



IMMIGRATION AND NATIONALITY (FEES) ORDER 2017

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Statutory Document No. 2017/80

*Immigration Act 2014*

IMMIGRATION AND NATIONALITY (FEES) ORDER 2017

*Laid before Tynwald:**Coming into Operation:**6 April 2017*

The Governor makes the following Order with the consent of Treasury¹ under section 68(1) to (6), (12) and (13) and 69(1) of the Immigration Act 2014 (of Parliament)² as that Act has effect in the Island³.

1 Title

This Order is the Immigration and Nationality (Fees) Order 2017.

2 Commencement

This Order comes into operation on 6 April 2017.

3 Interpretation

In this Order —

“**the 1971 Act**” means the Immigration Act 1971 (of Parliament)⁴ as that Act has effect in the Island⁵;

“**the 1981 Act**” means the British Nationality Act 1981 (of Parliament)⁶ as that Act has effect in the Island⁷;

“**approval letter**” means a letter signifying approval to an application or request, from a body or panel of individuals designated by the Secretary of State or the Governor as competent to issue such letters in respect of a

¹ As required by section 69(1)(b) of the Immigration Act 2014 as that Act has effect in the Island.

² 2014. c.22.

³ See Immigration (Isle of Man) Order 2008 (SI 2008/680) as amended by SI 2015/1765; there are other amendments to that Order but none is relevant for the present purposes.

⁴ 1971 c. 77.

⁵ See Immigration (Isle of Man) Order 2008 (SI 2008/680) (as amended).

⁶ 1981 c.61

⁷ Extended to the Isle of Man by section 53 of that Act.

person making or intending to make an application for entry clearance, leave to enter or leave to remain in the Isle of Man.

“**biometric information**” means information about a person’s external physical characteristics;

“**British citizen**” means a person who has that status in accordance with the provisions of the 1981 Act, the British Nationality (Hong Kong) Act 1997 (of Parliament)⁸ or the British Overseas Territories Act 2002 (of Parliament)⁹ or the former Nationality Acts;

“**certificate of registration or naturalisation**” means a certificate of registration or naturalisation as a British citizen issued under the 1981 Act;

“**certificate of sponsorship**” means an authorisation allocated by or on behalf of the Governor under the immigration rules 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 Island as a sponsored worker;

“**confirmation of acceptance for studies**” means an authorisation allocated by or on behalf of the Governor under the immigration rules 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 Island as a student;

“**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 outside the United Kingdom and the Isle of Man;

“**control port**” means a port in which a control area is designated under paragraph 26(3) of Schedule 2 to the 1971 Act;

“**entry clearance**” has the same meaning as provided in section 33(1) of the 1971 Act;

“**European residence document**” means a document issued as evidence that a person is entitled to enter or remain in the Isle of Man by virtue of an enforceable EU right or any provision made under section 2B of the European Communities (Isle of Man) Act 1973¹⁰;

“**fees regulations**” means the fees regulations made by the Governor under section 68 of the Immigration Act 2014 (of Parliament) as that Act has effect in the Island;

“**the former Nationality Acts**” has the same meaning as provided in section 50(1) of the 1981 Act;

⁸ 1997 c.20 (extended to the Island by section 3 of that Act).

⁹ 2002 c.8 (extended to the Island by section 8 of that Act).

¹⁰ AT 14 of 1973.

- “**immigration employment document**” means a work permit, or any other document which relates to employment and is issued for the purposes of the immigration rules or in connection with leave to enter or remain in the Isle of Man but which is not a work permit issued pursuant to the Control of Employment Act 2014¹¹;
- “**immigration rules**” means the rules made under section 3(2) of the 1971 Act;
- “**leave to enter the Isle of Man**” and “**leave to remain in the Isle of Man**” mean respectively leave to enter the Island and leave to remain in the Island given in accordance with the provisions of the 1971 Act and the immigration rules and any subsequent variation of that leave and “leave to enter or leave to remain in the Island” is to be construed accordingly;
- “**limited leave**” and “**indefinite leave**” respectively have the same meanings as provided in section 33(1) of the 1971 Act;
- “**premium services**” means optional premium services offered in connection with immigration or nationality applications;
- “**right of abode**” has the same meaning as provided in section 2 of the 1971 Act¹²;
- “**Secretary of State**” means the Secretary of State for the Home Office of the United Kingdom;
- “**sponsor**” means a person licensed under the immigration rules to issue certificates of sponsorship or confirmations of acceptance for studies, or both;
- “**sponsor licence**” means a licence granted to a person who, by virtue of such a licence, is licensed as a sponsor;
- “**sponsored worker**” means a person seeking entry clearance, leave to enter or leave to remain in 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 immigration rules to obtain a certificate of sponsorship;
- “**transfer of conditions**” means the fixing of a stamp, sticker or other attachment on a passport or other document issued to an applicant, which indicates that a person has been granted leave to enter or remain in the Isle of Man;
- “**transit visa**” means a document authorising the holder to remain within a control port, without passing through immigration controls, pending departure from the Isle of Man from the same port;
- “**travel document**” means a document which is not a passport, allowing a person (or, if the person has died, the body of that person) to travel outside the Isle of Man and is issued by the Secretary of State to persons

