

2020 No. 294

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment) (No. 2)
Regulations 2020**

<i>Made</i> - - - -	<i>11th March 2020</i>
<i>Laid before Parliament</i>	<i>16th March 2020</i>
<i>Coming into force</i> - -	<i>6th April 2020</i>

The Secretary of State makes the following Regulations with the consent of the Treasury in exercise of the powers conferred by sections 68(1), (7), (8) and (10)(a) and (b), 69(2) and 74(8)(a) and (b) of the Immigration Act 2014(a). These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) (No. 2) Regulations 2020.

(2) These Regulations come into force on 6th April 2020.

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

Amendments to the Immigration and Nationality (Fees) Regulations 2018

2. The Immigration and Nationality (Fees) Regulations 2018(c) are amended as follows.

3. In regulation 2—

(a) for the definition of “Innovator” substitute—

““Innovator”—

(a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules(d);

(a) 2014 c. 22. Treasury consent has been obtained pursuant to section 69(1). Sections 68 to 70 were extended, with modifications, to the Isle of Man by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (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 and Schedule 9A 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 Guernsey by article 4 of the Immigration (Guernsey) Order 2016 (S.I. 2016/996) subject to modifications specified in the Schedule to that Order.

(b) S.I. 2016/177, amended by S.I. 2017/440, 2018/329.

(c) S.I. 2018/330, amended by S.I. 2018/618, 2018/875, 2018/999, 2019/475, 2020/77.

(d) Laid before Parliament on 23rd May 1994 (HC 395), as amended.

- (b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules^(a)”;
- (b) for the definition of “Start-up Migrant” substitute—
 - ““Start-up Migrant”—
 - (a) in respect of the United Kingdom has the meaning given by paragraph 6 of the immigration rules;
 - (b) in respect of the Isle of Man has the meaning given by paragraph 6 of the Isle of Man immigration rules;”.

4. In regulation 10—

- (a) omit the “and” after paragraph (a);
- (b) after paragraph (a) insert—
 - “(aa) an exception to the requirement to pay specified fees referred to in paragraph (a)(i);”;
- (c) after paragraph (b) insert—
 - “; and
 - (c) the circumstances in which one of the specified fees referred to in paragraph (a)(i) may be waived.”

5. In regulation 11(b) for “an exception to the requirement to pay one of the specified fees” substitute “exceptions to the requirement to pay specified fees”.

6.—(1) Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) is amended as follows.

(2) In Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom) omit 1.3.5.

(3) In Table 2 (specified fees for dependants) after 2.1.1 insert—

“2.1.1A	Application for entry clearance as the dependant of a Tier 1 (Graduate Entrepreneur) Migrant.	£363”
---------	---	-------

(4) In paragraph 4(2) omit paragraph (c).

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

(2) In Table 6 (fees for applications for limited leave to remain in the United Kingdom and connected applications) omit 6.2.5.

(3) In Table 7 (fees for specified applications for limited leave to remain in the United Kingdom as a dependant) after 7.1.1 insert—

“7.1.1A	Application for limited leave to remain in the United Kingdom as the dependant of a Tier 1 (Graduate Entrepreneur) Migrant.	£493”
---------	---	-------

(4) In paragraph 4(2) omit paragraph (c).

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

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

- (a) omit 14.3.1 and 14.3.2;

(a) Laid before Tynwald on 17th May 2005 (Statutory Document No. 62/05), as amended.

- (b) in 14.3.6, in the second column, for “for which one of fees 14.3.1 to 14.3.4 has been paid” substitute “for which fee 14.3.3 or fee 14.3.4 has been paid or for which a fee was paid before 6th April 2020 under 14.3.1 or 14.3.2 of this Table”.

9.—(1) Schedule 8 (nationality) is amended as follows.

(2) In paragraph 2—

(a) after sub-paragraph (1) insert—

“(1A) Table 20A provides an exception from the requirement to pay the fees specified in 19.2.1 and 19.3.1 in Table 19 in the specified circumstances.”;

(b) after sub-paragraph (2) insert—

“(3) Paragraph 6 confers a discretion on the Secretary of State to waive the fee specified in 19.3.1.”

(3) After Table 20 insert—

“Table 20A (Exception in respect of fees for applications for registration as a British citizen under the 1981 Act)

<i>Number and description of the exception</i>		<i>Fees to which the exception applies</i>
20A.1	Certain applications for registration as a British citizen under section 4F of the 1981 Act	
20A.1.1	No fee is payable in respect of an application for registration as a British citizen under the 1981 Act where— (a) the application is made under section 4F of that Act(a); (b) the relevant registration provision (within the meaning given by section 4F(2) of that Act) is paragraph 4 or 5 of Schedule 2 to that Act(b); and (c) the applicant made an application falling within paragraphs (a) and (b) before 25th July 2019 but it was refused because the Secretary of State was not satisfied that the applicant was of good character.	Fees 19.2.1, 19.3.1”

(4) After paragraph 5 insert—

“Waiver in respect of the fee specified in 19.3.1

6.—(1) The Secretary of State may waive the fee specified in 19.3.1 in respect of an application for registration as a British citizen made—

- (a) under section 3(1) of the 1981 Act,
- (b) in respect of a child born on or after 1st July 2006, and
- (c) on the grounds in sub-paragraph (2).

