

*This Statutory Instrument has been published in substitution of the S.I. of the same number due to an error in the Minister's title, and is being issued free of charge to all known recipients of that Statutory Instrument. This Statutory Instrument has also been made partly in consequence of defects in S.I. 2018/330 and S.I. 2022/296 and is additionally being issued free of charge to all known recipients of those Statutory Instruments.*

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## STATUTORY INSTRUMENTS

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**2022 No. 581**

# IMMIGRATION NATIONALITY

## The Immigration and Nationality (Fees) (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>25th May 2022</i>
<i>Laid before Parliament</i>		<i>26th May 2022</i>
<i>Coming into force</i>		
<i>Regulations 1(1), (3) and (4) and 2(1) and (3)(a)</i>	<i>at 9.00 a.m. on 30th May 2022</i>	
<i>Remainder</i>		<i>16th June 2022</i>

The Secretary of State makes these Regulations with the consent of the Treasury<sup>(1)</sup> in exercise of the powers conferred by sections 68(1), (7), (8), (10)(a) and (b), 69(2) and 74(8)(a) and (b) of the Immigration Act 2014<sup>(2)</sup>. These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016<sup>(3)</sup>.

### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) Regulations 2022.

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- (1) Treasury consent has been obtained pursuant to section 69(1) of the Immigration Act 2014 (c. 22).
- (2) Sections 68 to 70 of the Immigration Act 2014 are extended, with modifications, to the Isle of Man by article 22 of and Schedule 9A to the Immigration (Isle of Man) Order 2008 (S.I. 2008/680) which were inserted by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765). Article 22 of S.I. 2008/680 was amended by the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562) and further amended by the Immigration (Isle of Man) (Amendment) Order 2020 (S.I. 2020/1214). There are other amendments to S.I. 2008/680 not relevant to these Regulations. Sections 68 to 70 are 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. Sections 68 to 70 are also extended to the Bailiwick of Jersey by article 12 of the Immigration (Jersey) Order 2021 (S.I. 2021/1281) subject to modifications specified in Schedule 10 to that Order.
- (3) S.I. 2016/177, amended by S.I. 2017/440; there are other amending instruments but none is relevant.

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(2) Except as provided by paragraph (3), these Regulations come into force on 16th June 2022.

(3) The following provisions of these Regulations come into force at 9.00 a.m. on 30th May 2022—

(a) this paragraph and paragraphs (1) and (4) of this regulation;

(b) regulation 2(1) and (3)(a).

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(5) Paragraphs (1) and (2), this paragraph and regulation 2(5) also extend to the Isle of Man, for the same purpose as the provision which regulation 2(5) amends(4).

(6) Paragraphs (1) and (2), this paragraph and regulation 2(6) also extend to the Bailiwick of Guernsey and the Bailiwick of Jersey, for the same purpose as the provision which regulation 2(6) amends(5).

### **Amendments to the Immigration and Nationality (Fees) Regulations 2018**

2.—(1) The Immigration and Nationality (Fees) Regulations 2018(6) are amended as follows.

(2) In Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) in Table 4 (exceptions) after 4.11.1 insert—

<b>“4.12</b>	<b>Applications for entry clearance under Appendix Ukraine Scheme to the immigration rules</b>
4.12.1	No fee is payable in respect of an application for entry Fee 1.5.1” clearance to enter the United Kingdom under Appendix Ukraine Scheme to the immigration rules(7).

(3) In Schedule 2 (applications for leave to remain in the United Kingdom)—

(a) in Table 6 (fees for applications for limited leave to remain in the United Kingdom and connected applications) before 6.2.11A insert—

<b>“6.2.6L</b>	Application for limited leave to remain in the United Kingdom £715” made under Appendix High Potential Individual to the immigration rules(8), other than as a dependent partner or dependent child of a High Potential Individual.
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(b) in Table 9 (exceptions and waivers in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom) after 9.23 insert—

<b>“9.24</b>	<b>Applications for limited leave to remain in the United Kingdom under Appendix Ukraine Scheme to the immigration rules</b>
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(4) See regulation 1(4) of the Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330) for the purpose for which provisions of that instrument extend to the Isle of Man.

