
STATUTORY INSTRUMENTS

2020 No. 1147

**EXITING THE EUROPEAN UNION
IMMIGRATION
NATIONALITY**

The Immigration and Nationality (Replacement of Tier 2 and Fees) (Amendment) (EU Exit) Regulations 2020

<i>Made</i>	- - - -	<i>21st October 2020</i>
<i>Laid before Parliament</i>		<i>22nd October 2020</i>
<i>Coming into force</i>		
<i>Regulations 1, 5 and 11(1) and (3)(k)</i>		<i>12th November 2020</i>
<i>Regulations 8(6)(a) and (b), 9(6)(c), 10 and 12</i>		<i>at 11.00 p.m. on 31st December 2020</i>
<i>Regulation 13(1) and (3)(a)</i>		<i>1st January 2021</i>
<i>Regulations 8(4)(r), 9(4)(l) and 13(2) and (3)(b)</i>		<i>31st January 2021 at 9.00 a.m. on 1st December 2020</i>
<i>Remainder</i>		<i>December 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 84(4) (d) and 166(3)(b) of the Immigration and Asylum Act 1999⁽¹⁾ and sections 68(1), (7), (8) and (10) (a) and (b), 69(2) and 74(8) of the Immigration Act 2014⁽²⁾. These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016⁽³⁾.

So far as these Regulations are made in exercise of powers conferred by the Immigration Act 2014, they are made with the consent of the Treasury⁽⁴⁾.

(1) 1999 c. 33; section 84(4)(d) was amended by paragraph 2(1)(b) of Schedule 7 to the Immigration Act 2014 (c. 22).
(2) 2014 c. 22. Sections 68 to 70 of the Immigration Act 2014 were extended, with modifications, to the Isle of Man by articles 5 to 7 of the Immigration (Isle of Man) (Amendment) Order (S.I. 2015/1765) which inserted new article 22 and new Schedule 9A in the Immigration (Isle of Man) Order 2008 (S.I. 2008/680). Article 22 of and Schedule 9A to S.I. 2008/680 were amended by the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562). There are other amendments to S.I. 2008/680 not relevant to these Regulations. Sections 68 to 70 were extended to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 (S.I. 2016/994) subject to modifications specified in the Schedule to that Order.
(3) S.I. 2016/177, amended by S.I. 2017/440, 2018/329, 2019/745.
(4) Treasury consent has been obtained pursuant to section 69(1) of the Immigration Act 2014.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Replacement of Tier 2 and Fees) (Amendment) (EU Exit) Regulations 2020.

(2) Subject to paragraphs (3) to (6), these Regulations come into force at 9.00 a.m. on 1st December 2020.

(3) This regulation and regulations 5 and 11(1) and (3)(k) come into force on 12th November 2020.

(4) The following provisions of these Regulations come into force at 11.00 p.m. on 31st December 2020—

- (a) regulation 8(6)(a) and (b);
- (b) regulation 9(6)(c);
- (c) regulation 10;
- (d) regulation 12.

(5) Regulation 13(1) and (3)(a) comes into force on 1st January 2021.

(6) Regulations 8(4)(r), 9(4)(l) and 13(2) and (3)(b) come into force on 31st January 2021.

(7) The amendments made by these Regulations have the same extent as the provisions that are amended.

Amendments to the Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009

2. The Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009(5) is amended as provided by regulations 3 and 4.

3.—(1) Article 2 (interpretation) is amended as follows.

(2) The existing text becomes paragraph (1).

(3) In paragraph (1)—

(a) for the definition of “Appendix CS migrant” substitute—

““child student migrant” means a migrant who—

- (a) made an application for entry clearance or leave to remain under Appendix CS: Child Student to the immigration rules which had not been determined immediately before 9.00 a.m. on 1st December 2020(6),
- (b) makes an application for entry clearance or leave to remain under Appendix Child Student to the immigration rules(7), or
- (c) has been granted entry clearance or leave to remain under Appendix CS: Child Student or Appendix Child Student to the immigration rules;”;

(b) in the definition of “immediate family”—

(i) after “Tier 2 migrant’s,” insert “worker migrant’s,”;

(5) [S.I. 2009/506](#), amended by [S.I. 2020/966](#).

(6) The United Kingdom immigration rules were laid before Parliament on 23rd May 1994 (HC 395) and have been subsequently amended. Appendix CS: Child Student was removed from the rules with effect from 9.00 a.m. on 1st December 2020 by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813), but that Statement of Changes provides that applications made under Appendix CS: Child Student before that time continue to be determined under that Appendix.

(7) Appendix Child Student was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813). Appendix Child Student refers to “permission to stay” which is defined in paragraph 6 of the rules to include leave to remain in the United Kingdom.

- (ii) for “a student migrant who is an Appendix CS migrant” substitute “a child student migrant”;
- (c) omit the definitions of “licensed sponsor” and “sponsor licence”;
- (d) for the definition of “student migrant” substitute—
 - ““student migrant” means a migrant who—
 - (a) made an application for entry clearance or leave to remain under Appendix ST: Student to the immigration rules, other than as the dependant partner or dependant child of a Student, which had not been determined immediately before 9.00 a.m. on 1st December 2020⁽⁸⁾,
 - (b) made an application for entry clearance or leave to remain under Appendix CS: Child Student to the immigration rules which had not been determined immediately before that time,
 - (c) makes an application for entry clearance or leave to remain under Appendix Student to the immigration rules⁽⁹⁾, other than as the dependant partner or dependant child of a Student,
 - (d) makes an application for entry clearance or leave to remain under Appendix Child Student to the immigration rules,
 - (e) has been granted entry clearance or leave to remain under Appendix ST: Student or Appendix Student to the immigration rules, other than as the dependant partner or dependant child of a Student, or
 - (f) has been granted entry clearance or leave to remain under Appendix CS: Child Student or Appendix Child Student to the immigration rules;”;
- (e) in the definition of “Tier 2 migrant”—
 - (i) for “makes” substitute “made”;
 - (ii) after “the Part 6A Points-based system” insert “, which had not been determined immediately before 9.00 a.m. on 1st December 2020”;
- (f) in the definition of “Tier 4 (Child) Student” for “within the meaning given by paragraph 6 of” substitute “under”;
- (g) at the end insert—
 - ““worker migrant” means a migrant who makes an application for entry clearance or leave to remain, or has been granted entry clearance or leave to remain—
 - (a) under Appendix Skilled Worker to the immigration rules⁽¹⁰⁾, other than as the dependant partner or dependant child of a Skilled Worker,
 - (b) under Appendix Intra-Company Routes to those rules, other than as a dependant partner or dependant child on the Intra-Company Transfer route or the Intra-Company Graduate Trainee route under that Appendix,

⁽⁸⁾ Appendix ST: Student was removed from the United Kingdom immigration rules with effect from 9.00 a.m. on 1st December 2020 by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813), but that Statement of Changes provides that applications made under Appendix ST: Student before that time continue to be determined under that Appendix.

⁽⁹⁾ Appendix Student was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813). Appendix Student refers to “permission to stay” which is defined in paragraph 6 of the rules to include leave to remain in the United Kingdom.

⁽¹⁰⁾ Appendix Skilled Worker, Appendix Intra-Company Routes, Appendix T2 Minister of Religion and Appendix T2 Sports person were added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813), which also made other related amendments to the rules. The new Appendices refer to “permission to stay” which is defined in paragraph 6 of the rules to include leave to remain in the United Kingdom.

