

Statutory Document No. 956/08



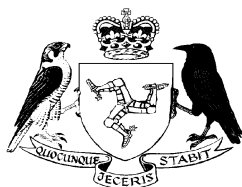
ASYLUM AND IMMIGRATION (TREATMENT OF CLAIMANTS,
ETC.) ACT 2004

IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006

**IMMIGRATION AND NATIONALITY (FEES)
REGULATIONS 2008**

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ASYLUM AND IMMIGRATION (TREATMENT OF CLAIMANTS,
ETC.) ACT 2004

IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006

**IMMIGRATION AND NATIONALITY (FEES)
REGULATIONS 2008**

Laid before Tynwald

20 January 2009

Coming into operation

1 March 2009

The Governor has consulted with such persons as appear to him to be appropriate prior to making these Regulations.¹

The Governor makes these Regulations under sections 51(3) and 52(3) of the Immigration, Asylum and Nationality Act 2006 (of Parliament)², and in reliance on section 42(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (of Parliament)³, as those Acts have effect in the Isle of Man⁴.

The Treasury consents to the making of these Regulations.

1 Title and commencement

- (1) The title of these Regulations is the Immigration and Nationality (Fees) Regulations 2008.
- (2) These Regulations come into operation on 1 March 2009.

2 Interpretation

- (1) In these Regulations—

¹ As required by section 42(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

² 2006 c.13

³ 2004 c.19

⁴ See the Immigration (Isle of Man) Order 2008 (SI 2008/680)

“application for registration” means an application for registration as a British citizen under section 1(3) or (4), 3(1), (2) or (5), 4(2) or (5), 4A, 4B, 4C, 10(1) or (2), or 13(1) or (3) of, or paragraph 3, 4 or 5 of Schedule 2 to, the 1981 Act;

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

“dependant” in respect of a person means—

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

of that person;

“immigration employment document” has the same meaning as in section 88(5) of the Nationality, Immigration and Asylum Act 2002⁵;

“immigration rules” means rules made under section 3(2) of the 1971 Act⁶;

“leave to remain” includes variation of leave to enter, or remain;

“transfer of conditions” means the fixing of a stamp, sticker or other attachment which indicates that a person has been granted limited, or indefinite, leave to enter, or remain in, the Isle of Man on a passport or other document issued to an applicant;

“unmarried or same-sex partner” of a person means a person who is living with that other person in a relationship akin to marriage which has subsisted for 2 years or more;

“1971 Act” means the Immigration Act 1971 (of Parliament)⁷;

“1981 Act” means the British Nationality Act 1981 (of Parliament)⁸; and

“2008 Order” means the Immigration and Nationality (Fees) Order 2008⁹.

- (2) In these Regulations any reference to an Act of Parliament, or a provision of an Act of Parliament, which extends to the Isle of Man is a reference to that Act or provision as it has effect in the Isle of Man.

⁵ 2002 c.41

⁶ See the Statement of Changes in Immigration Rules (SD 62/05), as amended by SD 692/05, SD 442/06, SD 547/06, SD 781/06, SD 871/06, SD 124/07, SD 303/07, SD 002/08, and SD 500/08.

⁷ 1971 c.77

⁸ 1981 c.61

⁹ SD 955/08

3 Fees for immigration services

Subject to regulations 4 to 8, the fees specified in Column 2 of the table in Part 1 of the Schedule are payable in connection with the applications for immigration services, which are specified in column 1 of that table and to which the articles of the 2008 Order referred to in column 3 apply.

4 Exceptions in respect of leave to remain applications

- (1) No fee is payable in respect of an application referred to in regulation 3 if the application is made in respect of a person seeking variation of leave to enter or remain in the Isle of Man for a period of up to 6 months if the application is made to an immigration officer on arrival at a port of entry in the Isle of Man.
- (2) No fee is payable in respect of an application referred to in regulation 3, if it is made under the terms of the Agreement establishing an Association between the European Community and Turkey, signed at Ankara on 12th September 1963.
- (3) If 2 or more applications for leave to remain, or indefinite leave to remain in the Isle of Man are made at the same time, or are being considered by the Governor or the Council of Ministers, as provided for in section 4(1)(a) and (b) of the 1971 Act, in respect of the same person and fees are specified in respect of those applications, a single fee shall be payable that being the higher, or as the case may be, the highest of the fees specified in respect of those applications if those fees are different.