(5) See regulation 1(5) of the Immigration and Nationality (Fees) Regulations 2018 for the purpose for which provisions of that instrument extend to the Bailiwicks of Guernsey and Jersey.

(6) S.I. 2018/330; relevant amending instruments are S.I. 2019/475, 2020/294, 2020/966, 2021/269, 2021/1035, 2022/296.

(7) Appendix Ukraine Scheme was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 29th March 2022 (HC 1220).

(8) Appendix High Potential Individual 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).

No fee is payable in respect of an application for limited leave to remain in the United Kingdom under Appendix Ukraine Scheme to the immigration rules. Fee 6.1.1”

(4) In Schedule 8 (nationality)—

(a) in paragraph 2—

(i) in sub-paragraph (1A) after “Table 19” insert “and Table 20”;

(ii) after sub-paragraph (4) insert—

“(5) Paragraph 8 confers a discretion on the Secretary of State to waive, in specified circumstances, the fees specified in 19.3.1 and 19.3.2.”;

(b) in Table 19 (fees for applications relating to nationality) for 19.3.1 and 19.3.2 substitute—

“19.3.1	Application for registration as a British citizen under the 1981 Act, where the person in respect of whom the application is made is a child at the time the application is made.	£1,012
19.3.2	Application for registration as a British citizen under the 1997 Act, where the person in respect of whom the application is made is a child at the time the application is made.	£1,012”

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

(i) in the heading of the Table for the words in brackets substitute “(Exceptions in respect of fees for registration and for services in connection with citizenship ceremonies and oaths)”;

(ii) at the end insert—

<b>“20A.3</b>	<b>Children being looked after by a local authority</b>	
20A.3.1	No fee is payable in respect of an application for registration as a British citizen under the 1981 Act or the 1997 Act where, at the time the application is made, the person in respect of whom it is made is a child and—	Fees 19.3.1, 19.3.2
	(a) is being looked after by a local authority, or	
	(b) is being looked after outside the United Kingdom under an arrangement similar to any of those referred to in the provisions mentioned in the definition of “being looked after by a local authority” in regulation 2.	
<b>20A.4</b>	<b>Fees for services in connection with citizenship ceremonies and citizenship oaths where no registration fee was payable</b>	
20A.4.1	No fee is payable for the arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony) in relation to the registration of a person as a British citizen under the 1981 Act or the 1997 Act where no fee was payable in respect of the related application for registration of that person because—	Fee 20.4.1

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- (a) the exception in 20A.3.1 applied, or
- (b) the fee in respect of that application was waived under paragraph 8.

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20A.4.2	No fee is payable for the administration, otherwise than at a citizenship ceremony or by a Justice of the Peace, of a citizenship oath (or citizenship oath and pledge) in relation to the registration of a person as a British citizen under the 1981 Act or the 1997 Act where no fee was payable in respect of the related application for registration of that person because—	Fee 20.4.2”
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- (a) the exception in 20A.3.1 applied, or
- (b) the fee in respect of that application was waived under paragraph 8.

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(d) after paragraph 7 insert—

**“Fees specified in 19.3.1 and 19.3.2: waiver on grounds of unaffordability**

8. The Secretary of State may waive the fee specified in 19.3.1 or 19.3.2 in a case where the Secretary of State considers that the fee is not affordable, taking into account the financial circumstances of the child in respect of whom the application is being made and of any other person who (in the Secretary of State’s opinion) might otherwise reasonably be expected to bear the cost of paying all or part of the fee.”

(5) In Schedule 9 (applications in relation to entry clearance to enter the Isle of Man and premium services) in Table 23 (exceptions) after 23.4.1 insert—

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**“23.5 Applications for entry clearance under Appendix U: Ukraine Scheme to the Isle of Man immigration rules**

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23.5.1	No fee is payable in respect of an application for entry clearance under Appendix U: Ukraine Scheme to the Isle of Man immigration rules(9).	Fee 21.4.1”
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(6) In Schedule 10 (applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey and premium services) in Table 26A (exceptions) after 26A.3.1 insert—

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**“26A.4 Applications for entry clearance to enter the Bailiwick of Guernsey under Appendix Ukraine Scheme to the Guernsey immigration rules**

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26A.4.1	No fee is payable in respect of an application for entry clearance to enter the Bailiwick of Guernsey under Appendix Ukraine Scheme to the Guernsey immigration rules(10).	Fee 26.1.1
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**26A.5 Applications for entry clearance to enter the Bailiwick of Jersey under Appendix Ukraine (J) Scheme to the Jersey immigration rules**

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(9) Appendix U: Ukraine Scheme was added to the Isle of Man immigration rules by the Statement of Changes in Immigration Rules made on 29th April 2022 (Statutory Document 2022/0155).