- (c) under Appendix T2 Minister of Religion to those rules, other than as a dependant partner or dependant child on the T2 Minister of Religion route under that Appendix, or
 - (d) under Appendix T2 Sportsperson to those rules, other than as a dependant partner or dependant child on the T2 Sportsperson route under that Appendix;
“worker sponsor” means a person licensed by the Secretary of State as a sponsor of applicants for entry clearance or leave to remain under Appendix Skilled Worker, Appendix Intra-Company Routes, Appendix T2 Minister of Religion or Appendix T2 Sportsperson to the immigration rules.”
- (4) After paragraph (1) insert—
- “(2) In paragraph (1), any reference—
 - (a) to an application for entry clearance or leave to remain under an Appendix to the immigration rules being for entry clearance or leave to remain as the dependant partner or dependant child of a particular description of person, or as a dependant partner or dependant child on a particular route under that Appendix, or
 - (b) to the clearance or leave granted to a person under an Appendix to the immigration rules being entry clearance or leave to remain as the dependant partner or dependant child of a particular description of person, or as a dependant partner or dependant child on a particular route under that Appendix,is to be construed in accordance with the Appendix in question.”
- 4.—(1) Article 3 (exemption of licensed sponsors and Student sponsors) is amended as follows.
- (2) For the heading substitute “Exemption for worker sponsors and Student sponsors”.
- (3) In paragraph (1) for sub-paragraph (a) substitute—
- “(a) are worker sponsors and provide immigration advice or immigration services free of charge to worker migrants or Tier 2 migrants or to the immediate family of those migrants, or”.
- (4) For paragraph (2) substitute—
- “(2) The immigration advice or services given must be restricted to matters relating to—
 - (a) the migrant’s application, or
 - (b) an application for entry clearance, leave to enter or leave to remain made by the migrant’s immediate family and which is dependent on the migrant’s application.
 - (2A) In paragraph (2), the references to the migrant’s application are to the migrant’s application under—
 - (a) Tier 2 or Tier 4 of the Part 6A Points-based system,
 - (b) Appendix ST: Student to the immigration rules,
 - (c) Appendix CS: Child Student to those rules,
 - (d) Appendix Skilled Worker to those rules,
 - (e) Appendix Intra-Company Routes to those rules,
 - (f) Appendix T2 Minister of Religion to those rules,
 - (g) Appendix T2 Sportsperson to those rules,
 - (h) Appendix Student to those rules, or
 - (i) Appendix Child Student to those rules.”
- (5) In paragraph (3) for “the licensed sponsor” substitute “the worker sponsor”.

Amendments to the Immigration and Nationality (Fees) Regulations 2018

5. The Immigration and Nationality (Fees) Regulations 2018(11) are amended as provided by regulations 6 to 13.

6.—(1) Regulation 2 (interpretation) is amended as follows.

(2) For the definition of “approval letter from an endorsing body” substitute—

““approval letter from an endorsing body” means a letter from an endorsing body, within the meaning given by paragraph 6 of the immigration rules, endorsing a proposed application for entry clearance to enter or leave to remain in the United Kingdom under Appendix Global Talent to those rules(12);”.

(3) In the definition of “Innovator”—

(a) omit paragraph (a);

(b) in paragraph (b) omit “in respect of the Isle of Man”.

(4) In the definition of “Life in the UK Test” after “Appendix KoLL” insert “and Appendix KOL UK”(13).

(5) In the definition of “Points-Based System”—

(a) omit paragraph (a);

(b) in paragraph (b) omit “in respect of the Isle of Man”.

(6) In the definition of “shortage occupation certificate of sponsorship” for “set out in Appendix K” substitute “in Appendix Shortage Occupation List”(14).

(7) In the definition of “Start-up Migrant”—

(a) omit paragraph (a);

(b) in paragraph (b) omit “in respect of the Isle of Man”.

(8) After the definition of “Start-up Migrant” insert—

““Tier 1 (General) Migrant” and “Tier 1 (Post-Study Work) Migrant” have the meanings given by paragraph 6 of the Isle of Man immigration rules;”.

(9) In the definition of “Tier 1 (Entrepreneur) Migrant”, “Tier 1 (Exceptional Talent) Migrant”, “Tier 1 (General) Migrant”, “Tier 1 (Graduate Entrepreneur) Migrant”, “Tier 1 (Investor) Migrant” and “Tier 1 (Post-Study Work) Migrant”—

(a) omit ““Tier 1 (General) Migrant”,”;

(b) after ““Tier 1 (Graduate Entrepreneur) Migrant”,” insert “and”;

(c) omit “, and “Tier 1 (Post-Study Work) Migrant””.

(10) Omit the definition of “Tier 2 Migrant”, “Tier 2 (General) Migrant”, “Tier 2 (Intra-Company Transfer) Migrant”, “Tier 2 (Minister of Religion) Migrant” and “Tier 2 (Sportsperson) Migrant”.

(11) Omit the definition of “Tier 2 (Intra-Company Transfer) Long Term Staff Migrant” and “Tier 2 (Intra-Company Transfer) Graduate Trainee Migrant”.

(12) In the definition of “Tier 4 Migrant”—

(11) S.I. 2018/330, amended by S.I. 2018/618, 2018/875, 2018/999, 2019/475, 2020/77, 2020/294, 2020/736, 2020/942, 2020/966.

(12) Appendix Global Talent was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813) which also made related amendments to the rules, including to paragraph 6.

(13) Appendix KOL UK was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(14) Appendix Shortage Occupation List was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

- (a) omit paragraph (a);
 - (b) in paragraph (b) omit “in respect of the Isle of Man”.
- (13) In the definition of “Tier 5 Migrant”, “Tier 5 (Temporary Worker) Migrant” and “Tier 5 (Youth Mobility) Temporary Migrant”—
- (a) omit paragraph (a);
 - (b) in paragraph (b) omit “in respect of the Isle of Man”.
- (14) Omit the definition of “transit visit visa”.
- (15) In the definition of “visit visa” for paragraph (a) substitute—
- “(a) in respect of the United Kingdom means entry clearance to enter the United Kingdom as a visitor;”.
7. In regulation 3 (fees for applications for entry clearance to enter, and leave to enter, the United Kingdom) in paragraph (a)(iii) omit “a transit visit visa and”.
- 8.—(1) Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) is amended as follows.
- (2) In paragraph 1—
- (a) the existing text becomes sub-paragraph (1);
 - (b) in that sub-paragraph omit the definitions of “short-term student” and “short-term student (child)”;
 - (c) after that sub-paragraph insert—
 - “(2) In this Schedule, a reference to an application for entry clearance under an Appendix to the immigration rules being for entry clearance—
 - (a) as the dependant partner or dependant child of a particular description of person, or
 - (b) as a dependant partner or dependant child, or any other description of dependant, on a particular route under that Appendix,
 is to be construed in accordance with the Appendix in question.”
- (3) In paragraph 2(5A) for the words from “as a Tier 2 (General) Migrant” to the end substitute “under Appendix Skilled Worker to the immigration rules”.
- (4) In Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom)—
- (a) in 1.1.1 in the second column at the end insert “, except where the fee at 1.1.7 applies.”;
 - (b) in 1.1.7 for the words in the second column substitute “Application for entry clearance as a transit visitor under Appendix V: Visitor to the immigration rules(15).”;
 - (c) in 1.2 in the heading for “Fees” substitute “Fee”;
 - (d) omit 1.2.1;
 - (e) in 1.2.2 for the words in the second column substitute “Application for entry clearance under Appendix Short-term Student to the immigration rules(16).”;
 - (f) omit 1.2.3;

