

2023 No. 1359

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment) (No. 3)
Regulations 2023**

<i>Made</i> - - - -	<i>11th December 2023</i>
<i>Laid before Parliament</i>	<i>13th December 2023</i>
<i>Coming into force</i> - -	<i>31st January 2024</i>

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

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) (No. 3) Regulations 2023.

(2) These Regulations come into force on 31st January 2024.

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

(4) In these Regulations, “the principal Regulations” means the Immigration and Nationality (Fees) Regulations 2018^(d).

Amendments to the principal Regulations

2. The principal Regulations are amended in accordance with these Regulations.

Amendment to Schedule 1

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

(2) In Table 1, after entry 1.3D, insert—

^(a) Treasury consent has been obtained pursuant to section 69(1) of the Immigration Act 2014 (c. 22) (“the 2014 Act”).

^(b) 2014 c. 22.

^(c) S.I. 2016/177, amended by S.I. 2018/329; there are other amending instruments but none is relevant.

^(d) S.I. 2018/330. There are amending instruments, but none is relevant to these Regulations.

“1.3E	Fee for applications for entry clearance and indefinite leave to enter the United Kingdom as a victim of domestic abuse under the Appendix Victim of Domestic Abuse to the immigration rules(a)	
1.3E.1	Application for entry clearance and indefinite leave to enter under the Appendix Victim of Domestic Abuse to the immigration rules	£2,885”.

(3) In Table 5, after entry 5.5, insert—

“5.6	Victims of domestic abuse	
5.6.1	The official determining an application for entry clearance and indefinite leave to enter under the Appendix Victim of Domestic Abuse to the immigration rules may decide to waive the fee if at the time of making the application the applicant appears to the official to be destitute.	Fee 1.3E.1”.

Amendment to Schedule 2

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

(2) In Table 9, in entry 9.3—

- (a) in the heading, for “paragraph 289A, Appendix FM or Appendix Armed Forces” substitute “Appendix Victim of Domestic Abuse”;
- (b) in the entry, for “paragraph 289A of, or Appendix FM or Appendix Armed Forces” substitute “Appendix Victim of Domestic Abuse”.

(3) In Table 9, in entry 9.8, for the narrative under the heading in the second column, substitute—

“No fee is payable in respect of an application for limited leave to remain or indefinite leave to remain in the United Kingdom (together referred to in this entry as “leave to remain”)—

- (a) under Appendix Statelessness to the immigration rules, as a stateless person;
- (b) under Part 14 of the immigration rules (“Part 14”), as a family member of a stateless person;
- (c) under Part 14 as a child born in the United Kingdom to a parent who has been granted leave to remain as—
 - (i) a stateless person, or
 - (ii) a partner of a stateless person.”.

(a) The immigration rules were laid before Parliament on 23rd May 1994 (HC 395). Appendix Victim of Domestic Abuse was added to the UK immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 7th December 2023 (HC 246).

11th December 2023

Tom Pursglove
Minister of State
Home Office

We consent

11th December 2023

Stuart Anderson
Amanda Solloway
Two of the Lords Commissioners of His Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 provides, by amendment, for a fee for victims of domestic abuse who wish to apply from overseas for indefinite leave to enter the United Kingdom. This is a fee for a new application which was not previously available. It also provides for waivers of those fees where the applicant satisfies a destitution test.

Regulation 4 amends entry 9.3 in Schedule 2 to reflect the new Appendix Victim of Domestic Abuse to the immigration rules. It also amends entry 9.8 to reflect the new Appendix Statelessness, and further provides a fee exception for Part 14 applications under the immigration rules.

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

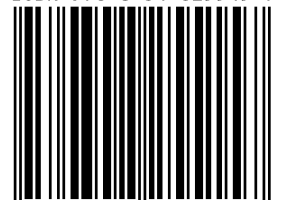
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