

2020 No. 736

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment) (No. 3)
Regulations 2020**

Made - - - - at 11.45 a.m. on 14th July 2020

Laid before Parliament at 15.00 p.m. on 14th July 2020

Coming into force - - 4th August 2020

The Secretary of State makes these Regulations with the consent of the Treasury in exercise of the powers conferred by sections 68(1) and (10)(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. 3) Regulations 2020.

(2) These Regulations come into force on 4th August 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.—(1) Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (4) at the end insert “(and see paragraphs 3A and 4)”;

(b) after sub-paragraph (5) insert—

(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.

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

(c) S.I. 2018/330, to which there are amendments not relevant to these Regulations.

“(5A) Paragraph 3A provides for the reduction in specified circumstances of fees for applications for entry clearance to enter the United Kingdom as a Tier 2 (General) Migrant or as the dependant of a Tier 2 (General) Migrant.”

(3) In paragraph 3 after “and subject to the exceptions and waivers set out in Tables 4 and 5” insert “and to paragraph 3A”.

(4) After paragraph 3 insert—

“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 as a Tier 2 (General) Migrant 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 Part A of the Tier 2 Policy Guidance;

a “relevant dependant’s application” means an application for entry clearance to enter the United Kingdom as the dependant of a Tier 2 (General) Migrant (whether or not the application is made at the same time as that of the main applicant) 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 Part A of the Tier 2 Policy Guidance, or

(b) the applicant has a sponsor’s letter or email referred to in paragraph A9 of the Tier 2 Policy Guidance in respect of the application.

(2) The references in sub-paragraph (1) to “the Tier 2 Policy Guidance” are to the document entitled “Tier 2 of the Points Based System – Policy Guidance” published by the Home Office(a).

(3) The fee payable, in respect of an application for entry clearance to enter the United Kingdom as a Tier 2 (General) Migrant or as the dependant of a Tier 2 (General) Migrant, under 1.3.7, 1.3.8, 1.3.9 or 1.3.10 of Table 1 (as applied, in the case of an application by a dependant, by paragraph 3) is to be reduced in the case of a Health and Care Visa application or a relevant dependant’s application—

(a) by £378, where the fee is specified by 1.3.7 of Table 1;

(b) by £756, where the fee is specified by 1.3.8 of Table 1;

(c) by 50%, where the fee is specified by 1.3.9 or 1.3.10 of Table 1.”

(5) In paragraph 4 at the end insert—

“(3) Where the application is a Health and Care Visa application within the meaning of paragraph 3A, the reference in sub-paragraph (1) to the fee set out in Table 1 is to be read as a reference to that fee as reduced under paragraph 3A.”

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

(2) In paragraph 2 after sub-paragraph (5) insert—

“(5A) Paragraph 3A provides for the reduction in specified circumstances of fees for applications for limited leave to remain in the United Kingdom as a Tier 2 (General) Migrant or as the dependant of a Tier 2 (General) Migrant.”

(3) In paragraph 3 after “and subject to the exceptions and waivers set out in Table 9” insert “and to paragraph 3A”.

(4) After paragraph 3 insert—

(a) “Tier 2 of the Points Based System – Policy Guidance” is accessible via www.gov.uk.

“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 as a Tier 2 (General) Migrant 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 Part A of the Tier 2 Policy Guidance;

a “relevant dependant’s application” means an application for limited leave to remain in the United Kingdom as the dependant of a Tier 2 (General) Migrant (whether or not the application is made at the same time as that of the main applicant) 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 Part A of the Tier 2 Policy Guidance, or
- (b) the applicant has a sponsor’s letter or email referred to in paragraph A9 of the Tier 2 Policy Guidance in respect of the application.

(2) The references in sub-paragraph (1) to “the Tier 2 Policy Guidance” are to the document entitled “Tier 2 of the Points Based System – Policy Guidance” published by the Home Office.

(3) The fee payable, in respect of an application for limited leave to remain in the United Kingdom as a Tier 2 (General) Migrant or as the dependant of a Tier 2 (General) Migrant, under 6.2.7, 6.2.8, 6.2.9 or 6.2.10 of Table 6 (as applied, in the case of an application by a dependant, by paragraph 3) is to be reduced in the case of a Health and Care Visa application or a relevant dependant’s application—

- (a) by £472, where the fee is specified by 6.2.7 of that Table;
- (b) by £944, where the fee is specified by 6.2.8 of that Table;
- (c) by 50%, where the fee is specified by 6.2.9 or 6.2.10 of that Table.”

(5) In paragraph 4 at the end insert—

“(3) Where the application is a Health and Care Visa application within the meaning of paragraph 3A, the reference in sub-paragraph (1) to the fee set out in Table 6 is to be read as a reference to that fee as reduced under paragraph 3A.”

5.—(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—

- (a) in sub-paragraph (3) at the end insert “(and see paragraphs 3A and 4)”;
- (b) after sub-paragraph (4) insert—

“(4A) Paragraph 3A provides for the reduction in specified circumstances of fees for applications for entry clearance to enter the Isle of Man as a Worker Migrant or as the dependant of a Worker Migrant.”

(3) In paragraph 3 after “and subject to the exception, waivers and reductions set out in Tables 23 and 24” insert “and to paragraph 3A”.