5 Payment of single fee in certain circumstances

- (1) If the conditions specified in paragraph (2) are met, a single fee is payable in connection with an application made under regulation 3.
- (2) The conditions are—
 - (a) an application referred to in regulation 3 is made by an applicant (A) for limited or indefinite leave to remain in the Isle of Man; and
 - (b) at the same time A makes a similar application on behalf of one or more of his or her dependants, in circumstances where such persons are applying as dependants of A.
- (3) The fee payable shall be the fee specified for the application in respect of A.

6 Fees for transfer of conditions

Where an application for transfer of conditions is made by an applicant and at the same time the applicant makes a similar application on behalf of one or more of his or her dependants, a single fee is payable in connection with that application.

7 Fees for immigration employment documents

(1) Subject to regulation 8, if an application for an immigration employment document is made by a single employer in respect of a number of persons who form a group, each of whom is seeking leave to enter, or remain in, the Isle of Man as a person to whom paragraph (2) applies, a single fee is payable in respect of that application.

(2) This paragraph applies to a person who is seeking to enter, or remain in, the Isle of Man—

(a) as a person employed by a ballet or other dance group, theatre group, circus troupe, or orchestra or other group of musicians, and

(b) for the purpose of fulfilling a contractual obligation to perform in the Isle of Man.

8 Exception to fees for immigration employment documents

(1) Subject to paragraph (2), an application for an immigration employment document need not be accompanied by a fee if it is made in respect of a person who is a national of a state which has ratified the Council of Europe Social Charter¹⁰ or the Council of Europe Revised Social Charter¹¹.

(2) Paragraph (1) will only except an application referred to in regulation 7 from the requirement that it be accompanied by a fee if every person in respect of whom the application is made is a person to whom that regulation applies.

9 Fees for services in connection with nationality

(1) Subject to paragraphs (2) to (6), the fees specified in column 2 of the table in Part 2 of the Schedule are payable in connection with the applications to the Governor for services in connection with nationality and the things done in the Isle of Man, which are

¹⁰ Signed in Turin on 18 October 1961 (CETS NO.: 035)

¹¹ Signed in Strasbourg on 3 May 1996 (CETS NO.: 163)

specified in column 1 of that table and to which the articles of the 2008 Order referred to in column 3 apply.

- (2) Subject to paragraph (3), if either a husband and wife, or 2 people who are civil partners of each other apply at the same time for naturalisation as British citizens and at the time of the applications are residing together, the total fee payable in respect of those applications shall be the same as that for a single application.
- (3) Paragraph (2) does not apply to any fee which is payable in respect of the arrangement of a citizenship ceremony.
- (4) If an application for registration of a child is made at the same time as an application for registration of another child and those children have the same parent, or parents, the total fee payable in respect of the applications shall be the same as that for a single application in respect of a child.
- (5) In this regulation, “parent” includes a step-parent or an adoptive parent.
- (6) If a declaration of renunciation of British citizenship status is made by a person at the same time as a declaration of renunciation by him of another such citizenship or status, the total fee payable in respect of the registration of those declarations shall be the same as that for registration of a single declaration.

10 Consequences of failing to pay the fee specified for an application

Where an application to which these regulations refer is to be accompanied by a specified fee, the application will not be considered to have been validly made unless it has been accompanied by that fee.

