



Jersey

IMMIGRATION (FEES) (JERSEY) ORDER 2017

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IMMIGRATION (FEES) (JERSEY) ORDER 2017

Arrangement

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THE MINISTER FOR HOME AFFAIRS, in pursuance of sections 67A, 67B and 67C of the Immigration Act 2014 as extended to Jersey, with modifications, by the Immigration (Jersey) Order 2016¹, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“1971 Act” means the Immigration Act 1971 (c.77) of the United Kingdom as extended to Jersey, with modifications, by the Immigration (Jersey) Order 1993²;

“Article 3 or Refugee Convention application” means an application for leave to remain in Jersey made on the basis that the applicant is –

- (a) a person making a claim for asylum which has either not been determined or has been granted;
- (b) a person who has been granted humanitarian protection under the Jersey Immigration Rules;
- (c) a person claiming that, due to an ongoing medical condition, removal from Jersey would be incompatible with Article 3 of the European Convention on Human Rights;
- (d) a person who is a dependant of a refugee or person granted humanitarian protection under the Jersey Immigration Rules and is applying for leave to remain in Jersey under paragraphs 352A to 352FI of the Jersey Immigration Rules; or
- (e) a child who was born in Jersey to a person referred to in paragraph (a) or (b);

“claim for asylum” means a claim that it would be contrary to Jersey’s obligations under the United Nations Convention and Protocol relating to the Status of Refugees for the claimant to be removed from, or required to leave, Jersey;

“child” means a person who has not attained the age of 18 years;

“dependant”, in relation to a person, means the spouse or civil partner of the person or a child of the person or of the spouse or civil partner;

“Jersey Immigration Rules” means the directions, as amended from time to time, given under section 1(4A) of the 1971 Act;

“Human Rights Law” means the Human Rights (Jersey) Law 2000³;

“leave to remain in Jersey” means leave to remain in Jersey in accordance with the provisions of the 1971 Act or the Jersey Immigration Rules and any subsequent variation of that leave;

“specified human rights application” means an application for limited leave to remain in Jersey under –

- (a) paragraph 276ADE(i) of the Jersey Immigration Rules; or
- (b) any other application other than an Article 3 or Refugee Convention application in which the applicant relies solely or primarily on a claim that to remove the applicant from Jersey or to require the applicant to leave Jersey would be unlawful under Article 7(1) of the Human Rights Law (public authority not to act contrary to Convention rights);

“spouse”, in relation to a person, includes the person’s civil partner or the person’s unmarried partner (whether or not of the same sex).

2 Fees – limited leave to remain

- (1) This Article applies to an application for leave to remain in Jersey for a limited period.
- (2) The fee that must accompany the application is –
 - (a) where the application is made in relation to a person who is a work permit holder, or a person who is a dependant of a work permit holder, and the application is made –
 - (i) before 1st June 2017, £664, or
 - (ii) on, or after 1st June 2017, £677;
 - (b) where the application is made in relation to a person who is not a work permit holder, or a person who is dependant of a person who is not a work permit holder and the application is made –
 - (i) before 1st June 2017, £811, or
 - (ii) on, or after 1st June 2017, £993.

3 Fees – indefinite leave to remain

The fee that must accompany an application for leave to remain in Jersey for an indefinite period is, where the application is made –

- (a) before 1st June 2017, £1,875; or
- (b) on, or after 1st June 2017, £2,297.

4 Exceptions

No fee need accompany an application under Article 2 or 3 if the application is –

- (a) in respect of an Article 3 or Refugee Convention application;
- (b) made in respect of a victim of domestic violence under paragraph 289A of, or Appendix FM (J) to, the Jersey Immigration Rules where, at the time of making the application, the applicant appears to the Minister to be destitute;
- (c) in respect of a specified human rights application where to require payment of the fee would be incompatible with the applicant's Convention rights (within the meaning of the Human Rights Law);
- (d) made to an immigration officer on arrival at a port of entry in Jersey in respect of a person seeking variation of leave to remain in Jersey for a period of up to 6 months;
- (e) made for the initial period of limited leave to remain in Jersey as a stateless person (within the meaning of paragraph 401 of the Jersey Immigration Rules), or as the family member of a stateless person, under Part 14 of the Jersey Immigration Rules; or
- (f) made in respect of a person who, at the time the application is made, is a child who is being provided with any form of assistance by the States.

5 Citation

This Order may be cited as the Immigration (Fees) (Jersey) Order 2017.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Immigration (Fees) (Jersey) Order 2017	R&O.53/2017	19 May 2017

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

¹	<i>chapter 21.774</i>
²	<i>chapter 21.700</i>
³	<i>chapter 15.350</i>