(15) Appendix V: Visitor was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(16) Appendix Short-term Student was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(g) in 1.3 in the heading for “, and connected applications, under the Points-Based System” substitute “under Tier 1 or as a worker, temporary worker or student”;

(h) after 1.3.6 insert—

“1.3.6A	Application for entry clearance—	£610
	<p>(a) under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker,</p> <p>(b) under Appendix Intra-Company Routes to those rules, on the Intra-Company Transfer route under that Appendix, other than as a dependant partner or dependant child on that route,</p> <p>(c) under Appendix T2 Minister of Religion to those rules, other than as a dependant partner or dependant child on the T2 Minister of Religion route under that Appendix, or</p> <p>(d) under Appendix T2 Sportsperson to those rules, other than as a dependant partner or dependant child on the T2 Sportsperson route under that Appendix,</p> <p>where a certificate of sponsorship has been issued for a period of three years or less and fee 1.3.6C does not apply.</p>	
1.3.6B	Application for entry clearance—	£1,220
	<p>(a) under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, or</p> <p>(b) under Appendix Intra-Company Routes to those rules, on the Intra-Company Transfer route under that Appendix, other than as a dependant partner or dependant child on that route,</p> <p>where a certificate of sponsorship has been issued for a period of more than three years and fee 1.3.6D does not apply.</p>	
1.3.6C	Application for entry clearance under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where a shortage occupation certificate of sponsorship has been issued for a period of three years or less.	£464
1.3.6D	Application for entry clearance under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where a shortage occupation certificate of sponsorship has been issued for a period of more than three years.	£928
1.3.6E	Application for entry clearance under Appendix Intra-Company Routes to the immigration rules, on the Intra-Company Graduate Trainee route under that Appendix, other than as a dependant partner or dependant child on that route.	£482

1.3.6F	<p>Application for entry clearance—</p> <p>(a) under Appendix T5 (Temporary Worker) Seasonal Worker to the immigration rules,</p> <p>(b) under Appendix T5 (Temporary Worker) Youth Mobility Scheme to those rules,</p> <p>(c) under Appendix T5 (Temporary Worker) Religious Worker to those rules, other than as a dependant partner or dependant child on the Religious Worker route under that Appendix,</p> <p>(d) under Appendix T5 (Temporary Worker) Charity Worker to those rules, other than as a dependant partner or dependant child on the Charity Worker route under that Appendix,</p> <p>(e) under Appendix T5 (Temporary Worker) Creative or Sporting Worker to those rules, other than as a dependant partner or dependant child on the Creative or Sporting Worker route under that Appendix,</p> <p>(f) under Appendix T5 (Temporary Worker) International Agreement Worker to those rules, other than as a dependant partner or dependant child on the International Agreement Worker route under that Appendix, or</p> <p>(g) under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker to those rules, other than as a dependant partner or dependant child on the Government Authorised Exchange Worker route under than Appendix.(17)</p>	£244”
	<p>(i) omit 1.3.7, 1.3.8, 1.3.9, 1.3.10 and 1.3.11;</p> <p>(j) in 1.3.11A in the second column—</p> <p style="padding-left: 20px;">(i) for “Appendix ST: Student” substitute “Appendix Student”;</p> <p style="padding-left: 20px;">(ii) omit “(within the meaning those expressions have in that Appendix)”;</p> <p style="padding-left: 20px;">(iii) for “Appendix CS: Child Student” substitute “Appendix Child Student”;</p> <p>(k) omit 1.3.13;</p> <p>(l) in 1.3A in the heading for “as an Innovator or Start-up Migrant” substitute “under Appendix Innovator or Appendix Start-up to the immigration rules”(18);</p> <p>(m) in 1.3A.1 in the second column for “as an Innovator” substitute “under Appendix Innovator to the immigration rules, other than as a dependant partner or dependant child on the Innovator route under that Appendix”;</p>	

(17) Appendix T5 (Temporary Worker) Seasonal Worker, Appendix T5 (Temporary Worker) Youth Mobility Scheme, Appendix T5 (Temporary Worker) Religious Worker, Appendix T5 (Temporary Worker) Charity Worker, Appendix T5 (Temporary Worker) Creative or Sporting Worker, Appendix T5 (Temporary Worker) International Agreement Worker and Appendix T5 (Temporary Worker) Government Authorised Exchange Worker were added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(18) Appendix Innovator and Appendix Start-up were added to the immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

- (n) in 1.3A.2 in the second column for “as a Start-up Migrant” substitute “under Appendix Start-up to the immigration rules, other than as a dependant partner or dependant child on the Start-up route under that Appendix”;
- (o) in 1.3B in the heading for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules”;
- (p) in 1.3B.1 in the second column for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules, other than as a dependant partner or dependant child on the Global Talent route under that Appendix”;
- (q) in 1.3B.2 and 1.3B.3 in the second column for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules, other than as a dependant partner or dependant child on the Global Talent route under that Appendix,”;
- (r) after 1.3B.3 insert—

“1.3C Fees for applications for entry clearance to enter or leave to enter the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules, other than as a specified dependant

1.3C.1	Application for entry clearance or limited leave to enter the United Kingdom for a period of thirty months under Appendix Hong Kong British National (Overseas) to the immigration rules(19), other than as—	£180
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(a) a dependant partner on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix,

(b) a BN(O) Household Child or BN(O) Adult Dependant Relative (within the meaning those expressions have in that Appendix) on the BN(O) Status Holder route under that Appendix, or

(c) a dependant child on the BN(O) Household Member route under that Appendix.

1.3C.2	Application for entry clearance or limited leave to enter the United Kingdom for a period of five years under Appendix Hong Kong British National (Overseas) to the immigration rules, other than as—	£250”
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(a) a dependant partner on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix,

(b) a BN(O) Household Child or BN(O) Adult Dependant Relative (within the meaning those expressions have in that Appendix) on the BN(O) Status Holder route under that Appendix, or

(c) a dependant child on the BN(O) Household Member route under that Appendix.

(19) Appendix Hong Kong British National (Overseas) was added to the immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

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- (s) in 1.4.6 for the words in the second column substitute “Application for entry clearance under Appendix Representative of an Overseas Business to the immigration rules(20), other than as a dependant partner or dependant child on the Representative of an Overseas Business route under that Appendix.”;
- (5) In Table 2 (specified fees for dependants)—
- (a) omit 2.1.2, 2.1.3 and 2.1.5;
- (b) at the end insert—

“2.1.6 Application for entry clearance under Appendix Global Talent to £608”
the immigration rules as a dependant partner or dependant child on
the Global Talent route under that Appendix.

- (6) In Table 4 (exceptions in respect of fees for applications for entry clearance to enter or leave to enter the United Kingdom)—
- (a) in 4.3 in the heading for “the EC Association Agreement with Turkey” substitute “Appendix ECAA Extension of Stay to the immigration rules(21)”;
- (b) in 4.3.1 in the second column for “the terms of the EC Association Agreement with Turkey” substitute “Appendix ECAA Extension of Stay to the immigration rules”;
- (c) at the end insert—

“4.7 Applications for entry clearance under Appendix Service Providers from Switzerland to the immigration rules(22)

4.7.1 No fee is payable in respect of an application for entry clearance Fee 1.5.1
to enter the United Kingdom made under Appendix Service
Providers from Switzerland to the immigration rules.

