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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Immigration and Nationality (Fees) Regulations 2014**

**Interpretation**

2.—(1) In these Regulations—

“the 1971 Act” means the Immigration Act 1971<sup>(1)</sup>;

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

“approval letter from a designated competent body” means a letter from a designated competent body within the meaning of the immigration rules<sup>(2)</sup> endorsing a proposed application for leave to remain in, or leave to enter the United Kingdom as a Tier 1 (Exceptional Talent) Migrant;

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

“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<sup>(3)</sup>;

“Channel Islands” means the Bailiwick of Guernsey and the Bailiwick of Jersey;

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

“contractor” means a person with whom the Secretary of State has entered into a contract, by which the person agrees to provide certain services in connection with immigration and nationality to applicants outside the United Kingdom;

“dependant” in respect of a person means—

(a) the spouse or civil partner of that person;

(b) someone who has been living with that person in a relationship akin to a marriage or civil partnership for at least two years; or

(c) a child of that person;

“EC Association Agreement with Turkey” means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963<sup>(4)</sup>;

“immigration and nationality fees regulations” means regulations made under sections 51(3) and 52(1) and (3) of the Immigration, Asylum and Nationality Act 2006;

“immigration or nationality application” means an application for which a fee is specified in these Regulations or other immigration and nationality fees regulations;

“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.

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(1) 1971 c.77.

(2) Laid before Parliament on 23<sup>rd</sup> May 1994 (HC 395).

(3) (CETS NO.:035).

(4) OJ No C 113, 24.12.73, p 2

“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;

“main applicant” means a person who has made an application for leave to enter or remain in the United Kingdom, or has been granted leave to enter or remain in the United Kingdom, as distinct from a person applying as the dependant of such a person;

“Points-Based System” has the same meaning as provided in the immigration rules;

“shortage occupation certificate of sponsorship” means a certificate of sponsorship issued in respect of an applicant applying for leave to remain in the United Kingdom in order to take up employment in an occupation listed in the Shortage Occupation List set out in Appendix K to the immigration rules;

“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;

“Tier 1 (Entrepreneur) Migrant”, “Tier 1 (Exceptional Talent) Migrant”, “Tier 1 (General) Migrant”, “Tier 1 (Graduate Entrepreneur) Migrant”, “Tier 1 (Investor) Migrant”, and “Tier 1 (Post-Study Work) Migrant” have the same meaning as provided in the immigration rules;

“Tier 2 Migrant”, “Tier 2 (General) Migrant”, “Tier 2 (Intra-Company Transfer) Long Term Staff Migrant”, “Tier 2 (Intra-Company Transfer) Short Term Staff Migrant”, “Tier 2 (Sportsperson) Migrant”, “Tier 2 (Minister of Religion) Migrant”, “Tier 2 (Graduate Trainee) Migrant” and “Tier 2 (Skills Transfer) Migrant” have the same meaning as provided in the immigration rules;

“Tier 4 Migrant” has the same meaning as provided in the immigration rules;

“Tier 5 Migrant”, “Tier 5 (Temporary Worker) Migrant” and “Tier 5 (Youth Mobility) Temporary Migrant” have the same meaning as provided in the immigration rules;

“work permit holder” means a person holding an extant work permit granted under the work permit provisions formerly contained in the immigration rules<sup>(5)</sup>.

(2) In these Regulations, “entry clearance” has the same meaning as provided in section 33(1) of the 1971 Act<sup>(6)</sup>, save that in regulation 7 and Schedule 5, it has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Channel Islands<sup>(7)</sup>.

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(5) The provisions previously set out in the immigration rules relating to leave to enter the United Kingdom as a work permit holder have been withdrawn, and replaced by Part 6A of the immigration rules (Points-Based System).

(6) 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).

(7) 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).