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## 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), as amended by the Immigration and Nationality (Fees) (Amendment) Order 2008 (S.I. 2008/166), (the “Fees Order 2007”) applications and processes in connection with immigration or nationality in respect of which she was going to charge a fee. These Regulations, which amend the Immigration and Nationality (Cost Recovery Fees) Regulations 2007 (S.I. 2007/936), as amended by the Immigration and Nationality (Cost Recovery Fees) (Amendment) Regulations 2008 (S.I. 2008/218) (the “2007 Regulations”), specify a fee for certain of those matters specified in the 2007 Order. The fees for certain other applications specified in the Fees Order 2007 will be specified in other Regulations made under section 51(3) of the Immigration, Nationality and Asylum Act 2006 (the “2006 Act”) and in reliance of section 42(1) and 42(2A) of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (the “2004 Act”).

The Secretary of State has in these Regulations specified fees for the following applications:

- (1) leave to remain in the United Kingdom as a Tier 5 migrant (regulation 4A as inserted by regulation 2(4));
- (2) entry clearance as a Tier 5 migrant (regulation 10A as amended by regulation 2(10));
- (3) a document recording biometric information (regulation 15A as inserted by regulation 2(13));
- (4) a sponsorship licence in respect of Tier 2 migrants that is made by a person who, if granted a sponsorship licence, would be a small sponsor (regulation 15B as inserted by regulation 2(13));
- (5) a sponsorship licence:
  - (a) in respect of Tier 4 migrants;
  - (b) in respect of Tier 5 migrants;
  - (c) in respect of Tier 4 migrants and Tier 5 migrants (regulation 15C as inserted by regulation 2(13) and regulation 15D as inserted by regulation 2(13));
- (6) a sponsorship licence:
  - (i) in respect of Tier 2 migrants and Tier 4 migrants;
  - (ii) in respect of Tier 2 migrants and Tier 5 migrants; or
  - (iii) in respect of Tier 2 migrants, Tier 4 migrants, and Tier 5 migrants

that is made by a person who, if granted a sponsorship licence, would be a small sponsor (regulation 15C as inserted by regulation 2(13)).

In these Regulations, the Secretary of State has also specified a fee for the process of issuing a certificate of sponsorship (as defined in these Regulations) in respect of an application or applications or a potential application or applications for leave to remain or enter the United Kingdom as a Tier 5 migrant (regulation 15E, as inserted by regulation 2(13)).

These Regulations remove the fee in respect of an application for registration as a British citizen under the British Nationality (Hong Kong) Act 1997 (regulation 2(12)) that is now charged in other Regulations made under section 51(3) of the 2006 Act and in reliance of section 42(1) and 42(2A) of the 2004 Act.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the UK Border Agency

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

website: [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk). Alternatively please contact Chris Nickson, UK Border Agency, Charging Programme, Vulcan House, Sheffield, PO Box 3468, S3 8WA, email: [chris.nickson2@homeoffice.gsi.gov.uk](mailto:chris.nickson2@homeoffice.gsi.gov.uk). In addition, it is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.