¹¹ AT 11 of 2014.

¹² 1971 c.77; section 2 was amended by section 39(2) of the 1981 Act (c.61).

who are either refugees, or stateless, or who cannot obtain or use a passport issued by their country; and

“**un-sponsored worker**” means a person seeking entry clearance, leave to enter or leave to remain in the Isle of Man for the purposes of employment (whether paid or unpaid) or some other economic activity, where that person is not required by the immigration rules to obtain a certificate of sponsorship.

4 Fees

- (1) The Governor, or any person appointed by, or acting on behalf of the Governor, must charge the fee specified in fees regulations in respect of the exercise of the functions in connection with immigration or nationality that are specified in this Order.
- (2) The fee specified in such regulations may not exceed the maximum amount specified in this Order in respect of the relevant function.
- (3) The fee specified in such regulations must be calculated in the manner specified in this Order.
- (4) Where no particular manner is specified, the fee must be a fixed amount.

5 Applications for leave to enter or leave to remain in the Isle of Man

- (1) A fee is to be charged for the consideration of an application for leave to enter or leave to remain in the Isle of Man of a type specified in Table 1.
- (2) Table 1 specifies the maximum amount that may be charged in respect of each application.
- (3) In this article, an application includes an application for variation of leave to enter or leave to remain in the Isle of Man.

Table 1

<i>Number</i>	<i>Type of application</i>	<i>Maximum amount</i>
1.1	Limited leave to remain in the Isle of Man as a visitor.	£1,000
1.2	Limited leave in the Isle of Man as a sponsored worker, where a certificate of sponsorship has been issued.	£1,500
1.3	Limited leave in the Isle of Man as an un-sponsored worker.	£2,000
1.4	Limited leave in the Isle of Man as a student.	£500
1.5	Limited leave in the Isle of Man where the basis upon which that leave is given may (after one or more subsequent periods of leave on the same basis) lead to a grant of indefinite leave to remain in the Isle of Man.	£3,250
1.6	Limited leave in the Isle of Man for any purpose (excluding visits) not referred to in the preceding provisions of this Table 1.	£2,000
1.7	Indefinite leave to remain in the Isle of Man.	£3,250

6 Documents and administration

- (1) A fee is to be charged for—
- (a) attending to an application or request for a document of a type specified in Table 2; and
 - (b) carrying out the administrative activities, in connection with an application or claim or on request, specified in Table 2.
- (2) Table 2 specifies how the fee is to be calculated and the maximum amount or rate that may be charged in respect of each document or administrative activity.

Table 2

<i>Number</i>	<i>Type of application, claim, request or administrative activity</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
2.1	Application or request for documents		
2.1.1	Transfer of conditions.	Fixed amount	£550
2.1.2	Immigration employment document.	Fixed amount	£550
2.1.3	Approval letter.	Fixed amount	£2,000
2.1.4	Transit visa.	Fixed amount	£75
2.1.5	Travel document.	Fixed amount	£400
2.1.6	European residence document.	Fixed amount	£100
2.1.7	Any other letter or document (not including a passport) confirming a person's identity and immigration or nationality status, or setting out any conditions attendant on such status, or confirming that the person is not a British citizen.	Fixed amount	£550
2.1.8	Copy, or replacement, or amended version of any of the documents specified above.	Fixed amount	£550
2.1.9	Copy or replacement of immigration decision letters, correspondence or applications, relating to immigration status.	Rate per page	£1.00
2.1.10	Information booklet to support the administration of any test specified in 2.2.1 below.	Fixed amount	£3.00
2.2	Administrative activity		
2.2.1	Administration of any test a person is required to take for the purposes of an application or claim in connection with immigration or nationality.	Fixed amount	£250
2.2.2	Taking a record of a person's biometric information.	Fixed amount	£30
2.2.3	The review of a decision in connection with immigration or nationality.	Fixed amount	£400
2.2.4	Processing of an application or claim which is subsequently rejected as invalid.	Fixed amount	£80

2.2.5	Carrying out any police criminal record or other checks as required under the 1981 Act in connection with an application for naturalisation or registration or in connection with an immigration application or claim.	Fixed amount	£200
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7 Sponsorship

- (1) A fee is to be charged for attending to an application or request for a service or process of a type specified in Table 3.
- (2) Table 3 specifies the maximum amount that may be charged in respect of each application, service or process.

