
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Secretary of State specified in the Immigration and Nationality (Fees) (Amendment) Order 2008 (S.I. 2008/166) (the “2008 Amendment Order”), which amends the Immigration and Nationality (Fees) Order 2007 (S.I. 2007/807), applications and processes in connection with immigration or nationality in respect of which she was going to charge a fee. These Regulations specify a fee for certain of those matters. The fees for certain other applications and processes specified in the 2008 Amendment Order will be specified in other Regulations made under section 51(3) of the Immigration, Nationality and Asylum Act 2006 (the “2006 Act”).

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

- (a) leave to remain in the United Kingdom where the application is for limited leave to remain in the United Kingdom as a Tier One (General) migrant (regulation 5A as inserted by regulation 2(4));
- (b) a sponsorship licence, save for such a licence granted to a small sponsor (as defined in these Regulations) and for which a fee is to be specified in other Regulations made under section 51(3) of the Immigration, Nationality and Asylum Act 2006 (regulation 20A as inserted by 2(11));
- (c) entry clearance as a Tier One (General) migrant (regulation 20B as inserted by 2(11));
- (d) entry clearance for settlement in the United Kingdom (regulation 20B))
- (e) entry clearance for a purpose other than that listed in regulation 20B(1)(d)(i) to (vii); and
- (f) a certificate of entitlement to the right of abode made by an applicant who is outside the United Kingdom (regulation 20E).

Regulation 20C and regulation 20D as inserted by regulation 2(11) provide for exceptions and waivers, respectively, to the requirement to pay a specified fee for entry clearance applications.

The Secretary of State has also specified in regulation 5B (as inserted by regulation 2(4)), a fee for applications for leave to remain in the United Kingdom where such application is made in person at the relevant Public Enquiry Office of the Border and Immigration Agency of the Home Office, with the exception of those applications referred to in regulation 5B(2). This fee was previously specified in the Immigration and Nationality (Cost Recovery) (Fees) Regulations 2007.

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 Border and Immigration Agency website: www.bia.homeoffice.gov.uk. Alternatively please contact Chris Nickson, BIA, Charging Programme, 8th Floor, Moorfoot, Sheffield, S3 8WA, email: chris.nickson2@homeoffice.gsi.gov.uk. In addition, it is available in the libraries of both Houses of Parliament.