

2011 No. 1366

IMMIGRATION

**The Immigration Services Commissioner (Application Fee)
Order 2011**

<i>Made</i>	- - - -	<i>29th May 2011</i>
<i>Laid before Parliament</i>		<i>3rd June 2011</i>
<i>Coming into force</i>	- -	<i>8th July 2011</i>

The Secretary of State, in exercise of the powers conferred by section 166(3) of, and paragraph 5(1) of Schedule 6 to, the Immigration and Asylum Act 1999(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration Services Commissioner (Application Fee) Order 2011 and shall come into force on 8th July 2011.

Interpretation

2. In this Order—

“the Act” means the Immigration and Asylum Act 1999;

“continued registration” means registration to be continued under paragraph 3(1) of Schedule 6 to the Act;

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

“level 1 adviser” means a person providing immigration advice or immigration services only in connection with—

(a) the matters set out in paragraphs (ba)(c), (d), (e), (f) and (g) of the definition of “relevant matters” in section 82(1) of the Act; or

(b) the matter set out in paragraph (b) of the definition of “relevant matters” in section 82(1) of the Act, but only in so far as the advice or services is in connection with an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom for a purpose for which entry or remaining is permitted in accordance with the immigration rules;

“registration” means registration under section 84(2)(a) or (b)(d) or (ba)(e) of the Act;

(a) 1999 c.33.

(b) 1971 c.77.

(c) Paragraph (ba) was inserted into the Act by section 123 of the Nationality, Immigration and Asylum Act 2002 (c. 41).

(d) Subsection 84(2) was substituted by section 37(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19).

(e) Paragraphs 84(2)(ba) and 84(2)(c)(ii) were inserted by section 186 of and paragraphs 9, 12(1) and (2)(a) of Schedule 18 to, the Legal Services Act 2007 (c.27).

“relevant advisers” is to be construed in accordance with article 3 of this Order.

Meaning of “relevant advisers”

3. “Relevant advisers” means, in respect of—
- (a) an individual, that individual together with—
 - (i) the employees of that individual who provide immigration advice or immigration services, excluding such employees who are qualified under section 84(2)(c) to (e) of the Act, or who are persons to whom section 84(4) of the Act applies; and
 - (ii) the persons who provide immigration advice or immigration services who work under the supervision of that individual and his employees, excluding such persons who are qualified persons under section 84(2)(c) to (e) of the Act, or who are persons to whom section 84(4) of the Act applies; and
 - (b) a body corporate or unincorporate—
 - (i) the members and employees of that body who provide immigration or immigration services, excluding such members and employees who are qualified persons under section 84(2)(c) to (e) of the Act, or who are persons to whom section 84(4) of the Act applies; and
 - (ii) the persons who provide immigration advice or immigration services who work under the supervision of such members and employees, excluding such persons who are qualified under sections 84(2)(c) to (e) of the Act, or who are persons to whom section 84(4) of the Act applies.

Fees payable for registration and continued registration

4. On an application for registration—
- (a) The fee payable by a level 1 adviser shall be £575;
 - (b) The fee payable by any other person providing immigration advice or immigration services shall be the fee in column 2 of the Table of Fees set out in the Schedule to this Order (“the table”) which applies in respect of that person’s entry in column 1 of the table.
5. On an application for continued registration—
- (a) the fee payable by a level 1 adviser shall be £575;
 - (b) the fee payable by any other person providing immigration or immigration services shall be the fee in column 3 of the table which applies in respect of that person’s entry in column 1 of the table.
6. A person’s entry in column 1 of the table shall be determined by reference to the number of relevant advisers in respect of that person at the date of the application for registration or, as the case may be, continued registration.

Revocation

7. The Immigration Services Commissioner (Registration Fee) Order 2004(a) is hereby revoked.

Home Office
29th May 2011

Damian Green
Minister of State

(a) S.I.2004/802.

SCHEDULE

Article 4

Table of Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Number of relevant advisers	Fee payable for registration	Fee payable for continued registration
1-4	£1,750	£1,290
5-9	£1,960	£1,600
10 and over	£2,370	£2,115

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Immigration Services Commissioner (Registration Fee) Order 2004 (the “2004 Order”) which is revoked by article 7. This Order specifies the fees to be paid to the Immigration Services Commissioner on making an application for registration or continued registration with that Commissioner as required under Part V of the Immigration and Asylum Act 1999 (“the Act”).

Articles 4(a) and 5(a) provide that the fee payable by level 1 advisers for registration or continued registration is £575. A level 1 adviser is defined in article 2.

For advisers other than level 1 advisers articles 4(b) and 5(b) replicate the fee structure set out in the 2004 Order, namely the fee varies according to the number of members and employees, or persons working under supervision of such members or employees, of the person applying for registration who provide immigration advice or immigration services. By virtue of article 3 such members or employees or persons working under their supervision are excluded from the total figure if they are qualified persons within the meaning of sections 84(2)(c) to (e) of the Act, or if they are persons to whom section 84(4) applies. Under column 3 of the table in the Schedule to this Order, the fee for continued registration for persons other than level 1 advisers is less than the fee for registration.

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STATUTORY INSTRUMENTS

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£4.00