REQUEST FOR THE RETURN OF THE APPLICATION FEE PAID FOR AN APPLICATION MADE ON FORM COA

This form is to be used to request the return of the fee paid for an application made on form COA between 1 February 2005 and 8 April 2009.

Before completing the form, please make sure that you read the information on the COA fee repayment scheme on page 2. It gives details of the scheme and explains the requirements which must be met to qualify to have the fee returned. Please also read the guidance on the same page.

If both you and your spouse or civil partner want to request the return of the COA application fees paid by each of you, you must make separate requests. Both requests should be submitted together.

Requests on this form may not be made in person at our Public Enquiry Offices. They must be made by post to the address below:

UK Border Agency
COA Repayment Scheme
NCC1
Lunar House (9th Floor)
40 Wellesley Road
Croydon
CR9 2BY
COA FEE REPAYMENT SCHEME

1. Following the House of Lords judgment (Baiai v SHHD [2008] UKHL53), the UK Border Agency suspended the fee for certificates of approval (COA) for marriage or civil partnership with effect from 9 April 2009.

2. If you applied for a COA between 1 February 2005 and 8 April 2009, the application fee may be returned if you can show that having to pay it caused you real financial hardship. The COA fee repayment scheme will run until 31 July 2010.

3. Each request for the return of the COA fee paid must be made separately. If both you and your spouse or civil partner paid a fee and believe you qualify to have both fees returned, you must submit separate requests on form COAFR but it would be helpful if you could post them together in a single envelope.

How do you qualify to have the COA fee returned?

4. To qualify, you must satisfy us that paying the fee caused you real financial hardship at the time you paid the fee.

What do we mean by real financial hardship?

5. We consider that paying the COA fee may have caused you real financial hardship if for the 6 months prior to the date of your COA application, you and your spouse or civil partner:
   a) were reliant on public funds for your support, ie both of you in receipt of benefits, such as Income Support, Jobseeker's Allowance, or Asylum Support under sections 4 or 95 of the Immigration and Asylum Act 1999; or
   b) had less than £500 in capital (eg savings) and a total joint net income per week that was less than the relevant amount(s) below averaged over the 6 months prior to the date of your COA application:

   - £210 in 2004-5
   - £217 in 2005-6
   - £226 in 2006-7
   - £236 in 2007-8
   - £236 in 2008-9

6. These figures are taken from the Department for Work and Pensions (DWP) publication Households Below Average Income, which you can find at the following website address: www.research.dwp.gov.uk/asd/hbai_arc.asp The figure for 2008-9 is the same as that for 2007-8 because the 2008-9 report had not been published when the COA fee repayment scheme was launched.

7. If you do not fulfil the financial hardship criteria specified above, but consider that paying the COA application fee caused you to suffer real hardship, you should set out at section 1.11 why this was the case. You will need to enclose relevant documents as evidence of the hardship that you claim to have suffered.

Are the immigration conditions to which you were subject at the time of your COA application relevant?

8. Yes. If you or your intended spouse or civil partner had valid permission to stay in the UK which required you to support and accommodate yourself without the help of public funds, we think it reasonable to expect you to pay the COA fee if you wanted to get married here. Unless you provide a satisfactory explanation to the contrary at section 1.11 of the form, you are unlikely to qualify to have the fee returned.

GUIDANCE

Completing the form

9. Please use a black pen to complete the form, and write names, addresses and similar details in capital letters. Leave an empty box between each name and each part of the address. Make sure that you complete the form as required, and that the details and information you give are correct. Incomplete or inaccurate details/information could result in your request being refused.

Documents

10. Documents provided with the request should be originals. Copies are only acceptable if there are valid reasons for not being able to provide the original document. If an original document is being submitted in a separate COAFR request by your spouse or civil partner, we will accept a photocopy from you. In other circumstances where an original document is not available, we may accept a copy certified by the body or authority which issued the original (for example, a copy of a savings book certified by the building society or bank), or by a notary. The reasons for not being able to provide the original document must be explained in a covering letter. We are unlikely to be able to grant your request without the original document.

Posting your request

11. Requests on form COAFR may be made only by post to the address on the front page of the form. If you use Recorded or Special Delivery, this will help us to record the receipt of your request. Please keep the Recorded or Special Delivery number. We will return your documents by Recorded Delivery. If you would like them to be returned by Special Delivery, you must provide a suitable prepaid Special Delivery envelope.

