

Statutory Document No. 2018/0259

*Immigration Act 2014*

IMMIGRATION AND NATIONALITY (FEES) (AMENDMENT) REGULATIONS 2018

Laid before Tynwald: 15 January 2019
Coming into Operation: 29 March 2019

The Governor makes these Regulations with the consent of Treasury¹ under sections 68(1), (7) to (10), (12) and (13) and 69(1), and (2) of the Immigration Act 2014 (of Parliament)² as that Act has effect in the Island³.

1 Title

These Regulations are the Immigration and Nationality (Fees) (Amendment) Regulations 2018.

2 Commencement

These Regulations come into operation on 29 March 2019.

3 Amendment of the Immigration and Nationality (Fees) Regulations 2018

- (1) Schedule 2 to the Immigration and Nationality (Fees) Regulations 2018 (applications for leave to remain in the Isle of Man) is amended as follows.
- (2) In paragraph 1—
 - (a) in sub-paragraph (3) at the end insert **aa** other than an application to which Table 5A applies. **aa**;
 - (b) after sub-paragraph (3) insert -
aa(3A) Table 5A specifies the amount of the fees for applications for leave to remain in the Isle of Man made under Appendix EU to the immigration rules. **aa**;

¹ As required by section 69(1) 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 the Immigration (Isle of Man) (Amendment) Order 2015 (SI 2015/1765); there are other amendments to that Order but none are relevant for present purposes.

- (c) in subparagraphs (4) and (6) for “and 5” substitute “5 and 5A”.
- (3) In Table 5 (Fee for applications for indefinite leave to remain in the Isle of Man)-
- (a) in the table heading, at the end insert “other than applications to which Table 5A applies”;
- (b) in entry 5.1.1 in the second column at the end insert “other than an application to which Table 5A applies”.
- (4) After Table 5 insert the Table below.

Table 5A (Fees for applications for leave to remain in the Isle of Man made under Appendix EU to the immigration rules)

<i>Number of fee</i>	<i>Type of application</i>	<i>Amount of fee</i>
5A.1	Fees for applications for leave to remain in the Isle of Man under Appendix EU to the immigration rules	
5A.1.1	Application for leave to remain in the Isle of Man made under Appendix EU to the immigration rules where the applicant is aged 16 or over on the day the application is made.	£65
5A.1.2	Application for leave to remain in the Isle of Man made under Appendix EU to the immigration rules where the applicant is under the age of 16 on the day the application is made.	£32.50 22

- (5) At the end of Table 6 (exceptions in respect of fees for applications for, or in connection with, leave to remain in the Isle of Man) add the entries appearing in the Table below.

6.6	Applications for leave to remain in the Isle of Man made on specified grounds under Appendix EU to the immigration rules	
6.6.1	No fee is payable in respect of an application for leave to remain in the Isle of Man made under Appendix EU to the immigration rules on grounds (in relation to the applicant’s eligibility under that Appendix) that condition 1 or condition 2 in paragraph EU11 of the Appendix is met	Fee 5A.1.1 and 5A.1.2 22

- (6) In paragraph 2(1) after “the fee for an application for leave to remain” insert 22 (other than an application to which Table 5A applies) 22.

MADE

RICHARD GOZNEY

Lieutenant Governor

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

These Regulations are made pursuant to the Immigration and Nationality (Fees) Order 2018⁴.

These Regulations amend the Immigration and Nationality (Fees) Regulations 2018 in order to allow for applications for leave to remain under to be made under Appendix EU to the Isle of Man immigration rules. These Regulations also set fees, as well as an exception to these fees for these new types of application.

Under Appendix EU, EU citizens and their family members who by 31 December 2020 have been continuously resident for at least five years will be able to apply for ‘settled status’ (indefinite leave to remain).

Alternatively, those who by 31 December 2020 have not been continuously resident for at least five years will generally be eligible for ‘pre-settled status’ (five years’ limited leave to remain in the Isle of Man), enabling them to stay until they have reached the five-year threshold.

These Regulations come into effect on 29 March 2019, as this is when Appendix EU to the Isle of Man immigration rules itself comes into effect.

The fee for an application will be £65 (the same as the current fee for a permanent residence document issued under the Immigration (European Economic Area) Regulations 2009⁵ (as amended)) for a person aged 16 or over. The fee will not be lower than this, so as not to disadvantage those who have already acquired a permanent residence document under the immigration EEA Regulations.

⁴ SD 2018/0092.

⁵ SD 635/09