
STATUTORY INSTRUMENTS

2018 No. 330

The Immigration and Nationality (Fees) Regulations 2018

Interpretation

2. In these Regulations—

“the 1971 Act” means the Immigration Act 1971(1);

“the 1981 Act” means the British Nationality Act 1981(2);

“the 1982 Order” means the British Protectorates, Protected States and Protected Persons Order 1982(3);

“the 1999 Act” means the Immigration and Asylum Act 1999(4);

“the 2002 Act” means the Nationality, Immigration and Asylum Act 2002(5);

“the 2007 Act” means the UK Borders Act 2007(6);

“the 2008 Regulations” means the Immigration (Biometric Registration) Regulations 2008(7);

“the 2016 Order” means the Immigration and Nationality (Fees) Order 2016;

“administrative review” has the same meaning as provided in Appendix AR to the immigration rules(8);

“approval letter from a designated competent body”—

(a) in respect of the United Kingdom means a letter from a designated competent body, within the meaning of the immigration rules, endorsing a proposed application for leave to enter or leave to remain in the United Kingdom as a Tier 1 (Exceptional Talent) Migrant;

(b) in respect of the Isle of Man means a letter from a designated competent body, within the meaning of the Isle of Man immigration rules(9), endorsing a proposed application for entry clearance to enter the Isle of Man as a Tier 1 (Exceptional Talent) Migrant;

“being looked after by a local authority” means being looked after by a local authority (or in Northern Ireland, an authority) under—

(a) section 22(1) of the Children Act 1989(10);

(1) 1971 c. 77. This Act was extended subject to modifications to the Bailiwick of Guernsey by S.I. 1993/1796 (as amended by S.I. 2003/2900), S.I. 2011/2444 and S.I. 2015/1533. It was also extended to the Bailiwick of Jersey by S.I. 1993/1797, as amended by S.I. 2003/1252, S.I. 2012/2593 and S.I. 2017/981. It was also extended subject to modifications to the Isle of Man by S.I. 2008/680 as amended by S.I. 2011/1158, S.I. 2011/1408, S.I. 2015/1765, S.I. 2016/156 and SI 2016/755.

(2) 1981 c. 61.

(3) S.I. 1982/1070, as amended by sections 1(2) and 2(3) of the British Overseas Territories Act 2002 (c. 8), S.I. 1983/1699 and S.I. 2009/1892.

(4) 1999 c. 33.

(5) 2002 c. 41.

(6) 2007 c. 30.

(7) S.I. 2008/3048, as amended by S.I. 2009/819, S.I. 2009/3321, S.I. 2010/2958; S.I. 2012/594, S.I. 2015/433 and S.I. 2015/897.

(8) Laid before Parliament on 23rd May 1994 (HC 395), as amended.

(9) Laid before Tynwald on 17th May 2005 (SD 62/05), as amended.

(10) 1989 c. 41. Section 22(1) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22); section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35); section 116(2) of the Adoption and Children Act 2002 (c. 38); and S.I. 2016/413.

- (b) section 17(6) of the Children (Scotland) Act 1995**(11)**;
- (c) article 25(1) of the Children (Northern Ireland) Order 1995**(12)**; or
- (d) section 74(1) of the Social Services and Well-being (Wales) Act 2014**(13)**;
- “biometric immigration document” has the same meaning as provided in section 5 of the 2007 Act**(14)**;
- “certificate of sponsorship”—
- (a) in respect of the United Kingdom means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance, leave to enter or leave to remain in the United Kingdom as a sponsored worker;
- (b) in respect of the Isle of Man means an authorisation allocated by or on behalf of the Lieutenant-Governor of the Isle of Man to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance to enter the Isle of Man as a sponsored worker;
- “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**(15)**;
- “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 or nationality to applicants;
- “Convention rights” means the rights identified as Convention rights by section 1 of the Human Rights Act 1998**(16)**;
- “dependant” in respect of a person (“P”) means—
- (a) the spouse or civil partner of P;
- (b) someone who has been living with P in a relationship akin to a marriage or civil partnership for at least two years; or
- (c) any other person whose entitlement to make an application referred to in these Regulations arises by virtue of a connection between that person and P;
- “EC Association Agreement with Turkey” means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963**(17)**;
- “entry clearance”—
- (a) in respect of the United Kingdom has the same meaning as provided in section 33(1) of the 1971 Act**(18)**;
- (b) in respect of the Isle of Man has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Isle of Man**(19)**;

(11) 1995 c. 36. Section 17(6) was amended by paragraph 9(4)(b) of Schedule 2 to the Adoption and Children (Scotland) Act 2007 (asp 4); paragraph 2(4) of Schedule 5 to the Children’s Hearings (Scotland) Act 2011 (asp 1); and S.S.I. 2013/211.

