

2007 No. 936

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Cost Recovery Fees)
Regulations 2007**

<i>Made</i> - - - -	<i>19th March 2007</i>
<i>Laid before Parliament</i>	<i>22nd March 2007</i>
<i>Coming into force</i> - -	<i>2nd April 2007</i>

The Secretary of State, in exercise of the powers conferred on him by sections 51(3) and 52(3) of the Immigration, Asylum and Nationality Act 2006(a), and with the consent of the Treasury, makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Immigration and Nationality (Cost Recovery Fees) Regulations 2007 and shall come into force on 2nd April 2007.

2. In these Regulations—

“application for naturalisation” means an application for naturalisation as a:

- (a) British citizen under section 6(1) or (2) of the 1981 Act, or
- (b) British overseas territories citizen under section 18(1) or (2) of the 1981 Act;

“application for registration” means an application for registration as a:

- (a) British citizen under section 1(3) or (4), 3(1), (2)(b) or (5)(c), 4A(d), 4B(e), 4C(f), 10(1)(g) or (2)(h), or 13(1) or (3) of, or paragraph 3(i), 4(j) or 5 of Schedule 2 to, the 1981 Act, or section 1 of the British Nationality (Hong Kong) Act 1997(k),
- (b) British overseas territories citizen under sections 24 and 13(1), or 15(3) or (4), 17(1), (2) or (5), or 22(1) or (2) of, or paragraph 3, 4, or 5 of Schedule 2 to, the 1981 Act,

(a) 2006 c. 13.
(b) Amended by section 5 of, and paragraphs 3(1) and (2) of Schedule 1 to, the British Overseas Territories Act 2002, c. 8.
(c) Amended by section 5 of, and paragraphs 3(1) and (4) of Schedule 1 to, the British Overseas Territories Act 2002, c. 8.
(d) Inserted by section 4 of the British Overseas Territories Act 2002, c. 8.
(e) Inserted by section 12 of the Nationality, Immigration and Asylum Act 2002, c. 41.
(f) Inserted by section 13 of the Nationality, Immigration and Asylum Act 2002, c. 41.
(g) Amended by sections 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002, c. 41.
(h) Amended by section 5(a) and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002, c. 41 and by section 261(1) of, and paragraph 73 of Schedule 27 to, the Civil Partnership Act 2004, c. 33.
(i) Amended by section 1(1)(b) of the British Overseas Territories Act 2002, c. 8 and by sections 8 and 161 of, and Schedule 9 to, the Nationality, Immigration and Asylum Act 2002, c. 41.
(j) Amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002, c. 8.
(k) 1997 c. 20.

(c) British overseas citizen under section 27(1) of, or paragraph 4 or 5 of Schedule 2 to, the 1981 Act, or

(d) British subject under section 32 of or paragraph 4 of Schedule 2 to, that Act;

“assistance” means assistance, accommodation or maintenance provided under—

(a) section 17, 20 or 23 of the Children Act 1989(a),

(b) section 22, 25 or 26 of the Children (Scotland) Act 1995(b), or

(c) article 18, 21 or 27 of the Children (Northern Ireland) Order 1995(c);

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

“claim for asylum” has the same meaning given in section 94(1) of the Immigration and Asylum Act 1999(d) and a claim for asylum is to be taken to be determined—

(a) on the day on which the Secretary of State notifies the claimant of his decision on the claim,

(b) if the claimant has appealed against the Secretary of State’s decision, on the day on which the appeal is disposed of, or

(c) if the claimant has brought an in-country appeal against an immigration decision under section 82 of the Nationality, Immigration and Asylum Act 2002(e), or section 2 of the Special Immigration Appeals Commission Act 1997(f), on the day on which the appeal is disposed of;

“Convention travel document” means a travel document issued in accordance with Article 28 of the Refugee Convention (travel documents) or Article 28 of the Stateless Persons Convention (travel documents);

“dependant” in respect of a person means—

(a) the spouse, civil partner, unmarried or same-sex partner; or

(b) a child,

of that person;

“document of identity” means a travel document issued in the United Kingdom to a person who is not a British citizen which enables the holder to make one journey out of the United Kingdom;

“European Community Association Agreement” means any of the following—

(a) the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12th September 1963,

(b) the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, signed at Brussels on 8th March 1993, or

(c) the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Romania, of the other part, signed at Brussels on 1st February 1993;

“immigration rules” means rules made under section 3(2) of the Immigration Act 1971(g);

“leave to remain” includes variation of leave to enter, or remain;

“the former nationality Acts” has the same meaning as provided in section 50(1) of the 1981 Act;

(a) 1989 c. 41.
(b) 1995 c. 36.
(c) S.I. 1995/755 (N.I. 2.)
(d) 1999 c. 33.
(e) 2002 c. 41.
(f) 1997 c. 68.
(g) 1971 c. 77.