Contacting us after submitting your request

12. To send us more information about your request, write to the address to which you posted it and give your full name, date of birth and nationality, any Recorded or Special Delivery number, the date on which the request was posted, and the Home Office reference number. If you need your passport because you have to travel urgently and unexpectedly, please call 0870 606 7766 and provide the same details.

Obtaining forms

13. You can obtain this and other forms from our website at www.ukba.homeoffice.gov.uk If you are unable to obtain the form from our website, our Application Forms Unit on 0870 241 0645 will be able to help but it will take longer.

Other enquiries

14. For enquiries other than obtaining an application form, call our Immigration Enquiry Bureau on 0870 606 7766. We also have the freephone textphone number 0800 38 98 28 9.

Complaints about our service

15. If you wish to make a complaint about our service, please refer to the complaints page on our website for information about how to do so.
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<tr>
<th>Section</th>
<th>Question</th>
<th>Details</th>
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<tbody>
<tr>
<td>1.1</td>
<td>Your current family name</td>
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<td>1.2</td>
<td>Forename(s)</td>
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<td>1.3</td>
<td>Nationality</td>
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<td>1.4</td>
<td>Date of birth</td>
<td>Day</td>
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<td>1.5</td>
<td>Home Office reference number(s), ie a letter and seven numbers which are</td>
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<td>on your COA decision letter</td>
<td>Year</td>
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<td>1.6</td>
<td>Date of the COA application</td>
<td>Day</td>
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<td>1.7</td>
<td>The name you want us to put on a cheque if your request is granted - it</td>
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<td>must be your name or that of your spouse or civil partner</td>
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<td>1.8</td>
<td>The address in the UK to which you want the cheque sent</td>
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<td>Postcode</td>
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<td>1.9</td>
<td>Your full name at the time of your COA application if different from your</td>
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<td>current name</td>
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<td>1.10</td>
<td>Your address at the time of your COA application if different from your</td>
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<td>current address</td>
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<td>Postcode</td>
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<tr>
<td>1.11</td>
<td>After reading paragraphs 4-7 on page 2, please explain in the space</td>
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<td>below why you are requesting the return of the COA fee, including any</td>
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<td>exceptional circumstances which you wish to be considered. If you need</td>
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<td>more space, continue on a separate sheet and enclose it with this form.</td>
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SECTION 2 - DOCUMENTS REQUIRED

You must provide the documents specified below. They must be originals. Please tick the relevant box(es) to show the documents you are providing.

Evidence of your identity. This may be one of the following:

- Your current passport
- Your current UK photo driving licence
- Your UK identity card for foreign nationals if you have been issued with one

Evidence of financial hardship at the time of your COA application. This may be one of the following:

- If both you and your intended spouse or civil partner were in receipt of public funds during the 6 months prior to the date of your COA application, documents confirming this, such as a Department of Work and Pensions (DWP) letter(s) or (until 28 February 2005) benefit order book(s); or letter(s) from the National Asylum Support Service (NASS) confirming the payment of public funds; or
- If neither or only one of you was in receipt of public funds, evidence of your joint weekly income during the 6 months prior to the date of your COA application (such as P60 income tax form(s) or payslips), together with evidence of the kind specified above if one of you was receiving public funds.

- If you included exceptional circumstances in your explanation at section 1.11, relevant document(s) as evidence of those circumstances.
- Your certificate of approval for marriage or civil partnership.

SECTION 3 - DECLARATION

The declaration below must be signed by both you and the person named as your intended spouse or civil partner in the COA application, as the assessment of whether you qualify to have the fee returned is based on your combined income at the time of the application. If a second signature is not possible for whatever reason (eg you did not get married or form a civil partnership, or your relationship has ended), please explain this in a covering letter.

We, the undersigned, hereby request the return of a Certificate of Approval fee of £135 / £295 (please circle the fee paid).

I confirm that the information I have given in this form is true to the best of my knowledge.

I understand that if I have provided information which I know is or might be false or misleading, I may be liable to prosecution under the provisions of the Fraud Act 2006; and that the documents provided in support of this request will be checked for authenticity.

I understand that all information provided by me to the Home Office will be treated in confidence; that it may be disclosed to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions; and that, if such bodies provide the Home Office with any information about me which may be relevant to this request for the return of the COA fee, it may be used in reaching a decision on this request.

I understand that my details may in certain circumstances be passed to fraud prevention agencies to prevent fraud and money laundering. I also understand that such agencies may provide the Home Office with information about me. And I note that the UKBA website contains details explaining when information may be passed to or from fraud prevention agencies and how that information may be used.

Your signature ___________________________ Date __________

Your spouse or civil partner’s signature ___________________________ Date __________