
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration Services Commissioner (Application Fee) Order 2011 (“the 2011 Order”) and the Immigration and Nationality (Fees) Regulations 2018 (“the 2018 Regulations”).

Regulation 2 amends the 2011 Order, which sets the fees to be paid on making an application for registration or continued registration with the Immigration Services Commissioner under section 85 of the Immigration and Asylum Act 1999. The amendments increase specified fees and make changes to definitions for the purposes of the fees specified in the Schedule to the 2011 Order. Regulation 2(2)(b) corrects an error in the definition of “registration” in the 2011 Order.

The remaining provisions of these Regulations amend the 2018 Regulations, which are concerned with the fees payable for the exercise of various functions in connection with immigration and nationality.

The amendments made by regulation 3(b) and Schedule 1 to these Regulations increase the amount of various fees specified by the 2018 Regulations, and also increase specified amounts required to be deducted from the fees payable for certain Health and Care Visa applications.

Regulations 4(a), 7(3) to (5) and 9(2)(a), (3) and (4) remove fees for specified documents and make amendments to fees for the recording or reuse of biometric information and to related fee exceptions.

Regulations 4(b), 6(4)(c) (in part), 7(2) and (6) and 9(2)(b) and (5) provide powers for the Secretary of State to waive certain specified fees so as to remedy any detriment connected with immigration or nationality which the Secretary of State considers an individual to have suffered as a result of maladministration by the Home Office.

The amendments made by regulations 5(3)(a) to (d) and 6(3) set fees for applications for entry clearance to enter, and limited leave to remain in, the United Kingdom under a number of new Appendices to the United Kingdom immigration rules. They also remove fees for applications for entry clearance and limited leave to remain under Appendix Intra-Company Routes, which has been removed from the rules. Regulation 11 makes related saving provision to preserve fees for applications by dependants of applicants under former Appendix Intra-Company Routes.

Regulation 5(3)(e) sets a new fee for applications for entry clearance and indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces. These applications are provided for by Appendix Armed Forces to the United Kingdom immigration rules. There is already a fee in the 2018 Regulations which covers applications for indefinite leave to remain under that Appendix. Amendments made by regulations 5(5)(b) and 6(4)(c) (in part) and (5) provide exceptions to the new fee and the existing fee in specified circumstances. Regulation 5(2) and (4) makes related amendments to an existing fee for applications by dependants of members of HM Forces, to take account of the fact that the applications in question under Appendix Armed Forces are for entry clearance as well as indefinite leave to enter the United Kingdom.

Regulation 5(5)(a) removes a fee exception relating to applications for visit visas to attend the 26th United Nations Climate Change Conference of the Parties (COP26) in 2021, which is no longer required.

Regulation 6(2) and (4)(a) makes amendments to Schedule 2 to the 2018 Regulations to take account of the replacement of existing provisions of the United Kingdom immigration rules with new Appendix Private Life and related matters.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 6(4)(b) amends an existing fee exception and an existing waiver covering applications for limited leave to remain in the United Kingdom by qualifying residents of Grenfell Tower and Grenfell Walk. The amendments extend the exception and waiver to applications for indefinite leave to remain.

Regulation 6(4)(c), as well as providing the new fee exceptions and waiver mentioned above, also provides new fee exceptions for applications for limited leave to remain in the United Kingdom arising as a result of the variation by the Secretary of State of applications for indefinite leave to remain under specified provisions of the United Kingdom immigration rules.

Regulation 8 amends Schedule 4 to the 2018 Regulations which sets fees relating to sponsorship of immigration applications, including fees for sponsor licences and the issuing of certificates of sponsorship in connection with applications. The effect of the amendments is to set fees for licences to sponsor applicants under a number of new Appendices to the United Kingdom immigration rules, for the issuing of certificates of sponsorship in respect of applications under those Appendices and for other services relating to sponsorship of applicants under those Appendices. Regulation 8 also removes sponsorship fees relating to applications under Appendix Intra-Company Routes, which has been removed from the United Kingdom immigration rules.

Regulation 10 amends Schedule 9 to the 2018 Regulations to set a new fee for applications for entry clearance to enter the Isle of Man as a Worker (Seasonal) Migrant under the Isle of Man immigration rules.

Regulation 12 and Schedule 2 modify provisions of the 2018 Regulations saved by previous amending instruments. The effect is to make changes to the fees payable by dependants which were preserved by way of saving provisions when amendments were made to provisions setting fees payable by main applicants.

No impact assessment has been produced in respect of the amendments made by these Regulations to the 2011 Order because no impact, or no significant impact, on the private, voluntary or public sector is foreseen.

A full impact assessment has been produced in respect of the amendments to the 2018 Regulations. It is available alongside these Regulations on www.legislation.gov.uk and copies are also available from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF.