

STATUTORY INSTRUMENTS

2022 No. 296

**The Immigration and Nationality and Immigration Services
Commissioner (Fees) (Amendment) Regulations 2022**

Amendments to the Immigration and Nationality (Fees) Regulations 2018

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

(2) In paragraph 1(1) in the definition of “specified human rights application”—

(a) for paragraph (a) substitute—

“(a) Appendix Private Life to the immigration rules⁽¹⁾”;

(b) in paragraph (b) after “section R-LTRP.1.1. (a), (b)” insert “, (c)”;

(c) in paragraph (c) after “section R-LTRPT.1.1. (a), (b)” insert “, (c)”.

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

(a) in 6.2.6A in the second column for paragraph (b) substitute—

“(b) under Appendix Global Business Mobility – Senior or Specialist Worker to those rules, other than as a dependent partner or dependent child of a Senior or Specialist Worker, or”;

(b) in 6.2.6B in the second column for paragraph (b) substitute—

“(b) under Appendix Global Business Mobility – Senior or Specialist Worker to those rules, other than as a dependent partner or dependent child of a Senior or Specialist Worker”;

(c) omit 6.2.6E;

(d) after 6.2.6I insert—

“6.2.6J Application for limited leave to remain in the United Kingdom— £259

(a) under Appendix Global Business Mobility – Graduate Trainee to the immigration rules, other than as a dependent partner or dependent child of a Graduate Trainee,

(b) under Appendix Global Business Mobility – UK Expansion Worker to those rules, other than as a dependent partner or dependent child of a UK Expansion Worker,

(1) Appendix Private Life was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 15th March 2022 (HC 1118).

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(c) under Appendix Global Business Mobility – Service Supplier to those rules, other than as a dependent partner or dependent child of a Service Supplier, or

(d) under Appendix Global Business Mobility – Secondment Worker to those rules, other than as a dependent partner or dependent child of a Secondment Worker.

6.2.6K Application for limited leave to remain in the United Kingdom made £715” under Appendix Scale-up to the immigration rules, other than as a dependent partner or dependent child on the Scale-up route under that Appendix.

(4) 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 9.9 in the second column—

(i) in paragraph (a)—

(aa) in sub-paragraph (i) omit “it is”;

(bb) omit the “or” after sub-paragraph (vi);

(cc) after sub-paragraph (vii) insert—

“or

(viii) Appendix Private Life to the immigration rules;”

(ii) in paragraph (b)—

(aa) omit sub-paragraph (ii);

(bb) at the end insert—

“(iii) on the basis of the right to private and family life under Article 8 of the European Convention on Human Rights(2).”

(b) in 9.12.1 and 9.12.2 in the third column for “Fee 6.1.1” substitute “Fees 6.1.1, 8.1.1”;

(c) at the end insert—

“9.18 Applications for indefinite leave to remain in the United Kingdom by certain foreign or Commonwealth citizens discharged from HM Forces

No fee is payable in respect of an application for indefinite leave to remain in the United Kingdom made under paragraph 16 of Appendix Armed Forces to the immigration rules if— Fee 8.1.1

(a) in a case where the application is made on the basis of the completion of a period of reckonable service in HM Forces, the applicant’s period of reckonable service is at least 6 years, or

(b) in a case where the application is made on the basis of meeting the medical discharge criteria, the cause was attributable to service in HM Forces

(with expressions used in (a) and (b) being construed in accordance with that Appendix).

9.19 Applications for limited leave to remain in the United Kingdom under Appendix Innovator to the immigration rules resulting from variation by the Secretary of State of an application for indefinite leave to remain

No fee is payable in respect of an application for limited leave to remain in the United Kingdom under Appendix Innovator to the immigration rules arising by virtue of the variation by the Secretary of State, under paragraph INN 22.1A or INN 42.1A of that Appendix(3), of an application for indefinite leave to remain in the United Kingdom. Fee 6.2A.1

9.20 Applications for limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules resulting from variation by the Secretary of State of an application for indefinite leave to remain

No fee is payable in respect of an application for limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules arising by virtue of the variation by the Secretary of State, under paragraph HK 64.1A of that Appendix(4), of an application for indefinite leave to remain in the United Kingdom. Fees 6.2C.1, 6.2C.2

9.21 Applications for limited leave to remain in the United Kingdom under Appendix Private Life to the immigration rules resulting from variation by the Secretary of State of an application for indefinite leave to remain

No fee is payable in respect of an application for limited leave to remain in the United Kingdom under Appendix Private Life to the immigration rules(5) arising by virtue of the variation by the Secretary of State, under paragraph PL 18.2 or PL 33.2 of that Appendix, of an application for indefinite leave to remain in the United Kingdom. Fee 6.1.1

9.22 Applications for limited leave to remain in the United Kingdom under Appendix FM to the immigration rules resulting from variation by the Secretary of State of an application for indefinite leave to remain under Appendix Settlement Family Life to those rules

No fee is payable in respect of an application for limited leave to remain in the United Kingdom under Appendix FM to the immigration rules arising by virtue of the variation by the Secretary of State, under paragraph SETF 9.2 or SETF 17.2 of Appendix Fee 6.1.1

(3) Appendix Innovator was amended by the Statement of Changes in Immigration Rules laid before Parliament on 15th March 2022 (HC 1118).

(4) Appendix Hong Kong British National (Overseas) was amended by the Statement of Changes in Immigration Rules laid before Parliament on 15th March 2022 (HC 1118).

(5) Appendix Private Life was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 15th March 2022 (HC 1118).

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Settlement Family Life to those rules⁽⁶⁾, of an application for indefinite leave to remain in the United Kingdom under Appendix Settlement Family Life to those rules.

9.23 Applications for indefinite or limited leave to remain in the United Kingdom: waiver of fee as a remedy for maladministration

The Secretary of State may waive the payment of any fee specified in Table 6, 7 or 8 in respect of an application for limited or indefinite leave to remain in the United Kingdom where the Secretary of State considers that—

All Fees in Tables 6, 7 and 8”

(a) the person in respect of whom the application is made has suffered any detriment in connection with immigration or nationality as a result of maladministration by the Home Office, and

(b) the appropriate remedy (or part of the appropriate remedy) for that maladministration is to waive the payment of the fee in respect of the application.

(5) In paragraph 3 after “Table 9” insert “(other than the exception in 9.18 of that Table)”.

⁽⁶⁾ Appendix Settlement Family Life was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 15th March 2022 (HC 1118).