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to the Convention;

“the Stateless Persons Convention” means the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954;

“the 1981 Act” means the British Nationality Act 1981(a);

“the 1997 Act” means the British Nationality (Hong Kong) Act 1997(b);

“the 2007 Order” means the Immigration and Nationality (Fees) Order 2007(c); and

“unmarried or same-sex partner” of a person means a person who is living with that other person in a relationship akin to marriage which has subsisted for two years or more.

Fees for leave to remain applications

3.—(1) Subject to regulations 5, 6, 7, 8, 9 and 10, in the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom, other than an application referred to in paragraph (2) or regulation 4, the fee is—

- (a) £595 for an application made in person at the relevant Public Enquiry Office of the Border and Immigration Agency of the Home Office; or
- (b) £395 for an application made by post.

(2) The fee referred to in paragraph (1) does not apply to applications for limited leave to remain in the United Kingdom—

- (a) for work permit employment;
- (b) for the purposes of employment under the Sectors-Based Scheme;
- (c) for Home Office approved training;
- (d) as a seasonal agricultural worker;
- (e) as a highly skilled migrant;
- (f) as a person intending to establish himself in business;
- (g) as an innovator;
- (h) as an investor;
- (i) as a retired person of independent means; or
- (j) as a sole representative,

under the immigration rules.

4.—(1) Subject to regulations 6, 7, 8, 9 and 10, in the case of an application to which article 3(2)(a) or (b) of the 2007 Order applies, where the application is for limited leave to remain in the United Kingdom—

- (a) as a student;
- (b) to re-sit an examination;
- (c) to write up a thesis;
- (d) as a student union sabbatical officer; or
- (e) as a prospective student,

under the immigration rules, the fee is that specified in paragraph (2).

(2) The fee is—

- (a) £500 for an application made by a person at a Public Enquiry Office of the Border and Immigration Agency of the Home Office; or

(a) 1981 c. 61.
(b) 1997 c. 20.
(c) S.I. 2007/807.

- (b) £295 for an application made by post.

Exceptions in respect of leave to remain applications

5. No fee is payable in connection with an application for limited leave to remain in the United Kingdom, which is made on the basis that the applicant is—

- (a) a person making a claim for asylum which has 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; or
- (d) a dependant of a person referred to in paragraph (a), (b) or (c).

6. No fee is payable in respect of an application referred to in regulation 3 or 4 if the application is made in respect of a person who, at the time of making the application, is a child who is being provided with assistance by a local authority (or, in Northern Ireland, an authority, which has the same meaning given in article 2(2) of the Children (Northern Ireland) Order 1995).

7. No fee is payable in respect of an application referred to in regulation 3 or 4 if the application is made in respect of a person seeking variation of leave to enter or remain in the United Kingdom for a period of up to 6 months where the application is made to an immigration officer on arrival at a port of entry in the United Kingdom.

8. No fee is payable in respect of an application referred to in regulation 3 or 4, if it is made under the terms of a European Community Association Agreement.

9. Where two or more applications for leave to remain in the United Kingdom are made at the same time, or are being considered by the Secretary of State, in respect of the same person and fees are specified in respect of those applications, a single fee shall be payable that being the higher, or as the case may be, the highest of the fees specified in respect of those applications where those fees are different.

10.—(1) If the conditions specified in paragraph (2) are met, a single fee is payable in connection with the applications made.

(2) The conditions are—

- (a) an application referred to in regulation 3 or 4 is made by an applicant (A); and
- (b) at the same time A makes a similar application on behalf of one or more of his dependants, in circumstances where such persons are applying as dependants of A.

(3) The fee payable shall be the fee specified for the application in respect of A.

Fees for transfer of conditions

11.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(c) of the 2007 Order applies, the fee to be paid is—

- (a) £500 for an application made in person at a Public Enquiry Office of the Border and Immigration Agency of the Home Office; or
- (b) £160 for an application made by post.

(2) Where an application referred to in paragraph (1) is made by an applicant and at the same time he makes a similar application on behalf of one or more of his dependants, a single fee is payable in connection with that application.

Fee for a work card in respect of a seasonal agricultural worker

12.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(d) of the 2007 Order applies, namely an application for an immigration employment document, which is

made in respect of a person who is seeking to enter, or remain in, the United Kingdom as a seasonal agricultural worker under the immigration rules, the fee is £12.

(2) No fee is payable in connection with an application referred to in paragraph (1) if it is made in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter(a) or the Council of Europe Revised Social Charter(b).

Fees for travel documents (not including passports)

13.—(1) Subject to paragraph (2), in the case of an application to which article 3(2)(e) of the 2007 Order applies, other than an application referred to in paragraph (3), the fee to be paid is—

- (a) £130 in a case where the person in respect of whom the application is made has not, at the date of the application, attained the age of sixteen; or
- (b) £210 in any other case.

(2) No fee is payable in connection with an application referred to in paragraph (1) where the application is stated as being made in order to enable the applicant to participate in a project operated or approved by the Secretary of State for the purpose of enabling a person in the United Kingdom to make a single trip to a country outside the United Kingdom in order to assist the reconstruction of that country or to decide whether to re-settle there.

(3) In the case of an application to which article 3(2)(e) of the 2007 Order applies, where the application is for a Convention travel document or a document of identity, the fee is—

- (a) £45 in a case where the person in respect of whom the application is made has not, at the date of the application, attained the age of sixteen; or
- (b) £66 in any other case.

Fee for an application for registration as a British citizen under the 1997 Act

14.—(1) In the case of an application referred to in article 3(2)(l) of the 2007 Order, namely an application for registration as a British citizen under section 1 of the 1997 Act, the fee to be paid is—

- (a) £200 in a case where the person in respect of whom the application is, at the date of the application, a child; or
- (b) £120 in any other case.

(2) Where an application for registration of a child is made at the same time as an application for registration of another child and those children have the same parent, or parents, the total fee payable in respect of the applications shall be the same as that for a single application in respect of a child.

(3) In this regulation, “parent” includes a step-parent or an adoptive parent.

Fee for permission to marry or form a civil partnership

15. In the case of an application to which article 3(2)(m) or (n) of the 2007 Order applies, namely an application for permission to marry under section 19(3)(b), 21(3)(b) or 23(3)(b) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(c) or to form a civil partnership under paragraph 2(1)(b) of Schedule 23 to the Civil Partnership Act 2004(d), the fee to be paid is £295.

(a) Signed in Turin on 18th October 1961 (CETS NO.: 035).
(b) Signed in Strasbourg on 3rd May 1996 (CETS NO.: 163).
(c) 2004 c. 19.
(d) 2004 c. 33.

Consequences of failing to pay the fee specified for an application

16.—(1) Subject to paragraph (2), where an application to which regulation 3, 4, 11, 12, 13, 14, 15 or 16 refers is to be accompanied by a specified fee, the application will not be considered to have been validly made unless it has been accompanied by that fee.

(2) An application referred to in regulation 3 or 4 which is made prior to 21st May 2007 will be treated as having been validly made regardless of whether the fee specified in respect of that application has been paid.

(3) The Secretary of State may treat an application referred to in paragraph (2) as withdrawn if, having written to inform the person who made the application that the specified fee has not been provided, that fee is not provided within 28 days of the letter having been posted.

Fee for the registration of a declaration of renunciation

17.—(1) In respect of a service to which article 4(2)(a) to (d) of the 2007 Order applies, namely a declaration of a renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status, the fee to be paid for the provision of this service is £385.

(2) Where a declaration of renunciation of British citizenship, British overseas territories citizenship, British Overseas citizenship or British subject status is made by a person at the same time as a declaration of renunciation by him of another such citizenship or status, the total fee payable in respect of the registration of those declarations shall be the same as that for registration of a single declaration.

Fee for arranging a citizenship ceremony

18.—(1) In respect of a service to which article 4(2)(e) of the 2007 Order applies, namely the arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony), the fee to be paid for the provision of this service is £80.