(2) The grounds are that—

- (a) at the time of the child’s birth, the woman who gave birth to the child (“the child’s mother”) was married to, or in a civil partnership with, a man other than the child’s natural father,

(a) Section 4F of the British Nationality Act 1981 (c. 61) was inserted by section 65 of the Immigration Act 2014.
 (b) Paragraph 4 was amended by sections 1(1)(b) and 2(2)(b) of the British Overseas Territories Act 2002 (c. 8).

- (b) no person is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990(a) or section 35 or 36 of the Human Fertilisation and Embryology Act 2008(b),
- (c) no person is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008(c), and
- (d) the child would have automatically become a British citizen at birth by the operation of any provision of the 1981 Act if the child’s mother had been married to, or in a civil partnership with, the child’s natural father at the time of the child’s birth (irrespective of whether the child’s mother and natural father could actually have been married to, or in a civil partnership with, each other at that time).

(3) The reference in sub-paragraph (2)(d) to automatically becoming a British citizen at birth is to be construed in accordance with section 4J(4) of the 1981 Act(d).”

10.—(1) Schedule 9 (applications in relation to entry clearance to enter the Isle of Man and premium services) is amended as follows.

(2) In paragraph 2(3) for “an exception from the fee specified in 21.4.1 in Table 21 in the specified circumstance” substitute “exceptions from the requirement to pay certain fees in respect of applications for entry clearance to enter the Isle of Man,”.

(3) In Table 21 (fees for applications for entry clearance to enter the Isle of Man)—

- (a) omit 21.2.3 and 21.2.4;
- (b) after 21.3.6 insert—

“21.3.7	Application for entry clearance as an Innovator.	£1,021
21.3.8	Application for entry clearance as a Start-up Migrant.	£363”

(4) In Table 22 (specified fees for dependants) after 22.1.1 insert—

“22.1.1A	Application for entry clearance as the dependant of a Tier 1 (Entrepreneur) Migrant.	£1,021
22.1.1B	Application for entry clearance as the dependant of a Tier 1 (Graduate Entrepreneur) Migrant.	£363”

(5) In Table 23 (exception in respect of fees for applications for entry clearance to enter the Isle of Man)—

- (a) in the Table heading for “Exception” substitute “Exceptions”;
- (b) at the end insert—

“23.2	Applications for entry clearance for the purposes of an application under Appendix EU to the Isle of Man immigration rules(e)	
23.2.1	No fee is payable in respect of an application for entry clearance made for the purposes of an application under Appendix EU to the Isle of Man immigration rules for leave to enter or leave to	Fees 21.3.2, 21.4.1

- (a) 1990 c. 37; section 28 was amended by paragraph 78 of Schedule 3 to the Adoption and Children Act 2002 (c. 38) and by section 1(1) of and paragraphs 13 to 15 of the Schedule to the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24).
- (b) 2008 c. 22; section 35 was amended by paragraph 38 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30) and paragraph 18(2) of Schedule 5 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229).
- (c) Section 42 was amended by paragraph 40 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and paragraph 18(4) of Schedule 5 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.
- (d) Section 4J of the British Nationality Act 1981 was inserted by section 65 of the Immigration Act 2014.
- (e) Appendix EU was added to the Isle of Man immigration rules by the Statement of Changes in Immigration Rules laid before Tynwald on 9th April 2019 (Statutory Document 2019/0143).

	remain in the Isle of Man.	
23.3	Applications for entry clearance under Appendix EU (Family Permit) to the Isle of Man immigration rules(a)	
23.3.1	No fee is payable in respect of an application for entry clearance made under Appendix EU (Family Permit) to the Isle of Man immigration rules.	Fees 21.3.2, 21.4.1”

(6) In paragraph 3 for “exception” substitute “exceptions”.

(7) In paragraph 4(2)—

- (a) omit paragraphs (a) and (c);
- (b) omit the “or” after paragraph (f);
- (c) at the end insert—
 - “(h) an Innovator; or
 - (i) a Start-up Migrant.”