4.8 Applications for entry clearance under Appendix S2 Healthcare Visitor to the immigration rules(23)

4.8.1 No fee is payable in respect of an application for entry clearance Fees 1.1.1, 1.1.6
to enter the United Kingdom made under Appendix S2 Healthcare and 1.5.1”
Visitor to the immigration rules.

- (7) In Table 5 (waivers or reductions in respect of fees for applications for entry clearance to enter or leave to enter the United Kingdom) in 5.2.1 in the third column for “1.2.1, 1.2.2, 1.2.3” substitute “1.2.2”.

- (8) For paragraph 3A substitute—

“Reduction of fees for Health and Care Visa applications and related applications by dependants

3A.—(1) In this paragraph—

a “Health and Care Visa application” means an application for entry clearance to enter the United Kingdom under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where the certificate of

(20) Appendix Representative of an Overseas Business was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(21) Appendix ECAA Extension of Stay was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(22) **Appendix Service Providers from Switzerland was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).**

(23) Appendix S2 Healthcare Visitor was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

sponsorship issued in respect of the application confirms the applicant's eligibility for a Health and Care Visa provided for by the Health and Care Visa Guidance;

a "relevant dependant's application" means an application for entry clearance to enter the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker where—

- (a) the certificate of sponsorship issued in respect of the application by the main applicant confirms the main applicant's eligibility for a Health and Care Visa provided for by the Health and Care Visa Guidance, or by the Tier 2 Policy Guidance where the main applicant's application was made before 9.00 a.m. on 1st December 2020, or
- (b) the applicant has a sponsor's letter or email referred to in paragraph 9 of the Health and Care Visa Guidance.

(2) In the case of a Health and Care Visa application, the fee under 1.3.6A, 1.3.6B, 1.3.6C or 1.3.6D of Table 1 payable in respect of an application for entry clearance to enter the United Kingdom under Appendix Skilled Worker to the immigration rules is to be reduced—

- (a) by £378, where it is the fee specified by 1.3.6A of that Table;
- (b) by £756, where it is the fee specified by 1.3.6B of that Table;
- (c) by 50%, where it is the fee specified by 1.3.6C or 1.3.6D of that Table.

(3) In the case of a relevant dependant's application where the application by the main applicant was made at or after 9.00 a.m. on 1st December 2020, the fee payable by virtue of paragraph 3 in respect of an application for entry clearance to enter the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker is to be reduced—

- (a) by £378, where it is the fee specified by 1.3.6A of that Table;
- (b) by £756, where it is the fee specified by 1.3.6B of that Table;
- (c) by 50%, where it is the fee specified by 1.3.6C or 1.3.6D of that Table.

(4) In the case of a relevant dependant's application where the application by the main applicant was made before 9.00 a.m. on 1st December 2020, the fee payable by virtue of paragraph 3 in respect of an application for entry clearance to enter the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker is to be reduced—

- (a) by £378, where it is the fee specified by 1.3.7 of Table 1 as it continues to have effect by virtue of regulation 14(1) of the Immigration and Nationality (Replacement of Tier 2 and Fees) (Amendment) (EU Exit) Regulations 2020;
- (b) by £756, where it is the fee specified by 1.3.8 of that Table as it continues to have effect by virtue of that regulation;
- (c) by 50%, where it is the fee specified by 1.3.9 or 1.3.10 of that Table as it continues to have effect by virtue of that regulation.

(5) In sub-paragraph (1)—

- (a) the references to "the Health and Care Visa Guidance" are references to the document entitled "Health and Care Visa Guidance" published by the Home Office⁽²⁴⁾;
- (b) the reference to "the Tier 2 Policy Guidance" is a reference to the document entitled "Tier 2 of the Points-Based System – Policy Guidance" published by the Home Office⁽²⁵⁾.

(24) "Health and Care Visa Guidance" is accessible via www.gov.uk.

(25) "Tier 2 of the Points-Based System – Policy Guidance" is accessible via www.gov.uk.

(9) In paragraph 4—

- (a) in sub-paragraph (1) after “within sub-paragraph (2)” insert “or (2A)”;
- (b) in sub-paragraph (2) omit paragraphs (d) to (h);
- (c) after sub-paragraph (2) insert—

“(2A) An application is of a kind within this sub-paragraph if it is an application for entry clearance to enter the United Kingdom under any of the following Appendices to the immigration rules—

- (a) Appendix Skilled Worker;
- (b) Appendix Intra-Company Routes;
- (c) Appendix T2 Minister of Religion;
- (d) Appendix T2 Sports person;
- (e) Appendix T5 (Temporary Worker) Seasonal Worker;
- (f) Appendix T5 (Temporary Worker) Religious Worker;
- (g) Appendix T5 (Temporary Worker) Charity Worker;
- (h) Appendix T5 (Temporary Worker) Creative or Sporting Worker;
- (i) Appendix T5 (Temporary Worker) International Agreement Worker;
- (j) Appendix T5 (Temporary Worker) Government Authorised Exchange Worker;
- (k) Appendix Innovator;
- (l) Appendix Start-up;
- (m) Appendix Global Talent.”

9.—(1) Schedule 2 (applications for leave to remain in the United Kingdom) is amended as follows.

(2) In paragraph 1 after sub-paragraph (2) insert—

“(2A) In this Schedule, a reference to an application for limited leave to remain under an Appendix to the immigration rules being for limited leave to remain—

- (a) as the dependant partner or dependant child of a particular description of person, or
- (b) as a dependant partner or dependant child, or any other description of dependant, on a particular route under that Appendix,

is to be construed in accordance with the Appendix in question.”

(3) In paragraph 2(5A) for the words from “as a Tier 2 (General) Migrant” to the end substitute “under Appendix Skilled Worker to the immigration rules”.

(4) In Table 6 (fees for applications for limited leave to remain in the United Kingdom and connected applications)—

- (a) in 6.2. for the heading substitute “Fees for applications for limited leave to remain in the United Kingdom under Tier 1 or as a worker, temporary worker or student”;
- (b) after 6.2.6 insert—

“6.2.6A Application for limited leave to remain in the United Kingdom— £704

(a) under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker,

(b) under Appendix Intra-Company Routes to those rules, on the Intra-Company Transfer route under that Appendix, other than as a dependant partner or dependant child on that route,

(c) under Appendix T2 Minister of Religion to those rules, other than as a dependant partner or dependant child on the T2 Minister of Religion route under that Appendix, or

(d) under Appendix T2 Sportsperson to those rules, other than as a dependant partner or dependant child on the T2 Sportsperson route under that Appendix,

where a certificate of sponsorship has been issued for a period of three years or less and fee 6.2.6C does not apply.

6.2.6B Application for limited leave to remain in the United Kingdom— £1,408

(a) under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, or

(b) under Appendix Intra-Company Routes to those rules, on the Intra-Company Transfer route under that Appendix, other than as a dependant partner or dependant child on that route,

where a certificate of sponsorship has been issued for a period of more than three years and fee 6.2.6D does not apply.

6.2.6C Application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where a shortage occupation certificate of sponsorship has been issued for a period of three years or less. £464

6.2.6D Application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where a shortage occupation certificate of sponsorship has been issued for a period of more than three years. £928

6.2.6E Application for limited leave to remain in the United Kingdom under Appendix Intra-Company Routes to the immigration rules, on the Intra-Company Graduate Trainee route under that Appendix, other than as a dependant partner or dependant child on that route. £482

6.2.6F Application for limited leave to remain in the United Kingdom— £244*

(a) under Appendix T5 (Temporary Worker) Religious Worker to the immigration rules, other than as a dependant partner or dependant child on the Religious Worker route under that Appendix,

(b) under Appendix T5 (Temporary Worker) Charity Worker to those rules, other than as a dependant partner or dependant child on the Charity Worker route under that Appendix,

(c) under Appendix T5 (Temporary Worker) Creative or Sporting Worker to those rules, other than as a dependant partner or dependant child on the Creative or Sporting Worker route under that Appendix,

(d) under Appendix T5 (Temporary Worker) International Agreement Worker to those rules, other than as a dependant partner or dependant child on the International Agreement Worker route under that Appendix, or

(e) under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker to those rules, other than as a dependant partner or dependant child on the Government Authorised Exchange Worker route under than Appendix.

(c) omit 6.2.7, 6.2.8, 6.2.9, 6.2.10 and 6.2.11;

(d) in 6.2.11A in the second column—

(i) for “Appendix ST: Student” substitute “Appendix Student”;

(ii) omit “(within the meaning those expressions have in that Appendix)”;

(iii) for “Appendix CS: Child Student” substitute “Appendix Child Student”;

(e) omit 6.2.13;

(f) in 6.2A in the heading for “as an Innovator or Start-up Migrant” substitute “under Appendix Innovator or Appendix Start-up to the immigration rules”;

(g) in 6.2A.1 in the second column for “as an Innovator” substitute “under Appendix Innovator to the immigration rules, other than as a dependant partner or dependant child on the Innovator route under that Appendix”;

(h) in 6.2A.2 in the second column for “as a Start-up Migrant” substitute “under Appendix Start-up to the immigration rules, other than as a dependant partner or dependant child on the Start-up route under that Appendix”;

(i) in 6.2B in the heading for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules”;

(j) in 6.2B.1 in the second column for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules, other than as a dependant partner or dependant child on the Global Talent route under that Appendix”;

(k) in 6.2B.2 and 6.2B.3 in the second column for “as a Global Talent Migrant” substitute “under Appendix Global Talent to the immigration rules, other than as a dependant partner or dependant child on the Global Talent route under that Appendix,”;

(l) after 6.2B.3 insert—

“6.2C Fees for applications for limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules, other than as a specified dependant

6.2C.1	Application for limited leave to remain in the United Kingdom for a period of thirty months under Appendix Hong Kong British National (Overseas) to the immigration rules, other than as—	£180
	(a) a dependant partner on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix,	
	(b) a BN(O) Household Child or BN(O) Adult Dependant Relative (within the meaning those expressions have in that Appendix) on the BN(O) Status Holder route under that Appendix, or	
	(c) a dependant child on the BN(O) Household Member route under that Appendix.	
<hr/>		
6.2C.2	Application for limited leave to remain in the United Kingdom for a period of five years under Appendix Hong Kong British National (Overseas) to the immigration rules, other than as—	£250”
	(a) a dependant partner on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix,	
	(b) a BN(O) Household Child or BN(O) Adult Dependant Relative (within the meaning those expressions have in that Appendix) on the BN(O) Status Holder route under that Appendix, or	
	(c) a dependant child on the BN(O) Household Member route under that Appendix.	
<hr/>		
	(m) in 6.3.1 for the words in the second column substitute “Application for limited leave to remain in the United Kingdom under Appendix Representative of an Overseas Business to the immigration rules, other than as a dependant partner or dependant child on the Representative of an Overseas Business route under that Appendix.”	
	(5) In Table 7 (fees for specified applications for limited leave to remain in the United Kingdom as a dependant)—	
	(a) omit 7.1.2 and 7.1.4;	
	(b) at the end insert—	
<hr/>		
“7.1.5	Application for limited leave to remain in the United Kingdom under Appendix Global Talent to the immigration rules as a dependant partner or dependant child on the Global Talent route under that Appendix.	£608”
<hr/>		
	(6) In Table 9 (exceptions and waivers in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom)—	
	(a) in 9.5 in the row below the heading, in the third column for “6.2.13” substitute “6.2.6F”;	
	(b) in 9.6 in the row below the heading, in the third column for “6.2.13” substitute “6.2.6F”;	
	(c) in 9.7—	
	(i) in the heading for “the EC Association Agreement with Turkey” substitute “Appendix ECAA Extension of Stay to the immigration rules”;	

- (ii) in the row below the heading, in the second column for “the terms of the EC Association Agreement with Turkey” substitute “Appendix ECAA Extension of Stay to the immigration rules”;
- (d) at the end insert—

“9.17 Applications for limited leave to remain in the United Kingdom made under Appendix S2 Healthcare Visitor to the immigration rules

No fee is payable in respect of an application for limited leave to Fees 6.1.1, remain in the United Kingdom made under Appendix S2 Healthcare 6.3.3” Visitor to the immigration rules.

- (7) For paragraph 3A substitute—

“Reduction of fees for Health and Care Visa applications and related applications by dependants

3A.—(1) In this paragraph—

a “Health and Care Visa application” means an application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules, other than as the dependant partner or dependant child of a Skilled Worker, where the certificate of sponsorship issued in respect of the application confirms the applicant’s eligibility for a Health and Care Visa provided for by the Health and Care Visa Guidance;

a “relevant dependant’s application” means an application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker where—

- (a) the certificate of sponsorship issued in respect of the application by the main applicant confirms the main applicant’s eligibility for a Health and Care Visa provided for by the Health and Care Visa Guidance, or by the Tier 2 Policy Guidance where the main applicant’s application was made before 9.00 a.m. on 1st December 2020, or
- (b) the applicant has a sponsor’s letter or email referred to in paragraph 9 of the Health and Care Visa Guidance.

(2) In the case of a Health and Care Visa application, the fee under 6.2.6A, 6.2.6B, 6.2.6C or 6.2.6D of Table 6 payable in respect of an application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules is to be reduced—

- (a) by £472, where it is the fee specified by 6.2.6A of that Table;
- (b) by £944, where it is the fee specified by 6.2.6B of that Table;
- (c) by 50%, where it is the fee specified by 6.2.6C or 6.2.6D of that Table.

(3) In the case of a relevant dependant’s application where the application by the main applicant was made at or after 9.00 a.m. on 1st December 2020, the fee payable by virtue of paragraph 3 in respect of an application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker is to be reduced—

- (a) by £472, where it is the fee specified by 6.2.6A of Table 6;
- (b) by £944, where it is the fee specified by 6.2.6B of that Table;
- (c) by 50%, where it is the fee specified by 6.2.6C or 6.2.6D of that Table.

(4) In the case of a relevant dependant’s application where the application by the main applicant was made before 9.00 a.m. on 1st December 2020, the fee payable by virtue of

paragraph 3 in respect of an application for limited leave to remain in the United Kingdom under Appendix Skilled Worker to the immigration rules as the dependant partner or dependant child of a Skilled Worker is to be reduced—

- (a) by £472, where it is the fee specified by 6.2.7 of Table 6 as it continues to have effect by virtue of regulation 14(6) of the Immigration and Nationality (Replacement of Tier 2 and Fees) (Amendment) (EU Exit) Regulations 2020;
- (b) by £944, where it is the fee specified by 6.2.8 of that Table as it continues to have effect by virtue of that regulation;
- (c) by 50%, where it is the fee specified by 6.2.9 or 6.2.10 of that Table as it continues to have effect by virtue of that regulation.

