



IMMIGRATION (FEES) (NO.2) ORDER 2020

Index

Article	Page
1 Title	3
2 Commencement	3
3 Interpretation.....	3
4 Fees	4
5 Applications for leave to enter or leave to remain in the Isle of Man	5
6 Documents and administration	5
7 Sponsorship	6
8 Revocation	6

Statutory Document No. 2020/0141



Immigration Act 2014

IMMIGRATION (FEES) (NO.2) ORDER 2020

Laid before Tynwald: 17 March 2020
Coming into Operation: 6 April 2020

The Cabinet Office makes the following Order with the consent of Treasury under section 68(1) to (6), (12) and (13) of the Immigration Act 2014¹ (of Parliament) as that Act has effect in the Island².

1 Title

This Order is the Immigration (Fees) (No.2) Order 2020.

2 Commencement

This Order comes into operation on 6 April 2020

3 Interpretation

“**the 1971 Act**” means the Immigration Act 1971 (of Parliament)³ as that Act has effect in the Island;

“**confirmation of acceptance for studies**” means an authorisation allocated by or on behalf of the Minister 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 Isle of Man as a sponsored student;

“**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 1973;

¹ 2014 c. 22.

² S.I. No. 2008/680.

³ 1971 c. 77.

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

“**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 2014⁴;

“**immigration rules**” means the rules made under section 3(2) of the 1971 Act⁵;

“**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 or the immigration rules and any subsequent variation of that leave and “leave to enter or 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;

“**Secretary of State**” means the Secretary of State of the Home Office of the United Kingdom;

“**sponsor**” means a person licensed by or on behalf of the Minister under the immigration rules to issue certificates of sponsorship or confirmations of acceptance for studies, or both;

“**Sponsor licence**” means a licence granted by or on behalf of the Minister to a person who, by virtue of such a licence, is a licensed sponsor

“**sponsored worker**” means a person seeking 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 condition**” 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;

“**un-sponsored worker**” means a person seeking 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 Minister, or any person appointed by, or acting on behalf of the Minister, must charge the fee specified in fee regulations in respect of the

⁴ AT 11 of 2014

⁵ SD No. 62/05 (as amended)

exercise of the functions in connection with immigration 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 functions.
- (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 unsponsored worker.	£2,000
1.4	Limited leave in the Isle of Man as a student	£480
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.

Table2

<i>Number</i>	<i>Type of application, claim, request or administrative activity</i>	<i>Method of calculation</i>	<i>Maximum amount/rate</i>
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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	European residence document.	Fixed amount	£400
2.1.4	Any other letter or document (not including a passport) confirming a person's identity and immigration status, or setting out any conditions attendant on such status.	Fixed amount	£550
2.1.5	Copy, or replacement, or amended version of any of the documents specified above.	Fixed amount	£550
2.1.6	Information booklet to support the administration of any test specified in 2.2.1 below.	Fixed amount	£4.00
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.	Fixed amount	£250
2.2.2	Carrying out any police criminal record or other checks as required in connection with an immigration application or claim.	Fixed amount	£200

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
3.4	Allocation of a confirmation of acceptance for studies.	£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 maintained by or on behalf of the Minister.	£2,000

8 Revocation

- (1) The Immigration (Fees) Order 2020⁶ is revoked.
- (2) The Immigration and Nationality (Fees) Order 2018⁷ is revoked.

⁶ SD No. 2020/0075

⁷ SD No. 2018/0092

MADE 3 MARCH 2020

HOWARD QUAYLE
Minister for the Cabinet Office

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

This Order revokes and replaces the Immigration and Nationality (Fees) Order 2018. The previous Order encompassed fees charged for both immigration and nationality services, however a separate Fees Order now operates for each service. This follows the transfer of immigration functions from the Lieutenant Governor to the Minister for Cabinet Office by the Immigration (Isle of Man)(Amendment) Order 2019 (2019 No. 562). This Order also corrects an error contained in the Immigration (Fees) Order 2020, and so also revokes that Order.

This Order sets out functions in connection with immigration 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.