Table 3

<i>Number</i>	<i>Type of application, service or process</i>	<i>Maximum amount</i>
3.1	A sponsor licence or renewal or maintenance of such licence.	£2,000
3.2	Allocation of a certificate of sponsorship.	£300
3.3	The process of determining, or a plan to determine, a sponsor's status or their suitability to be included on or remain on the register of licensed sponsors.	£2,000
3.4	Permission for a person with leave to enter or remain in the Isle of Man to change his or her sponsor.	£300
3.5	Allocation of a confirmation of acceptance for studies.	£300
3.6	Permission for a person with leave to enter or remain in the Isle of Man to change his or her course of study.	£300

8 Premium services

Table 4 specifies the functions relating to the provision of premium services (other than those services provided to sponsors) and which are exercised following an application or request, for which a fee is to be charged, how the fee is to be calculated and the maximum amount that may be charged in respect of each service.

Table 4

<i>Number</i>	<i>Function</i>	<i>Method of calculation</i>	<i>Maximum amount</i>
4.1	Arrangements for expediting the processing (or any element of the processing) of an application or claim in connection with immigration or nationality.	Fixed amount	£1,000
4.2	The expedited return to the applicant of documents where these have been provided by the applicant in the course of making an application or claim in connection with immigration or nationality.	Fixed amount	£75
4.3	The provision of a service in connection with immigration or nationality by a representative of the Governor, or a	Fixed amount	£75

	contractor, or any person appointed by or acting on behalf of the Governor, where this is done outside office hours.		
4.4	Arrangements for expediting the entry of passengers into, or transit through, the Isle of Man where not specified elsewhere in this Table.	Fixed amount	£50
4.5	Arrangements for the provision of immigration officers or facilities at a control port in addition to those (if any) required to provide a basic service.	Hourly rate per officer or per facility	£150
4.6	The expedited arrangement of any test a person is required to take for the purposes of an application or claim in connection with immigration or nationality.	Fixed amount	£400

9 Nationality

- (1) A fee is to be charged for attending to an application or request for a process or service of a type specified in Table 6.
- (2) Table 6 specifies the maximum amount that may be charged in respect of each application or request, for a process or service.

Table 6

<i>Number</i>	<i>Type of application, process or service</i>	<i>Maximum amount</i>
6.1	Naturalisation as a British citizen.	£1,500
6.2	Registration as a British citizen.	£1,500
6.3	Registration of a declaration of renunciation of British citizenship.	£400
6.4	Amendment of a certificate of registration or naturalisation as a British citizen.	£250
6.5	Arrangement of a citizenship ceremony.	£100
6.6	Issuing of a document confirming that a person has the right of abode in the Isle of Man.	£550
6.7	Supply of a certified copy of a notice, certificate, order, declaration or entry given, granted or made under the 1981 Act or any of the former Nationality Acts.	£250
6.8	Supply of a copy, or replacement, or amended version of any of the documents specified above.	£250

10 Revocation

The Immigration and Nationality (Fees) Order 2016 is revoked¹³.

¹³ SD 2016/62.

MADE

RICHARD GOZNEY

Governor



*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order, made under sections 68(1) to (6), (12) and (13) and 69(1) of the Immigration Act 2014 (of Parliament) as that Act has effect in the Island (the “**2014 Act**”), revokes and replaces the Immigration and Nationality (Fees) Order 2016 (SD 2016/62).

It sets out the functions in connection with immigration or nationality for which fees are chargeable. In pursuance of section 68(3) and (4) of the 2014 Act, the Order also specifies how the fee in respect of the exercise of each specified function is to be calculated (and in particular, whether it is to be set as a fixed amount, or calculated with reference to an hourly rate or other factor). In pursuance of section 68(5) of the 2014 Act, the Order specifies the maximum amount which may be charged in respect of each relevant function.

This Order reflects the transfer of responsibility for the administration of sponsor licences and certificates of sponsorship from the Department of Economic Development to Immigration Officers acting on behalf of the Governor.

The fees themselves will be specified in regulations made by the Governor under 68(7) of the 2014 Act following the coming into force of this Order.