

2014 No. 2398

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Cost Recovery Fees)
(Amendment) Regulations 2014**

<i>Made</i> - - - -	<i>4th September 2014</i>
<i>Laid before Parliament</i>	<i>10th September 2014</i>
<i>Coming into force</i> - -	<i>1st October 2014</i>

The Secretary of State makes the following Regulations, with the consent of the Treasury^(a), in exercise of the powers conferred by sections 51(3) and 52(1), (3) and (6) of the Immigration, Asylum and Nationality Act 2006^(b).

These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2011^(c).

Citation and commencement

1. These Regulations may be cited as the Immigration and Nationality (Cost Recovery Fees) (Amendment) Regulations 2014 and come into force on 1st October 2014.

Amendments to the Immigration and Nationality (Cost Recovery Fees) Regulations 2014

2.—(1) The Immigration and Nationality (Cost Recovery Fees) Regulations 2014^(d) are amended as follows.

(2) In regulation 2 (definitions)—

(a) after the definition of “the 1999 Act”, insert—

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

“the 2007 Act” means the UK Borders Act 2007^(f)”;

(b) after the definition of “the 2011 Order” insert—

““administrative review” means the review on request of a decision in connection with immigration in the circumstances specified in the immigration rules”;

(a) In pursuance of section 52(5)(a) of the Immigration, Asylum and Nationality Act 2006 (c. 13).

(b) 2006 c. 13.

(c) S.I. 2011/445; this Order was amended by the Immigration and Nationality (Fees) (Amendment) Order 2013 (S.I. 2013/249), the Immigration and Nationality (Fees) (Amendment) Order 2014 (S.I. 2014/205) and the Immigration and Nationality (Fees) (Consequential Amendments) Order 2014 (S.I. 2014/2038).

(d) S.I. 2014/581.

(e) 2002 c. 41.

(f) 2007 c. 30.

- (c) in the definition of “biometric immigration document”, for “the UK Borders Act 2007” substitute “the 2007 Act”;
 - (d) after the definition of “biometric immigration document”, insert—
 - ““biometric information” has the same meaning as provided in section 15 of the 2007 Act(a);”;
 - (e) for the definition of “process used to take a record of a person’s biometric information”, substitute—
 - ““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(b) of the 1981 Act, section 126(c) of the 2002 Act or section 5(d) of the 2007 Act to provide such information for the purposes of an application or claim in connection with immigration or nationality;”.
- (3) In regulation 5—
- (a) at the end of paragraph (a) omit “and”;
 - (b) after paragraph (b) insert—
 - “; and
 - (c) circumstances in which the fee referred to in sub-paragraph (a)(vii) may be waived.”.
- (4) In regulation 6, for paragraph (b), substitute—
- “(b) the amount of the fees for the specified processes in connection with nationality for the purposes of article 5(c)(e) and (d)(f) of the 2011 Order; and”.
- (5) For regulation 8 substitute—
- “8. Schedule 6 (Miscellaneous fees) has effect to specify—
 - (a) the amount of the fee for the administration of the specified test for the purposes of article 4(n) of the 2011 Order; and
 - (b) the amount of the fee for the process of conducting an administrative review for the purposes of article 5(d) of the 2011 Order.”.
- (6) In Schedule 3 (Fees for documents relating to immigration)—
- (a) after paragraph 2(4), insert—
 - “(5) Paragraph 3 confers a discretion on the Secretary of State to waive the specified fee.”
 - ;
 - (b) in Table 6 (Fees for a transfer of conditions, immigration employment document, travel documents, Direct Airside Transit Visas, registration certificates and residence cards), in fee 6.5.1, for “£40” substitute “£30”;
 - (c) in Table 8 (Fees for applications for biometric immigration documents and the process used to take a record of biometric information), after fee 8.4.3, insert—

(a) 2007 c. 30; section 15 was amended by section 12 of the Immigration Act 2014 (c. 22).
 (b) Section 41 was amended by section 10 of the Immigration Act 2014.
 (c) Section 126 was amended by section 8 of the Immigration Act 2014.
 (d) Section 5 was amended by section 12 of, and paragraph 19 of the Schedule to, the Identity Documents Act 2010 (c. 40).
 (e) Article 5(c) was inserted by the Immigration and Nationality (Fees) Amendment Order 2013 (S.I. 2013/249) and amended by the Immigration and Nationality (Fees) (Consequential Amendments) Order 2014 (S.I. 2014/2038).
 (f) Article 5(d) was inserted by the Immigration and Nationality (Fees) Amendment Order 2014 (S.I. 2014/205).

