amount of the fee for an approval letter from a designated competent body.

(3) Table 2 specifies the amount of the fees for the specified applications for limited leave to remain in the United Kingdom by a dependent of a main applicant.

(4) Table 3 specifies the amount of the fees for the specified applications for indefinite leave to remain in the United Kingdom.

(5) Table 4 provides for exceptions to the requirement to pay the fees specified in Tables 1, 2 and 3.

(6) Paragraph 3 makes provision for the amount of the fees to be paid in respect of an application for limited leave to remain in the United Kingdom by a dependant of a main applicant, in cases where Table 2 does not apply.

(7) The fees specified in Tables 1 and 3 are subject to paragraph 4 (Applications by CESC nationals), and the fees specified in Tables 1, 2 and 3 are subject to paragraph 5 (Multiple applications for leave to remain in the United Kingdom).

(6) 2002 c.41; section 82 was amended by sections 26(2) and 31 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, sections 2, 47(6), 57(3) and Schedule 3 of the Immigration, Asylum and Nationality Act 2006 and section 35 of the UK Borders Act 2007.

(7) 1997 c.68; section 2 was amended by paragraph 20 of Schedule 7 to the Nationality, Immigration and Asylum Act 2002 and paragraph 14 of Schedule 1 to the Immigration, Asylum and Nationality Act 2006.

Table 1 (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>
1.1	General fees for applications for limited leave to remain in the United Kingdom	
1.1.1	Application for limited leave to remain where the fee is not specified elsewhere in these Regulations or in other immigration and nationality fees regulations.	£601
1.2	Fees for and in connection with applications for limited leave to remain in the United Kingdom under the Points-Based System	
1.2.1	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 as a Tier 1 (Exceptional Talent) Migrant.	£437
1.2.2	Application for limited leave to remain as a Tier 1 (Exceptional Talent) Migrant where fee 1.2.1 applies.	£656
1.2.3	Application for limited leave to remain as a Tier 1 (Exceptional Talent) Migrant where fee 1.2.1 does not apply.	£1,093
1.2.4	Application for limited leave to remain as a Tier 1 (Entrepreneur) Migrant	£1,093
1.2.5	Application for limited leave to remain as a Tier 1 (General) Migrant.	£1,607
1.2.6	Application for limited leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant.	£422
1.2.7	Application for limited leave to remain as a Tier 1 (Investor) Migrant.	£1,093
1.2.8	Application for limited leave to remain as a Tier 2 (General) Migrant, a Tier 2 (Intra-Company Transfer) Long Term Staff Migrant, a Tier 2 (Sportsperson) Migrant or a Tier 2 (Minister of Religion) Migrant where a certificate of sponsorship has been issued for a period of three years or less, and where fee 1.2.10 does not apply.	£601
1.2.9	Application for limited leave to remain as a Tier 2 (General) Migrant or 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.1.2.11 does not apply.	£1,202
1.2.10	Application for limited leave to remain as a Tier 2 (General) Migrant where a shortage occupation certificate of sponsorship has been issued for a period of three years or less.	£428
1.2.11	Application for limited leave to remain as a Tier 2 (General) Migrant where a shortage occupation certificate of sponsorship has been issued for a period of more than three years.	£856
1.2.12	Application for limited leave to remain as a Tier 2 (Intra-Company Transfer) Short Term Staff Migrant, a Tier 2 (Graduate Trainee) Migrant or a Tier 2 (Skills Transfer) Migrant.	£428
1.2.13	Application for limited leave to remain as a Tier 4 Migrant.	£422
1.2.14	Application for limited leave to remain as a Tier 5 (Temporary Worker) Migrant.	£208

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<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
1.3	Fees for other applications for limited leave to remain in the United Kingdom	
1.3.1	Application for limited leave to remain as a representative of an overseas business under Part 5 of the immigration rules.	£1,093
1.3.2	Application for limited leave to remain as a retired person of independent means under Part 7 of the immigration rules.	£1,093

Table 2 (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 for leave to remain</i>	<i>Amount of fee</i>
2.1	Specified fees for applications for leave to remain in the United Kingdom as the dependant of the main applicant	
2.1.1	Application for limited leave to remain as the dependant of a Tier 1 (Exceptional Talent) Migrant.	£1,093
2.1.2	Application for limited leave to remain as the dependant of a Tier 1 (Post-Study) Work Migrant.	£324

Table 3 (Fees for applications for indefinite leave to remain in the United Kingdom)

<i>Number of fee</i>	<i>Type of application for indefinite leave to remain</i>	<i>Amount of fee</i>
3.1	General fees for applications for indefinite leave to remain in the United Kingdom	
3.1.1	Application for indefinite leave to remain where the fee is not specified in other immigration and nationality fees regulations.	£1,093

Table 4 (Exceptions in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom)

<i>Number and description of the exception</i>	<i>Fees to which exception applies</i>
4.1 Article 3 or Refugee Convention applications	
No fee is payable in respect of an Article 3 or Refugee Convention application.	Fees 1.1.1, 3.1.1
4.2 Applications for leave to remain under the Destitution Domestic Violence concession	
No fee is payable in respect of an application made under the Destitution Domestic Violence concession ⁽⁸⁾ operated outside the immigration rules by the Home Office.	Fee 1.1.1

(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 to be provided with access to public funds pending resolution of their application. This policy is published at www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/FAQs-DDV-concession.pdf.

<i>Number and description of the exception</i>	<i>Fees to which exception applies</i>
4.3 Applications for leave to remain as a victim of domestic violence under paragraph 289A or Appendix FM or Appendix Armed Forces	
No fee is payable in respect of an application as a victim of domestic violence 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.	Fee 3.1.1
4.4 Specified Human Rights Application where to require payment of the fee would be incompatible with the applicant's Convention rights	
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, because at the time of making the application the applicant appears to the Secretary of State to be destitute.	Fee 1.1.1
4.5 Short term variation of leave to 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.	Fees 1.2.13, 1.2.14, 1.3.1, 1.3.2
4.6 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.	Fees 1.1.1, 1.2.13, 1.2.14, 3.1.1
4.7 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 Tables 1, 2 and 3
4.8 Applications from qualifying work permit holders	
No fee is payable in respect of an application from a qualifying work permit holder.	Fees 1.2.8 to 1.2.12
4.9 Applications from stateless persons	
No fee is payable in respect of an application for an initial period of limited leave to remain as a stateless person or the family member of a stateless person under Part 14 of the immigration rules.	Fee 1.1.1
4.10 Applications for variation of limited leave to remain in the United Kingdom to allow recourse to public funds in certain circumstances	
No fee is payable in respect of an application for variation of the conditions attached to a grant of limited leave to remain in the United Kingdom, in order to be permitted access to public funds, by a person who has been granted such leave under— (a) paragraph 276BE of the immigration rules; (b) paragraph D-LTRP.1.2 of Appendix FM to the immigration rules; or	Fee 1.1.1

<i>Number and description of the exception</i>	<i>Fees to which exception applies</i>
(c) paragraph D-LTRPT.1.2 of Appendix FM to the immigration rules.	

Applications by dependants

3. Except in respect of applications for which a fee is specified in Table 2, and subject to the exceptions set out in Table 4, the fee for an application for leave to remain made by a dependant of a main applicant (whether or not that application is made at the same time as that of the main applicant) is the fee specified in Table 1 or 3 (as the case may be) in respect of the main applicant's application.

Reduction in fees for certain applications made by CESC Nationals

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

(2) An application is of a kind mentioned in sub-paragraph (1) if it is an application for leave to remain in the United Kingdom as—

- (i) a Tier 1 (Entrepreneur) Migrant;
- (ii) a Tier 1 (Exceptional Talent) Migrant;
- (iii) a Tier 1 (General) Migrant;
- (iv) a Tier 1 (Graduate Entrepreneur) Migrant;
- (v) a Tier 2 Migrant;
- (vi) a Tier 5 (Temporary Worker) Migrant;
- (vii) a work permit holder; or
- (viii) a Highly Skilled Migrant within the meaning provided in the immigration rules.

Multiple applications for leave to remain in the United Kingdom

5.—(1) Where two or more applications for 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, a fee is payable only in respect of one of those applications.
- (2) The fee payable under sub-paragraph (1) must—
- (a) be the higher, or the highest, of the fees specified in respect of those applications; or
 - (b) in any case where the fee specified for each application is the same, the fee for a single application.