(12) S.I. 1995/755 (N.I. 2).

(13) 2014 anaw 4.

(14) Section 5 was amended by paragraph 19 of the Schedule to the Identity Documents Act 2010 (c. 40); the 2008 Regulations were made under this section.

(15) (CETS No. 035).

(16) 1998 c. 42, as amended by S.I. 2003/1887 and S.I. 2004/1574.

(17) OJ No C 113, 24.12.73, p 2.

(18) The definition of “entry clearance” in section 33(1) was amended by paragraph 2 of Schedule 4 to the 1981 Act and paragraph 5 of the Schedule to the Immigration Act 1988 (c. 14).

(19) The definition of “entry clearance” in section 33(1) was extended with modifications to the Isle of Man by article 6 of S.I. 2008/680; there are amendments to that Order but none are relevant.

(c) in respect of the Bailiwick of Guernsey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Guernsey**(20)**;

(d) in respect of the Bailiwick of Jersey has the same meaning as provided in section 33(1) of the 1971 Act as extended to the Bailiwick of Jersey**(21)**;

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

“indefinite leave” has the same meaning as provided in section 33(1) of the 1971 Act;

“Isle of Man immigration rules” means the rules made under section 3(2) of the 1971 Act as that section extends to the Isle of Man**(22)**;

“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;

“Life in the UK Test” means the test referred to as the Life in the UK Test in Appendix KoLL to the immigration rules and regulation 5A of the British Nationality (General) Regulations 2003**(23)**;

“limited leave” has the same meaning as provided in section 33(1) of the 1971 Act;

“main applicant” means the person who has made an application or claim in connection with immigration, as distinct from a person applying as the dependant of such a person;

“Points-Based System”—

(a) in respect of the United Kingdom means those categories set out in Part 6A of the immigration rules;

(b) in respect of the Isle of Man means those categories set out in Part 6A of the Isle of Man immigration rules;

“private medical treatment”—

(a) in respect of the United Kingdom has the same meaning as provided in Appendix V to the immigration rules;

(b) in respect of the Isle of Man has the same meaning as provided in Appendix V to the Isle of Man immigration rules;

“process used to take a record of a person’s biometric information” means the process, or combination of processes, to which a person may be required to submit in order to enable a record to be taken of that person’s biometric information, where the person is required by regulations made under section 41 of the 1981 Act**(24)**, section 126 of the 2002 Act**(25)** or

(20) The definition of “entry clearance” in section 33(1) was extended with modifications to the Bailiwick of Guernsey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, [S.I. 1993/1796](#).

(21) The definition of “entry clearance” in section 33(1) was extended with modifications to the Bailiwick of Jersey by article 3(1) of, and paragraph 18(a)(ii) of Schedule 1 to, [S.I. 1993/1797](#), as amended by [S.I. 2017/981](#).

(22) Section 3(2) of the Immigration Act 1971 was extended with modifications to the Isle of Man by article 6 of [S.I. 2008/680](#); there are amendments to that Order but none are relevant.

(23) [S.I. 2003/548](#); regulation 5A was inserted by [S.I. 2004/1726](#) and subsequently amended by [S.I. 2013/2541](#), [S.I. 2015/681](#) and [S.I. 2015/1806](#).

(24) Section 41 was amended by sections 1(3) and (4) and 3 of, and paragraphs 3 to 7 of Schedule 1 to, the 2002 Act, section 50(4) of, and paragraph 1 of Schedule 2, and Schedule 3 to, the Immigration, Asylum and Nationality 2006 Act, section 10 of the Immigration Act 2014 (c. 22) (“the 2014 Act”), [S.I. 1986/948](#) and [S.I. 2014/542](#). Regulations have been made: [S.I. 2003/548](#), as amended by [S.I. 2015/738](#); other amendments have been made but none are relevant.