“8.4.4	The process used to take a record of a person’s biometric information for the purposes of an application for a residence card, a permanent residence card or a derivative residence card, issued pursuant to Part 3 of the 2006 Regulations(a).	£19.20
8.4.5	The process used to take a record of a person’s biometric information for the purposes of an application for a biometric immigration document where the fee is not specified elsewhere in these Regulations.	£19.20”

(d) in Table 9 (Exceptions to the requirement to pay fees for applications for biometric immigration documents and the process used to take a record of biometric information), in exceptions 9.4 and 9.5, before “No fee is payable” insert “In relation to the specified fees,”;

(e) after Table 9, insert—

“Waiver in respect of the fee listed at Table 8.4.5

3. The Secretary of State may waive the specified fee in respect of the process used to take a record of a person’s biometric information.”

(7) In Schedule 4 (Fees for applications, processes and services in connection with nationality), in Table 10, after fee 10.2.1 insert—

“10.2.2	The process used to take a record of a person’s biometric information for the purposes of an application for registration or naturalisation(b).	£19.20”
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(8) For Schedule 6 (Miscellaneous fee), substitute—

“SCHEDULE 6 Regulation 8
MISCELLANEOUS FEES

Interpretation

1. In this Schedule—

“main applicant” means a 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.

Fee for the administration of the Life in the UK Test

2. A fee of £50 is payable for the administration of the Life in the UK test, as provided for in Appendix KoLL (Knowledge of Language and Life) to the immigration rules.

Fee for the process of administrative review, together with provision for exemption from, and waiver or reduction of, that fee

3.—(1) Subject to sub-paragraphs (2) to (5), a fee of £80 is payable by an applicant requesting administrative review of:

(a) a single decision; or

(a) A person is required to provide biometric information for the purposes of an application of this type pursuant to section 126 of the Nationality, Immigration and Asylum Act 2002 c. 41. Section 126 was amended by section 8 of the Immigration Act 2014 (c. 22).

(b) A person is required to provide biometric information for the purposes of an application of this type pursuant to section 41 of the 1981 Act. Section 41 was amended by section 10 of the Immigration Act 2014.

(b) two (or more) decisions relating to applications or claims made by a main applicant and a dependant (or dependants) of that person.

(2) No fee is payable for the administrative review of a decision if the applicant was exempt from payment of the fee for the application or claim to which that decision related (the “connected application”), or if the fee for the connected application was waived.

(3) If the outcome of the administrative review is that the decision in relation to the connected application is maintained, but for different or additional reasons to those specified in the decision under review, no fee is payable in respect of any request for administrative review of the revised decision, or of any subsequent decision made in relation to the connected application.

(4) The Secretary of State must refund the fee specified in sub-paragraph (1) if the outcome of the administrative review is that the decision in relation to the connected application is withdrawn.

(5) The Secretary of State may waive or reduce the fee specified in sub-paragraph (1).”

Home Office
4th September 2014

James Brokenshire
Minister of State

We consent

4th September 2014

Gavin Barwell
David Evennett
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Nationality (Cost Recovery Fees) Regulations 2014, which specify various fees relating to applications, claims, services and processes in connection with immigration and nationality.

Regulations 2(6) and (7) specify fees for the process of taking a record of a person's biometric information, where this is required for the purposes of certain additional categories of application.

Regulation 2(6) also reduces the fee for the Direct Airside Transit Visa.

Regulation 2(8) creates a new fee for the process of 'administrative review' – that is, the review on request of a decision in connection with immigration, in circumstances where the applicant has no right of appeal in relation to the decision.

An impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.

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£4.25

UK2014090837 09/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/2398>

ISBN 978-0-11-112050-7



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