
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the fee which is to be paid in connection with an application for leave to remain in the United Kingdom, an application for the variation of leave to enter or remain in the United Kingdom, or an application for an indefinite leave stamp to be fixed on a passport or travel document as the result of the renewal or replacement of a previous passport or travel document.

Subject to the exceptions described below, the prescribed fee is £250 for an application made in person at a Public Enquiry Office of the Immigration and Nationality Directorate of the Home Office, or £155 for an application made by post. Where an application is made by an applicant in respect of himself and one or more of his dependants, a single fee is payable in connection with that application.

No fee is payable in connection with an application for leave to remain, or an application for variation of leave to enter or remain, where:

- (i) the application is made under the terms of a European Community Association Agreement,
- (ii) the application is made in respect of a person seeking leave to remain as a highly skilled migrant or a seasonal agricultural worker,
- (iii) the application is made in respect of a person seeking leave to remain for work permit employment, where the applicant holds, or is applying for, an immigration employment document, or
- (iv) the application is made in respect of a person seeking indefinite leave to remain on grounds of domestic violence, where the applicant appears to the Secretary of State to be destitute.

By section 5(3)(a) of the Immigration and Asylum Act 1999, the prescribed fee is not payable where the basis on which the application is made is that the applicant is (i) a person making a claim for asylum (which claim either has not been determined or has been granted) or (ii) a dependant of such a person.

These Regulations prescribe the meaning of “dependant” for the purposes of section 5(3)(a)(ii) as (a) the spouse or unmarried partner, or (b) a child under the age of eighteen, of the person in question.