11 Fee for arranging a citizenship ceremony

- (1) The fee for the arrangement of a citizenship ceremony shall be payable on submission of an application for registration or for naturalisation by an applicant who is required by section 42 of the 1981 Act to make a citizenship oath and pledge at a citizenship ceremony.
- (2) If the fee for the arrangement of a citizenship ceremony is paid in accordance with paragraph (1) and—
 - (a) the Governor refuses the application; or

- (b) the Governor decides that the registration should be effected or the certificate of naturalisation should be granted, but disapplies the requirement to attend a citizenship ceremony because of the special circumstances of the case,

the fee paid in respect of the arrangement of a citizenship ceremony shall be refunded.

- (3) If the fee for the arrangement of a citizenship ceremony is to be paid in accordance with paragraph (1), and the fee is not paid in accordance with that paragraph, the Governor will not consider the application for registration or naturalisation.

MADE 30th December 2008

A handwritten signature in black ink, appearing to read 'R. H. ...', written in a cursive style.

Lieutenant Governor

SCHEDULE

Regulations 3 and 9(1)

TABLE OF FEES

PART 1 – FEES FOR IMMIGRATION SERVICES

<i>Column 1</i> <i>Matter in respect of which fee is payable</i>	<i>Column 2</i> <i>Amount of fee</i> <i>(£)</i>	<i>Column 3</i> <i>Article of the</i> <i>2008 Order</i>
1. An application for limited leave to remain in the Isle of Man for work permit employment under the immigration rules.	350	Article 3(2)(a) or (b)
2. An application for limited leave to remain in the Isle of Man as a highly skilled migrant under the immigration rules.	350	Article 3(2)(a) or (b)
3. An application for limited leave to remain in the Isle of Man as (a) as a person intending to establish himself in business; (b) as an innovator; (c) as an investor; or (d) as a retired person of independent means; under the immigration rules.	750	Article 3(2)(a) or (b)
4. An application for limited leave to remain in the Isle of Man— (a) as a student; (b) to re-sit an examination; or (c) to write up a thesis; under the immigration rules.	295	Article 3(2)(a) or (b)
5. In any other case of an application for limited leave to remain in the Isle of Man under the immigration rules not falling within items 1 to 4 of this Table.	395	Article 3(2)(a) or (b)
6. An application for indefinite leave to remain in the Isle of Man.	750	Article 3(2)(a) or (b)
7. An application for a transfer of conditions.	160	Article 3(2)(c)
8. An application for an immigration employment document - (a) if the application is made in respect of a person who is seeking to enter, or remain in, the Isle of Man under the Highly Skilled Migrant Programme operated by the Department of Trade and Industry under the immigration rules; (b) in any other case	400 190	Article 3(2)(d)

<i>Column 1</i> <i>Matter in respect of which fee is payable</i>	<i>Column 2</i> <i>Amount of fee (£)</i>	<i>Column 3</i> <i>Article of the 2008 Order</i>
9. An application for a certificate that a person has the right of abode in the Isle of Man, issued pursuant to regulations made under section 10 of the Nationality, Immigration and Asylum Act 2002 ¹² .	135	Article 3(2)(g)
10. An application for permission to marry under section 19(3)(b), of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.	295	Article 3(2)(h)

PART 2 – FEES FOR SERVICES IN CONNECTION WITH NATIONALITY

<i>Column 1</i> <i>Matter in respect of which fee is payable</i>	<i>Column 2</i> <i>Amount of fee (£)</i>	<i>Column 3</i> <i>Article of the 2008 Order</i>
1. Application for naturalisation as a British citizen under section 6(1) or (2) of the 1981 Act.	575	Article 3(2)(e)
2. Application under the 1981 Act, except an application under section 5, for registration as a British citizen – (a) by a person of full age; (b) by a minor.	400 400	Article 3(2)(f)
3. The registration of a declaration of renunciation of British citizenship under section 12 of the 1981 Act.	385	Article 4(2)(a)
4. In respect of the arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony).	80	Article 4(2)(b)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations specify the fee for immigration and nationality matters which are specified in the Schedule to the Regulations. The Regulations set out the relevant exceptions and conditions and the consequences of failing to pay the specified fee.

¹² See the Immigration (Certificate of Entitlement to Right of Abode in the Isle of Man) Regulations 2008 (SD 178/08)