(25) Section 126 was amended by sections 8 and 14(3) of, and paragraph 3 of Schedule 2 and paragraph 19 of Schedule 9 to, the 2014 Act. Regulations have been made: [S.I. 2006/1743](#), as amended by [S.I. 2011/1779](#) and [S.I. 2015/737](#).

section 5 of the 2007 Act to provide such information for the purposes of an application or claim in connection with immigration or nationality;

“shortage occupation certificate of sponsorship”—

- (a) in respect of the United Kingdom means a certificate of sponsorship issued in respect of employment in an occupation listed in the Shortage Occupation List set out in Appendix K to the immigration rules;
- (b) in respect of the Isle of Man means a certificate of sponsorship issued in respect of employment in an occupation listed in the Shortage Occupation List set out in Appendix K to the Isle of Man immigration rules;

“sponsor”—

- (a) in respect of the United Kingdom means a person licensed by the Secretary of State to issue certificates of sponsorship, or confirmations of acceptance for studies, or both;
- (b) in respect of the Isle of Man means a person licensed by or on behalf of the Lieutenant-Governor of the Isle of Man to issue certificates of sponsorship;

“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;

“sponsored worker”—

- (a) in respect of the United Kingdom means a person seeking entry clearance, leave to enter or leave to remain in the United Kingdom for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;
- (b) in respect of the Isle of Man means a person seeking entry clearance to the Isle of Man for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is required by the Isle of Man immigration rules to obtain a certificate of sponsorship;

“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”—

- (a) in respect of the United Kingdom have the meanings given by paragraph 6 of the immigration rules;
- (b) in respect of the Isle of Man have the meanings given by paragraph 6 of the Isle of Man immigration rules;

“Tier 2 Migrant”, “Tier 2 (General) Migrant”, “Tier 2 (Intra-Company Transfer) Migrant”, “Tier 2 (Minister of Religion) Migrant” and “Tier 2 (Sportsperson) Migrant”—

- (a) in respect of the United Kingdom have the meanings given by paragraph 6 of the immigration rules;
- (b) in respect of the Isle of Man have the meanings given by paragraph 6 of the Isle of Man immigration rules;

“Tier 2 (Intra-Company Transfer) Long Term Staff Migrant”, “Tier 2 (Intra-Company Transfer) Graduate Trainee Migrant”, and “Tier 2 (Intra-Company Transfer) Short Term Staff Migrant”—

- (a) in respect of the United Kingdom mean a Tier 2 (Intra-Company Transfer) Migrant granted leave in, respectively, the Long Term staff sub-category, the Graduate Trainee sub-category or the Short Term staff sub-category, in each case within the meaning of Part 6A of the immigration rules;

- (b) in respect of the Isle of Man mean a Tier 2 (Intra-Company Transfer) Migrant granted leave in, respectively, the Long Term staff sub-category, the Graduate Trainee sub-category or the Short Term staff sub-category, in each case within the meaning of Part 6A of the Isle of Man immigration rules;

“Tier 4 Migrant”—

- (a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules;
- (b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules;

“Tier 5 Migrant”, “Tier 5 (Temporary Worker) Migrant” and “Tier 5 (Youth Mobility) Temporary Migrant”—

- (a) in respect of the United Kingdom have the meanings given by paragraph 6 of the immigration rules;
- (b) in respect of the Isle of Man have the meanings given by paragraph 6 of the Isle of Man immigration rules;

“transit visit visa” has the same meaning as in Part V7 of Appendix V to the immigration rules;

“travel document” means a document which—

- (a) is not a passport;
- (b) allows a person (or, if the person has died, the body of that person) to travel outside the United Kingdom; and
- (c) is issued by the Home Office to a person who is either a refugee or stateless, or cannot obtain or use a passport issued by the person’s own country;

“User-Pays Application Centre” means an office at which applicants can access—

- (a) in respect of the United Kingdom, services in connection with immigration or nationality specifically in relation to entry clearance to enter, leave to enter or leave to remain in the United Kingdom;
- (b) in respect of the Isle of Man, services in connection with immigration specifically in relation to entry clearance to enter the Isle of Man;
- (c) in respect of the Bailiwick of Guernsey, services in connection with immigration specifically in relation to entry clearance to enter that bailiwick;
- (d) in respect of the Bailiwick of Jersey, services in connection with immigration specifically in relation to entry clearance to enter that bailiwick;

“visit visa”—

- (a) in respect of the United Kingdom has the same meaning as in Appendix V to the immigration rules;
- (b) in respect of the Isle of Man has the same meaning as in Appendix V to the Isle of Man immigration rules.