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STATUTORY INSTRUMENTS

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**2012 No. 971**

**The Immigration and Nationality (Fees) Regulations 2012**

**Citation and commencement**

1. These Regulations may be cited as the Immigration and Nationality (Fees) Regulations 2012 and shall come into force on 6th April 2012.

**Interpretation**

2. In these Regulations—

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

“the 2011 Order” means the Immigration and Nationality (Fees) Order 2011;

“child” means a person under the age of 18;

“dependant” in respect of a person means—

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

(b) a child,

of that person;

“EC Association Agreement with Turkey” means the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12<sup>th</sup> September 1963;

“entry clearance” has the same meaning as provided in section 33(1) of the 1971 Act(2), as extended to the Channel Islands(3);

“immigration and nationality fees regulations” means regulations made under sections 51(3) and 52(1) and (3) of the Immigration, Asylum and Nationality Act 2006;

“immigration rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the 1971 Act(4);

“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;

“Public Enquiry Office” means a public enquiry office of the United Kingdom Border Agency;

“sponsor” means a sponsor under Part 6A of the immigration rules;

“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;

“transfer of conditions” means—

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(1) 1971 c.77.

(2) The definition of “entry clearance” in section 33(1) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c.61) and paragraph 5 of the Schedule to the Immigration Act 1988 (c.14).

(3) Section 33(1) was extended with modifications to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993 (S.I. 1993/1796), and to the Bailiwick of Jersey by the Immigration (Jersey) Order 1993 (S.I.1993/1797).

(4) Laid before Parliament on 23<sup>rd</sup> May 1994 (HC 395).

- (a) the fixing of a stamp, sticker or other attachment on a passport or other document issued to the applicant, which indicates that a person has been granted limited, or indefinite, leave to enter or remain in the United Kingdom; or
- (b) the issuing of a biometric immigration document within the meaning of section 5 of the UK Borders Act 2007<sup>(5)</sup> to replace a stamp, sticker or other attachment on a passport or other document issued to the applicant, which indicated a person had been granted limited, or indefinite, leave to enter or remain in the United Kingdom;

“United Kingdom Border Agency” means the United Kingdom Border Agency of the Home Office;

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

### **Fees for applications, processes and services in connection with immigration and nationality**

#### **3. Schedule 1 to these Regulations has effect to specify—**

- (a) the amount of the fees for specified applications for leave to remain in the United Kingdom and variation of such leave and related services for the purposes of articles 3(2)(a) and (c) and 4(i) of the 2011 Order and exceptions to the requirement to pay such fees;
- (b) the amount of the fees for specified applications for entry clearance to enter the United Kingdom for the purposes of article 3(2)(b) of the 2011 Order, exceptions to the requirement to pay such fees, and circumstances in which such fees may be waived or reduced; and
- (c) the amount of the fees for specified applications for sponsor licences, for changes to a sponsor’s status, and for related processes for the purposes of articles 3(2)(t) and (u) and 5 of the 2011 Order.

4. Schedule 2 to these Regulations has effect to specify the amount of fees for applications in connection with nationality for the purposes of article 3(2)(h), (j), (k), (l), (m), (n), (o) and (p) of the 2011 Order.

5. Schedule 3 to these Regulations has effect to specify the amount of fees for applications for entry clearance to enter either of the Channel Islands for the purposes of article 6 of the 2011 Order.

#### **6. Schedule 4 to these Regulations has effect to specify—**

- (a) the amount of the fees for applications for a transfer of conditions for the purposes of articles 3(2)(e) and (s) of the 2011 Order; and
- (b) the amount of the fees for the provision of services outside office hours for the purposes of article 4(j) of the 2011 Order.

### **Consequences of failing to pay the specified fee**

7. Where these Regulations specify a fee which must accompany an application for the purposes of the 2011 Order, the application is not validly made unless it is accompanied by the specified fee.

### **Revocation**

- 8. The Immigration and Nationality (Fees) Regulations 2011<sup>(6)</sup> are revoked.

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(5) 2007 c.30.

(6) S.I. 2011/1055.

Home Office  
27th March 2012

*Damian Green*  
Minister of State

We consent

26th March 2012

*Angela Watkinson*  
*Jeremy Wright*  
Two of the Lords Commissioners of Her  
Majesty's Treasury