(5) In sub-paragraph (1)—

- (a) the references to “the Health and Care Visa Guidance” are references to the document entitled “Health and Care Visa Guidance” published by the Home Office;
- (b) the reference to “the Tier 2 Policy Guidance” is a reference to the document entitled “Tier 2 of the Points-Based System – Policy Guidance” published by the Home Office.”

(8) In paragraph 4—

- (a) in sub-paragraph (1) after “within sub-paragraph (2)” insert “or (2A)”;
- (b) in sub-paragraph (2) omit paragraphs (d) to (h);
- (c) after sub-paragraph (2) insert—

“(2A) An application is of a kind within this sub-paragraph if it is an application for leave to remain in the United Kingdom under any of the following Appendices to the immigration rules—

- (a) Appendix Skilled Worker;
- (b) Appendix Intra-Company Routes;
- (c) Appendix T2 Minister of Religion;
- (d) Appendix T2 Sportsperson;
- (e) Appendix T5 (Temporary Worker) Religious Worker;
- (f) Appendix T5 (Temporary Worker) Charity Worker;
- (g) Appendix T5 (Temporary Worker) Creative or Sporting Worker;
- (h) Appendix T5 (Temporary Worker) International Agreement Worker;
- (i) Appendix T5 (Temporary Worker) Government Authorised Exchange Worker;
- (j) Appendix Innovator;
- (k) Appendix Start-up;
- (l) Appendix Global Talent.”

10.—(1) Schedule 3 (documents and administration) is amended as follows.

(2) In Table 13 (exceptions to the requirement to pay fees for applications for biometric immigration documents and the process used to take a record of biometric information)—

- (a) in 13.5 in the heading, at the end insert “or under Appendix ECAA Extension of Stay to the immigration rules”;
- (b) in 13.5.1 after “the United Kingdom” insert “granted under Appendix ECAA Extension of Stay to the immigration rules or, before 11.00 p.m. on 31st December 2020,”.

11.—(1) Schedule 4 (sponsorship) is amended as follows.

(2) In paragraph 1—

(a) in the definition of “students” for “Appendix ST: Student or Appendix CS: Child Student” substitute “Appendix Student or Appendix Child Student”;

(b) in the definition of “the student route”—

(i) in paragraph (a) for “Appendix ST: Student” substitute “Appendix Student”;

(ii) in paragraph (b) for “Appendix CS: Child Student” substitute “Appendix Child Student”.

(c) after the definition of “Student Sponsor basic compliance assessment” insert—

““temporary workers” means applicants for entry clearance to enter, or limited leave to remain in, the United Kingdom under—

(a) Appendix T5 (Temporary Worker) Seasonal Worker to the immigration rules,

(b) Appendix T5 (Temporary Worker) Youth Mobility Scheme to those rules,

(c) Appendix T5 (Temporary Worker) Religious Worker to those rules,

(d) Appendix T5 (Temporary Worker) Charity Worker to those rules,

(e) Appendix T5 (Temporary Worker) Creative or Sporting Worker to those rules,

(f) Appendix T5 (Temporary Worker) International Agreement Worker to those rules, or

(g) Appendix T5 (Temporary Worker) Government Authorised Exchange Worker to those rules;

“the temporary worker route” means any or all of—

(a) the Seasonal Worker route provided for by Appendix T5 (Temporary Worker) Seasonal Worker to the immigration rules;

(b) the Youth Mobility Scheme route provided for by Appendix T5 (Temporary Worker) Youth Mobility Scheme to those rules;

(c) the Religious Worker route provided for by Appendix T5 (Temporary Worker) Religious Worker to those rules;

(d) the Charity Worker route provided for by Appendix T5 (Temporary Worker) Charity Worker to those rules;

(e) the Creative or Sporting Worker route provided for by Appendix T5 (Temporary Worker) Creative and Sporting Worker to those rules;

(f) the International Agreement Worker route provided for by Appendix T5 (Temporary Worker) International Agreement Worker to those rules;

(g) the Government Authorised Exchange Worker route provided for by Appendix T5 (Temporary Worker) Government Authorised Exchange Worker to those rules;

“temporary worker sponsor” means a person who has a sponsor licence in respect of temporary workers;”;

(d) omit the definition of “Tier”;

(e) at the end insert—

““workers” means applicants for entry clearance to enter, or limited leave to remain in, the United Kingdom under—

(a) Appendix Skilled Worker to the immigration rules,

- (b) Appendix Intra-Company Routes to those rules,
 - (c) Appendix T2 Minister of Religion to those rules, or
 - (d) Appendix T2 Sportsperson to those rules;
- “the worker route” means any or all of—
- (a) the Skilled Worker route provided for by Appendix Skilled Worker to the immigration rules;
 - (b) the Intra-Company Transfer route provided for by Appendix Intra-Company Routes to those rules;
 - (c) the Intra-Company Graduate Trainee route provided for by Appendix Intra-Company Routes to those rules;
 - (d) the T2 Minister of Religion route provided for by Appendix T2 Minister of Religion to those rules;
 - (e) the T2 Sportsperson route provided for by Appendix T2 Sportsperson to those rules;

“worker sponsor” means a person who has a sponsor licence in respect of workers.”

(3) In Table 14 (fees in relation to sponsor licences, premium services for sponsors, certificates of sponsorship and confirmations of acceptance for studies)—

- (a) in 14.1.1 in the second column for “Tier 2 Migrants” substitute “workers”;
- (b) in 14.1.3 in the second column for “Tier 5 Migrants” substitute “temporary workers”;
- (c) in 14.1.4 in the second column for “Tier 2 Migrants” substitute “workers”;
- (d) in 14.1.5 in the second column for “Tier 2 and Tier 5 Migrants” substitute “workers and temporary workers”;
- (e) in 14.1.6 in the second column for “Tier 2 Migrants, Tier 5 Migrants” substitute “workers, temporary workers”;
- (f) in 14.2.1 in the second column for “Tier 2 Migrants” substitute “workers”;
- (g) in 14.2.3 in the second column for “Tier 5 Migrants” substitute “temporary workers”;
- (h) in 14.3.3 in the second column for “Tier 2 and Tier 5” substitute “the worker route and the temporary worker route”;
- (i) in 14.3.4 in the second column for “Tier 2 and Tier 5” substitute “the worker route and the temporary worker route”;
- (j) in 14.3.6 in the second column—
 - (i) for “a Tier 2 or Tier 5 sponsor” substitute “a worker sponsor or a temporary worker sponsor”;
 - (ii) for “for which fee 14.3.3 or fee 14.3.4 has been paid” substitute “for which a fee has been paid (before, at or after 9.00 a.m. on 1st December 2020) under 14.3.3 or 14.3.4 of this Table”;
- (k) after 14.3.6 insert—

“14.3.7 The expedited processing of an application for a sponsor licence £500”
made under a priority service.

- (l) in 14.4.1 in the second column for “for leave to enter or leave to remain in the United Kingdom as a Tier 2 Migrant” substitute “under Appendix Skilled Worker, Appendix Intra-Company Routes, Appendix T2 Minister of Religion or Appendix T2 Sportsperson to the immigration rules.”;

- (m) in 14.4.2 in the second column for “Appendix ST: Student or Appendix CS: Child Student” substitute “Appendix Student or Appendix Child Student”;
- (n) in 14.4.3 in the second column for “for leave to enter or leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant” substitute “under Appendix T5 (Temporary Worker) Seasonal Worker, Appendix T5 (Temporary Worker) Religious Worker, Appendix T5 (Temporary Worker) Charity Worker, Appendix T5 (Temporary Worker) Creative or Sporting Worker, Appendix T5 (Temporary Worker) International Agreement Worker or Appendix T5 (Temporary Worker) Government Authorised Exchange Worker to the immigration rules,”.
- (4) In paragraph 3 for sub-paragraphs (1), (2) and (2A) substitute—
- “**(1)** In sub-paragraph (2) a “relevant sponsor licence” means a sponsor licence which—
- (a) is a sponsor licence in respect of students or temporary workers or both, and
 - (b) is not also a sponsor licence in respect of workers.
- (2)** Where a person who is not a small or charitable sponsor holds a relevant sponsor licence and applies for that licence to be extended so that it is also a sponsor licence in respect of workers, the fee payable for that application is the sum equivalent to the difference between—
- (a) the fee paid for the original application for the licence, and
 - (b) the fee specified by 14.1.1 in Table 14.
- (2A)** Except as provided for by sub-paragraph (2), no fee is payable for an application to add any route referred to in the definitions of “the student route”, “the temporary worker route” or “the worker route” in paragraph 1 to an existing sponsor licence.”
- 12.**—(1) Schedule 9 (applications in relation to entry clearance to enter the Isle of Man and premium services) is amended as follows.
- (2) In Table 23 (exceptions in respect of fees for applications for entry clearance to enter the Isle of Man), omit 23.1 and 23.1.1.
- 13.**—(1) Schedule 10 (applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey and premium services) is amended as follows.
- (2) In paragraph 1—
- (a) the existing text becomes sub-paragraph (1);
 - (b) after that sub-paragraph insert—
- “**(2)** In this Schedule, a reference to an application for entry clearance under an Appendix to the Jersey immigration rules⁽²⁶⁾ being for entry clearance—
- (a) as the dependant partner or dependant child of a particular description of person,
or
 - (b) as a dependant partner or dependant child, or any other description of dependant,
on a particular route under that Appendix
- is to be construed in accordance with the Appendix in question.”
- (3) In Table 26 (fees for applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey)—

(26) For the the Jersey immigration rules, as amended, see [www.gov.je/SiteCollectionDocuments/Government and administration/JSY Immigration Rules 061219.pdf](http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/JSY%20Immigration%20Rules%20061219.pdf).

- (a) in 26.4.1A for the words in the second column substitute “Application for entry clearance to enter the Bailiwick of Jersey for the purposes of low-skilled work permit employment for a period of 12 months or less.”;
- (b) after 26.4.2 insert—

“26.5 Fees for applications for entry clearance to enter the Bailiwick of Jersey under Appendix HK(J) British National (Overseas) to the Jersey immigration rules, other than as a specified dependant

26.5.1 Application for entry clearance to enter the Bailiwick of Jersey for a period of thirty months under Appendix HK(J) British National (Overseas) to the Jersey immigration rules, other than as—

(a) a dependant partner or dependant child on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix, or

(b) a BN(O) Adult Dependant Relative (within the meaning that expression has in that Appendix) on the BN(O) Status Holder route under that Appendix.

26.5.2 Application for entry clearance to enter the Bailiwick of Jersey for a period of five years under Appendix HK(J) British National (Overseas) to the Jersey immigration rules, other than as—

(a) a dependant partner or dependant child on the BN(O) Status Holder route or the BN(O) Household Member route under that Appendix, or

(b) a BN(O) Adult Dependant Relative (within the meaning that expression has in that Appendix) on the BN(O) Status Holder route under that Appendix.

Saving of provisions of the Immigration and Nationality (Fees) Regulations 2018 amended by regulations 8 and 9

14.—(1) Despite the revocation by regulation 8(4)(i) of 1.3.7, 1.3.8, 1.3.9, 1.3.10 and 1.3.11 in Table 1 in Schedule 1 to the 2018 Regulations, those entries continue to have effect, as they had effect immediately before commencement, for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for entry clearance to enter the United Kingdom made by dependants of Tier 2 Migrants.

(2) 1.3.11A in Table 1 in Schedule 1 to the 2018 Regulations continues to have effect as it had effect immediately before commencement, without the amendments made by regulation 8(4)(j), for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for entry clearance to enter the United Kingdom made by dependants of Appendix ST: Student migrants.

(3) Despite the revocation by regulation 8(4)(k) of 1.3.13 in Table 1 in Schedule 1 to the 2018 Regulations, that entry continues to have effect, as it had effect immediately before commencement, for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for entry clearance to enter the United Kingdom made by dependants of Tier 5 Migrants.

(4) 1.3A, 1.3A.1 and 1.3A.2 in Table 1 in Schedule 1 to the 2018 Regulations continue to have effect as they had effect immediately before commencement, without the amendments made by regulation 8(4)(l), (m) and (n), for the purposes of the provision by paragraph 3 of that Schedule

of fees for applications for entry clearance to enter the United Kingdom made by dependants of Innovators or Start-up Migrants.

(5) 1.4.6 in Table 1 in Schedule 1 to the 2018 Regulations continues to have effect as it had effect immediately before commencement, without the amendment made by regulation 8(4)(s), for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for entry clearance to enter the United Kingdom made by dependants of representatives of an overseas business.

(6) Despite the revocation by regulation 9(4)(c) of 6.2.7, 6.2.8, 6.2.9, 6.2.10 and 6.2.11 in Table 6 in Schedule 2 to the 2018 Regulations, those entries continue to have effect, as they had effect immediately before commencement, for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for limited leave to remain in the United Kingdom made by dependants of Tier 2 Migrants.

(7) Despite the revocation by regulation 9(4)(e) of 6.2.13 in Table 6 in Schedule 2 to the 2018 Regulations and the amendments made by regulation 9(6)(a) and (b), that entry and the references to it in 9.5 and 9.6 in Table 9 in that Schedule continue to have effect, as they had effect immediately before commencement, for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for limited leave to remain in the United Kingdom made by dependants of Tier 5 Migrants.

(8) 6.2A, 6.2A.1 and 6.2A.2 in Table 6 in Schedule 2 to the 2018 Regulations continue to have effect as they had effect immediately before commencement, without the amendments made by regulation 9(4)(f), (g) and (h), for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for limited leave to remain in the United Kingdom made by dependants of Innovators or Start-up Migrants.

(9) 6.3.1 in Table 6 in Schedule 2 to the 2018 Regulations continues to have effect as it had effect immediately before commencement, without the amendment made by regulation 9(4)(m), for the purposes of the provision by paragraph 3 of that Schedule of fees for applications for limited leave to remain in the United Kingdom by dependants of representatives of an overseas business.