(2) The fee referred to in paragraph (1) shall be payable on submission of an application for registration or for naturalisation by an applicant who is required by section 42 of the 1981 Act to make a citizenship oath and pledge at a citizenship ceremony.

(3) Where the fee referred to in paragraph (1) is paid in accordance with paragraph (2) and—

- (a) the Secretary of State refuses the application; or
- (b) the Secretary of State decides that the registration should be effected or the certificate of naturalisation should be granted, but disapplies the requirement to attend a citizenship ceremony because of the special circumstances of the case,

the fee paid in respect of the arrangement of a citizenship ceremony shall be refunded.

(4) Where the fee referred to in paragraph (1) is to be paid in accordance with paragraph (2), and the fee is not paid in accordance with that paragraph, the Secretary of State will not consider the application for registration or naturalisation.

Fee for the administration of a citizenship oath, or oath and pledge

19.—(1) In respect of a service to which article 4(2)(f) of the 2007 Order applies, namely the administration of a citizenship oath, or oath and pledge (where not administered at a citizenship ceremony), the fee to be paid for the provision of this service is £5.

(2) No fee is payable where the oath, or oath and pledge, is administered by a justice of the peace.

Fee for the supply of a certified copy etc.

20. In respect of a service to which article 4(2)(g) of the 2007 Order applies, namely the supply of a certified copy of a notice, certificate, order, declaration or entry given, granted or made under

the 1981 Act, any of the former Nationality Acts or the 1997 Act, the fee to be paid for the provision of this service is £20.

Home Office
19th March 2007

Liam Byrne
Minister of State

19th March 2007

Claire Ward
Kevin Brennan
Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Secretary of State specified in the Immigration and Nationality (Fees) Order 2007 (S.I. 2007/807 ('the 2007 Order'), those matters in connection with immigration or nationality in respect of which he was going to charge a fee. These Regulations specify a fee for certain of those matters and also set out the relevant exceptions. These Regulations also set out the consequences of failing to pay those specified fees.

The fees for the other matters specified in the 2007 Order are specified in the Immigration and Nationality (Fees) Regulations 2007 made under section 51(3) of the Immigration, Asylum and Nationality Act 2006 in reliance on section 42 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

The Secretary of State has in these Regulations specified fees for limited leave to remain in the United Kingdom:

- (a) as a student;
- (b) to re-sit an examination;
- (c) to write up a thesis;
- (d) as a student union sabbatical officer; or
- (e) as a prospective student,

under the immigration rules, (regulation 4).

The Secretary of State has also in these Regulations specified fees for other limited leave to remain applications, with the exceptions of those applications referred to in regulation 3(2).

Regulations 5 to 10 provide a number of exceptions to the requirement to pay a specified fee.

The fee for an application for transfer of conditions is specified in regulation 11. Only one fee is to be paid where the person makes an application on behalf of himself and one or more of his dependants at the same time.

The fee to be paid for an application for a work card in respect of a person seeking to enter, or remain in, the United Kingdom as a seasonal agricultural worker under the immigration rules is set out in regulation 12. Where such an application is made in respect of a person who is a national of a state which has ratified the European Social Charter or the European Revised Social Charter, no fee is payable in respect of that application.

The fees for applications for travel documents are set out in regulation 13.

The fee for an application for registration as a British citizen under section 1 of the British Nationality (Hong Kong) Act 1997 is set out in regulation 14.

The fee for an application for permission to marry or form a civil partnership is set out in regulation 15.

The consequences of failing to pay the fee specified for those applications are set out in regulation 16.

The fee for the registration of a declaration or renunciation is set out in regulation 17.

The fee for the arrangement of a citizenship ceremony is set out in regulation 18. This fee is to be paid on submission of an application for naturalisation or registration as a British citizen or British overseas territories citizen or for registration as a British overseas citizen or British subject, if it is made in respect of an applicant who is required by section 42 of the British Nationality Act 1981 to make a citizenship oath and pledge at a citizenship ceremony. If such a fee is not paid on submission of such an application, the Secretary of State will not consider that application.

The fee to be paid for the administration of a citizenship oath, or oath and pledge, where not administered at a citizenship ceremony and where not administered by a justice of the peace is set out in regulation 20.

The fee to be paid for the supply of a certified copy of a notice, certificate, order declaration or entry given, granted or made under certain Acts referred to in regulation 21, is specified in that regulation.

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