(10) Appendix Ukraine Scheme was added to the Guernsey immigration rules by Guernsey Statutory Instrument No. 27 of 2022.

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26A.5.1	No fee is payable in respect of an application for entry Fee 26.1.1” clearance to enter the Bailiwick of Jersey under Appendix Ukraine (J) Scheme to the Jersey immigration rules(11).
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25th May 2022

*Kevin Foster*  
Parliamentary Under Secretary of State  
Home Office

We consent

25th May 2022

*Alan Mak*  
*Gareth Johnson*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(11) The amended Jersey immigration rules are available via this link: <https://www.gov.je/SiteCollectionDocuments/Travel%20and%20transport/ID%20Jersey%20immigration%20rules.pdf>. Copies are available from Immigration, Jersey Customs & Immigration Service, Maritime House, Jersey JE1 1JD.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330) (“the 2018 Regulations”) which set fees for the exercise of various functions in connection with immigration and nationality.

Regulation 2(2) and (3)(b) introduces exceptions to fees payable for applications for entry clearance to enter or limited leave to remain in the United Kingdom. The exceptions apply to applications for entry clearance or limited leave to remain under Appendix Ukraine Scheme to the United Kingdom immigration rules. Regulation 2(5) and (6) introduces corresponding exceptions in respect of fees payable for entry clearance to enter the Isle of Man, the Bailiwick of Guernsey or the Bailiwick of Jersey.

Regulation 2(3)(a) remedies an omission from the Immigration and Nationality and Immigration Services Commissioner (Fees) (Amendment) Regulations 2022 (S.I. 2022/296). It sets a specific fee for applications for limited leave to remain in the United Kingdom as a High Potential Individual under the United Kingdom immigration rules. The fee for applications by a dependent partner or child is set by existing paragraph 3 of Schedule 2 to the 2018 Regulations.

Regulation 2(4)(b) substitutes the fees specified in 19.3.1 and 19.3.2 in Table 19 in Schedule 8 to the 2018 Regulations. These are fees for applications to register a child as a British citizen. There is no change in the fee descriptions or the amounts specified for these fees. These fees have been substituted in the light of the judgment of the Court of Appeal in *R (Project for the Registration of Children as British Citizens and O) v. Secretary of State for the Home Department [2021] EWCA Civ 193*. The Secretary of State was found to have breached the duty under section 55 of the Borders, Citizenship and Immigration Act 2009 (c. 11) in relation to setting these fees. Having complied with that duty, the Secretary of State has made these Regulations to substitute these fees and make related provision.

Regulation 2(4)(a)(ii) and (d) gives the Secretary of State the power to waive the fees specified in 19.3.1 and 19.3.2 in cases where the Secretary of State considers the fee to be unaffordable.

Regulation 2(4)(a)(i) and (c) introduces exceptions from the registration fees specified in 19.3.1 and 19.3.2 and from existing fees for arranging a citizenship ceremony or administering a citizenship oath. The exception relating to the registration fees applies where the child is being looked after by a local authority in the United Kingdom or under similar arrangements abroad. The exceptions relating to the fees for arranging a citizenship ceremony or administering a citizenship oath apply where no fee was payable for the related application for registration, either because of the new fee exception for children being looked after by a local authority or because the Secretary of State waived the fee under the new waiver power mentioned above.

An impact assessment has been prepared in respect of the amendments made by regulation 2(4) (c) and (d). It is available alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk) and copies are also available from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF. No impact assessment has been produced in respect of the other changes made by these Regulations because no impact or no significant impact on the private, voluntary or public sector is foreseen.