(10) In this regulation—

“the 2018 Regulations” means the Immigration and Nationality (Fees) Regulations 2018;

“Appendix ST: Student migrant” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom as a Student granted before commencement under Appendix ST: Student to the immigration rules, or
- (b) made an application before commencement for entry clearance to enter or limited leave to remain in the United Kingdom as a Student under that Appendix which had not been determined immediately before commencement;

“commencement” means 9.00 a.m. on 1st December 2020;

“dependant” has the meaning given by regulation 2 of the 2018 Regulations;

“the immigration rules” means the rules made under section 3(2) of the Immigration Act 1971(27);

“Innovator” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom granted before commencement in the Innovator category under Appendix W to the immigration rules, or
- (b) made an application before commencement for entry clearance to enter or limited leave to remain in the United Kingdom in that category which had not been determined immediately before commencement;

“representative of an overseas business” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom as a representative of an overseas business granted before commencement under Part 5 of the immigration rules, or
- (b) made an application before commencement for entry clearance to enter or limited leave to remain in the United Kingdom as a representative of an overseas business under that Part which had not been determined immediately before commencement;

“Start-up Migrant” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom granted before commencement in the Start-up category under Appendix W to the immigration rules, or
- (b) made an application before commencement for entry clearance to enter or limited leave to remain in the United Kingdom in that category which had not been determined immediately before commencement;

“Tier 2 Migrant” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom as a Tier 2 (Intra-Company Transfer) Migrant, a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant granted before commencement under Part 6A of the immigration rules, or
- (b) made an application before commencement under that Part for entry clearance to enter or limited leave to remain in the United Kingdom as a Tier 2 (Intra-Company Transfer) Migrant, a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant which had not been determined immediately before commencement;

“Tier 5 Migrant” means a person who—

- (a) has entry clearance to enter or limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant or a Tier 5 (Youth Mobility) Temporary Migrant granted before commencement under Part 6A of the immigration rules, or
- (b) made an application before commencement under that Part for entry clearance to enter or limited leave to remain in the United Kingdom as a Tier 5 (Temporary Worker) Migrant or a Tier 5 (Youth Mobility) Temporary Migrant which had not been determined immediately before commencement.

Amendments to the Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020

15.—(1) The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020(**28**) are amended as follows.

(2) In regulation 24 for paragraph (3) substitute—

“(3) In this regulation—

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

“dependant” has the meaning given by regulation 2 of the Immigration and Nationality (Fees) Regulations 2018;

“Tier 4 Migrant” means a person who—

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- (a) has entry clearance or limited leave to remain in the United Kingdom as a Tier 4 (General) Student or a Tier 4 (Child) Student granted before 9.00 a.m. on 5th October 2020 under Part 6A of the immigration rules, or
- (b) made an application before that time under that Part for entry clearance or limited leave to remain in the United Kingdom as a Tier 4 (General) Student or a Tier 4 (Child) Student which had not been determined immediately before that time.”

21st October 2020

Kevin Foster
Parliamentary Under Secretary of State
Home Office

We consent

21st October 2020

Rebecca Harris
David Duguid
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009 (“the 2009 Order”), the Immigration and Nationality (Fees) Regulations 2018 (“the 2018 Regulations”) and the Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020.

Regulations 2 to 4 amend the 2009 Order. Section 84(1) of the Immigration and Asylum Act 1999 prohibits a person who is not a qualified person from providing immigration advice or immigration services. The 2009 Order exempts licensed sponsors of Tier 2 Migrants under the United Kingdom immigration rules (and others) from the prohibition. Amendments to the immigration rules have replaced the Tier 2 route with new routes provided for by new Appendices. Regulations 2 to 4 amend the 2009 Order to exempt sponsors of applicants under the new Appendices from the prohibition. They also make related amendments, including amendments required because of the replacement of Appendix ST: Student and Appendix CS: Child Student in the immigration rules.

Regulations 5 to 13 amend the 2018 Regulations, and regulation 14 makes related savings provision. The 2018 Regulations set fees for the exercise of functions in connection with immigration and nationality. These include fees for various applications under the United Kingdom immigration rules and for related processes and services. Amendments have been made to the rules which mean that a number of references to them, and to applications under them, in the 2018 Regulations need to be changed to refer to new provisions of the rules, and which also mean that some existing fees are redundant. The amendments made by these Regulations are largely concerned with these changes. Relevant amendments are made to provisions relating to fees for applications for entry clearance to enter the United Kingdom (see regulation 8), applications for limited leave to remain in the United Kingdom (see regulation 9) and applications and services in connection with the sponsorship of applicants under the rules (see regulation 11). Regulation 6 makes related amendments to definitions. Fees for applications by dependants under new provisions of the rules are provided for by existing paragraph 3 of Schedule 1 and paragraph 3 of Schedule 2 to the 2018 Regulations, except where specific fees for dependants are provided for by the amendments made by these Regulations. Regulation 14 of these Regulations is concerned with preserving existing fees for applications by dependants where the main applicant applied under provisions of the rules which have been replaced.

The amendments to the 2018 Regulations also provide for new fees and new exceptions to existing fees, and for the removal of existing fee exceptions, as follows.

Regulation 8(4)(r) and 9(4)(l) set fees for applications for entry clearance to enter, limited leave to enter and limited leave to remain in the United Kingdom under new Appendix Hong Kong British National (Overseas) to the United Kingdom immigration rules. Regulation 13 similarly provides new fees for applications for entry clearance to enter the Bailiwick of Jersey under new Appendix HK(J) British National (Overseas) to the Jersey immigration rules. Fees for applications by dependants under the new Appendices are provided for by existing paragraph 3 of Schedule 1 and paragraph 3 of Schedule 2 to the 2018 Regulations (in relation to the United Kingdom) and by existing paragraph 4 of Schedule 10 to those Regulations (in relation to Jersey).

Regulations 8(6)(a) and (b), 9(6)(c), 10 and 12 replace and remove existing fee exceptions in connection with applications made, and leave granted, under the terms of the agreement establishing an Association between the European Community and Turkey signed at Ankara on 12th September 1963 (the EC Association Agreement with Turkey). In connection with the withdrawal of the United Kingdom from the European Union, new Appendix ECAA Extension of Stay to the United Kingdom

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immigration rules makes provision for applications by certain Turkish businesspersons and their dependants.

Regulation 8(6)(c) provides new fee exceptions in respect of applications for entry clearance to enter the United Kingdom made under new Appendix Service Providers from Switzerland to the immigration rules or new Appendix S2 Healthcare Visitor to those rules. Regulation 9(6)(d) also provides a new fee exception in respect of applications for limited leave to remain in the United Kingdom made under new Appendix S2 Healthcare Visitor. New Appendix Service Providers from Switzerland and Appendix S2 Healthcare make provision arising from the withdrawal of the United Kingdom from the European Union.

Regulation 11(3)(k) sets a new fee for the expedited processing of an application for a sponsor licence made under a priority service.

Regulation 12 removes the existing fee exception which applies to applications for entry clearance to enter the Isle of Man under the terms of the agreement entered into on 12th September 1963 between the European Community and Turkey (the EC Association Agreement with Turkey).

Regulation 13(3)(a) replaces the existing fee for an application for entry clearance to enter the Bailiwick of Jersey for the purposes of seasonal work permit employment with a fee of the same amount for an application for entry clearance for the purposes of low-skilled work permit employment for a period of 12 months or less.

Regulation 15 amends the Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020. The amendment replaces the definition of “Tier 4 Migrant” in the saving provision in regulation 24 of those Regulations, in consequence of the amendment made by regulation 6(12) of these Regulations.

The Home Office documents entitled “Health and Care Visa Guidance” and “Tier 2 of the Points-Based System – Policy Guidance” are accessible via www.gov.uk, and copies can be obtained from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF.

Impact assessments have been prepared in respect of the replacement of the Tier 2 (General) route under the United Kingdom immigration rules with the Skilled Worker route under new Appendix Skilled Worker to those rules, and in respect of the addition of new Appendix Hong Kong British National (Overseas) to those rules. These impact assessments are available alongside these Regulations at www.legislation.gov.uk. Copies are also available from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF. No impact assessment has been published in respect of other changes made by these Regulations because no impact, or no significant impact, on the private, voluntary or public sector is foreseen.