11.—(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 Table 26 (fees for applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey)—

- (a) in 26.4.1 in the second column after “other than” insert “an application for entry clearance to enter the Bailiwick of Guernsey to which 26.4.1ZA applies or”;
- (b) after 26.4.1 insert—

“26.4.1ZA	Application for entry clearance to enter the Bailiwick of Guernsey for the purposes of work permit employment for a period of 9 months or less.	£244”
-----------	---	-------

11th March 2020

Kevin Foster
Parliamentary Under Secretary of State
Home Office

We consent

11th March 2020

Iain Stewart
Maggie Throup
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 Nationality (Fees) Regulations 2018 (“the principal Regulations”).

(a) Appendix EU (Family Permit) was added to the Isle of Man immigration rules by the Statement of Changes in Immigration Rules laid before Tynwald on 9th April 2019 (Statutory Document 2019/0143).

Regulations 4(b) and 9(1), (2)(a) and (3) provide for a new exception from the requirement to pay a fee for certain applications for registration as a British citizen under section 4F of the British Nationality Act 1981 (c. 61). The fees for such applications are currently set by entries 19.2.1 and 19.3.1 in Table 19 in Schedule 8 to the principal Regulations.

Regulations 4(c) and 9(1), (2)(b) and (4) confer a power on the Secretary of State to waive payment of the fee set by entry 19.3.1 in Table 19 in Schedule 8 to the principal Regulations in respect of an application, made on specified grounds under section 3(1) of the British Nationality Act 1981, for a child born on or after 1st July 2006 to be registered as a British citizen at the Secretary of State's discretion.

Regulations 5 and 10(1), (2), (5) and (6) provide for new exceptions from requirements to pay a fee for certain applications for entry clearance to enter the Isle of Man. The exceptions apply to applications for entry clearance under Appendix EU (Family Permit) to the Isle of Man immigration rules and applications for entry clearance made for the purposes of an application for leave to enter or remain in the Isle of Man under Appendix EU to those rules. Those Appendices make provision in connection with the withdrawal of the United Kingdom from the European Union. Appendix EU (Family Permit) provides for citizens of countries outside the EEA and Switzerland to be granted entry clearance to join or accompany a family member who is an EEA or Swiss citizen who has been granted leave to enter or remain in the Isle of Man under Appendix EU to the Isle of Man immigration rules. Appendix EU provides for EEA and Swiss citizens, and their family members, and the family members of certain British citizens, to obtain leave to enter or remain in the Isle of Man.

Regulations 6 and 7 remove existing fees for applications for entry clearance to enter, and for limited leave to remain in, the United Kingdom as a Tier 1 (Graduate Entrepreneur) Migrant. The United Kingdom immigration rules no longer provide for such applications. However, it continues to be possible for dependants of Tier 1 (Graduate Entrepreneur) Migrants to apply for entry clearance and for limited leave to remain, and the amendments made by regulations 6(3) and 7(3) preserve the existing fees for such applications (currently set by paragraph 3 of Schedule 1 and paragraph 3 of Schedule 2 to the principal Regulations).

Regulation 8 removes existing fees for the provision, for a period of three months, of premium services to sponsors who issue certificates of sponsorship for persons seeking entry clearance to enter, leave to enter or leave to remain in the United Kingdom under Tier 2 or Tier 5 in the United Kingdom immigration rules. The provision of these services for a limited three month period has been withdrawn.

Regulation 10(1), (3)(a) and (7)(a) removes existing fees for applications for entry clearance to enter the Isle of Man as a Tier 1 (Entrepreneur) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant. The Isle of Man immigration rules no longer provide for such applications. However, it continues to be possible for dependants of Tier 1 (Entrepreneur) Migrants and Tier 1 (Graduate Entrepreneur) Migrants to apply for entry clearance, and regulation 10(4) preserves the existing fees for such applications (currently set by paragraph 3 of Schedule 9 to the principal Regulations).

Regulation 10(1) and (3)(b) sets new fees for applications for entry clearance to enter the Isle of Man as an Innovator or a Start-up Migrant. Regulation 10(7)(c) provides for the reduction of such fees in specified circumstances. Regulation 3 adds definitions of "Innovator" and "Start-up Migrant" in relation to the Isle of Man for these purposes (and restates the definitions of those expressions that already apply to other provisions of the principal Regulations in relation to the United Kingdom).

Regulation 11 sets a new fee for applications for entry clearance to enter the Bailiwick of Guernsey for the purposes of work permit employment for a period of 9 months or less.

A full impact assessment has not been produced for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2020

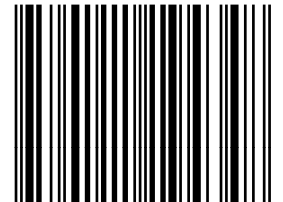
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.90

UK202003131013 03/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/294>

ISBN 978-0-11-119434-8



9 780111 194348