(4) After paragraph 3 insert—

“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 Isle of Man as a Worker Migrant where the Confirmation of Employment issued in respect of the application confirms the applicant’s eligibility for a Health and Care Visa provided for by Section 4 of the Confirmation of Employment Guidance;

a “relevant dependant’s application” means an application for entry clearance to enter the Isle of Man as the dependant of a Worker Migrant (whether or not the application is made at the same time as that of the main applicant) where—

- (a) the Confirmation of Employment 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 Section 4 of the Confirmation of Employment Guidance, or
- (b) the applicant has an Isle of Man employer’s letter or email referred to in Section 4 of the Confirmation of Employment Guidance under the heading “Entry Clearance – Health and Care Visa application process” in respect of the application.

(2) In sub-paragraph (1)—

- (a) “Confirmation of Employment” has the meaning given by Appendix W to the Isle of Man immigration rules(a);
- (b) the references to “the Confirmation of Employment Guidance” are to the document entitled “Confirmation of Employment Guidance” published by the Isle of Man Cabinet Office(b).

(3) The fee payable, in respect of an application for entry clearance to enter the Isle of Man as a Worker Migrant or as the dependant of a Worker Migrant, under 21.3.5 of Table 21 (as applied, in the case of an application by a dependant, by paragraph 3) is to be reduced by £378 in the case of a Health and Care Visa application or a relevant dependant’s application.”

(5) In paragraph 4 at the end insert—

“(3) Where the application is a Health and Care Visa application within the meaning of paragraph 3A, the reference in sub-paragraph (1) to the fee set out in Table 21 is to be read as a reference to that fee as reduced under paragraph 3A.”

Kevin Foster
Parliamentary Under Secretary of State
Home Office

At 11.45 a.m. on 14th July 2020

We consent

Michael Tomlinson
Maggie Throup
Two of the Lords Commissioners of Her Majesty’s Treasury

13th July 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Nationality (Fees) Regulations 2018 (“the 2018 Regulations”).

The 2018 Regulations set fees for (among other things) applications for entry clearance to enter the United Kingdom, and applications for limited leave to remain in the United Kingdom, as a Tier 2 (General) Migrant. Such applications are provided for by the United Kingdom immigration rules made under section 3(2) of the Immigration Act 1971 (c. 77). Regulations 3 and 4 of these Regulations provide for those fees to be reduced, by specified amounts, where the certificate of sponsorship issued in respect of the application confirms that the applicant is eligible for a Health

(a) Laid before Tynwald on 17th May 2005 (Statutory Document 62/05) as amended. Appendix W was added by the Statement of Changes in Immigration Rules laid before Tynwald on 17th April 2018 (Statutory Document 2018/0084).

(b) “Confirmation of Employment Guidance” is accessible via www.gov.im.

and Care Visa, as provided for by the document entitled “Tier 2 of the Points Based System – Policy Guidance” published by the Home Office. The 2018 Regulations also set fees for applications for entry clearance or limited leave to remain as the dependant of a Tier 2 (General) Migrant. The amendments made by regulations 3 and 4 provide for the reduction of these dependants’ fees by specified amounts where the individual applying as a Tier 2 (General) Migrant (referred to as the “main applicant”) is eligible for a Health and Care Visa (including where the application by the main applicant was made before the introduction of Health and Care Visas but the main applicant would have been eligible if it had been made after their introduction).

The 2018 Regulations also set a fee for applications for entry clearance to enter the Isle of Man as a Worker Migrant. Such applications are provided for by the Isle of Man immigration rules made under section 3(2) of the Immigration Act 1971 as extended to the Isle of Man. Regulation 5 of these Regulations provides for the fee to be reduced by a specified amount where the Confirmation of Employment issued in respect of the application confirms that the applicant is eligible for a Health and Care Visa, as provided for by the document entitled “Confirmation of Employment Guidance” published by the Isle of Man Cabinet Office. The 2018 Regulations also set a fee for applications for entry clearance to enter the Isle of Man as the dependant of a Worker Migrant. The amendments made by regulation 5 provide for the reduction of this fee by a specified amount where the individual applying as a Worker Migrant (referred to as the “main applicant”) is eligible for a Health and Care Visa (including where the application by the main applicant was made before the introduction of Health and Care Visas but the main applicant would have been eligible if it had been made after their introduction).

The 2018 Regulations provide that the fees set for applications for entry clearance to enter the United Kingdom and limited leave to remain in the United Kingdom as a Tier 2 Migrant, and the fee for applications for entry clearance to enter the Isle of Man as a Worker Migrant, are to be reduced by £55 in certain circumstances where the applicant is a national of a State which has ratified the European Social Charter agreed by the Council of Europe at Turin on 18th October 1961 (ETS No. 035) (a “CESC national”). The amendments made by regulations 3, 4 and 5 also provide that where the fee for the application is required to be reduced because the applicant is eligible for a Health and Care Visa, it is that reduced fee which is then to be further reduced by £55 where the applicant is a CESC national.

The Home Office document entitled “Tier 2 of the Points Based System – Policy Guidance” is accessible via www.gov.uk, and copies can be obtained from the Home Office, Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon, CR0 1XG.

The Isle of Man Cabinet Office document entitled “Confirmation of Employment Guidance” is accessible via www.gov.im, and copies can be obtained from the Passport, Immigration and Nationality Office, Ground Floor, Government Office, Buck’s Road, Douglas, IM1 3PU.

A full impact assessment of the effect that these Regulations will have on the costs of business, the voluntary sector and the public sector is available alongside these Regulations at www.legislation.gov.uk and from the Home Office, Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon, CR0 1XG.

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