

2023 No. 15

IMMIGRATION

NATIONALITY

PASSPORTS

**The Immigration and Nationality (Fees) and Passport (Fees)
(Amendment) Regulations 2023**

Made - - - - at 10.30 a.m. on 11th January 2023

Laid before Parliament at 4.00 p.m. on 11th January 2023

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 68(1) and (10)(a) and 74(8)(a) of the Immigration Act 2014^(a) (“the 2014 Act”) and sections 86(1) and (3) and 93(6)(a) of the Immigration Act 2016^(b) (“the 2016 Act”). These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016^(c).

In accordance with section 69(1) of the 2014 Act and section 87(1) of the 2016 Act, these Regulations are made with the consent of the Treasury.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) and Passport (Fees) (Amendment) Regulations 2023.

(2) These Regulations come into force—

(a) for the purposes of regulation 3 and the Schedule, on 2nd February 2023;

(b) for all other purposes, on 30th January 2023.

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

Amendments to Schedule 2 to the Immigration and Nationality (Fees) Regulations 2018

2.—(1) Schedule 2 to the Immigration and Nationality (Fees) Regulations 2018^(d) (applications for leave to remain in the United Kingdom) is amended as follows.

(a) 2014 c. 22.

(b) 2016 c. 19.

(c) S.I. 2016/177 to which there are amendments not relevant to these Regulations.

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

(2) In paragraph 1(1) (interpretation), omit the definitions of “positive conclusive grounds decision”, “the Trafficking Convention” and “Trafficking Convention reason”.

(3) In paragraph 2, in Table 9 (exceptions and waivers in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom), in 9.10—

(a) for the heading substitute “Grant of leave to remain in the United Kingdom under Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery to the immigration rules”(a);

(b) in 9.10.1, for the words from “No fee” to “decision” substitute—

“No fee is payable in respect of the first grant of leave under Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery to the immigration rules) (“the Appendix”) (whether or not an application is made for such leave to be granted).”;

(c) in 9.10.2, for the words from “No fee” to “reason” (in the second place where it occurs) substitute—

“No fee is payable in respect of a further grant of leave under the Appendix where the individual—

(a) has not yet accrued in total thirty months limited leave to remain in the United Kingdom, granted as discretionary leave or under the Appendix; or

(b) was not originally granted thirty months limited leave to remain in the United Kingdom (granted as discretionary leave or under the Appendix) and the application is to allow the individual to have in total thirty months limited leave.”;

(d) in 9.10.3, for the words from “No fee” to “destitute” substitute—

“No fee is payable in respect of an application made under the Appendix where—

(a) 9.10.2 does not apply because the individual has accrued—

(i) thirty months or more limited leave to remain in the United Kingdom granted as discretionary leave;

(ii) thirty months or more limited leave to remain in the United Kingdom granted under the Appendix; or

(iii) a total of thirty months or more limited leave to remain in the United Kingdom granted as discretionary leave or under the Appendix; and

(b) at the time of making the application the individual appears to the Secretary of State to be destitute.”.

Amendments to the Schedule to the Passport (Fees) Regulations 2022

3. The Schedule to the Passport (Fees) Regulations 2022(b) is amended in accordance with the Schedule to these Regulations.

We consent to the making of these Regulations

10th January 2023

Nigel Huddleston
Andrew Stephenson
Two of the Lords Commissioners of His Majesty’s Treasury

At 10.30 a.m. on 11th January 2023

Robert Jenrick
Minister of State
Home Office

(a) <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc719-18-october-2022>.

(b) S.I. 2022/660.

SCHEDULE

Regulation 3

AMENDMENTS TO THE SCHEDULE TO THE PASSPORT (FEES) REGULATIONS 2022

1. For the table in paragraph 2 substitute—

<i>“Category of prospective passport holder”</i>	<i>of Where the prospective passport holder lives</i>	<i>Method of application</i>	<i>Fee</i>
Under-16 prospective passport holder	In the United Kingdom	Online	£53.50
	In the United Kingdom	Postal	£64
	Outside the United Kingdom	Online	£61
	Outside the United Kingdom	Postal	£71.50
Over-16 prospective passport holder	In the United Kingdom	Online	£82.50
	In the United Kingdom	Postal	£93
	Outside the United Kingdom	Online	£94
	Outside the United Kingdom	Postal	£104.50”.

2. For paragraph 3 substitute—

“3.—(1) This paragraph and paragraph 4 apply where the application is administered under one of the priority services.

(2) Where the prospective passport holder is an under-16 prospective passport holder or an over-16 prospective passport holder born after 2nd September 1929 and—

- (a) the application is administered under the fast track service, the fee is the standard fee plus £72.50;
- (b) the application is administered under the premium service, the fee is the standard fee plus £111.

(3) Where the prospective passport holder is an over-16 prospective passport holder born on or before 2nd September 1929 and—

- (a) the application is administered under the fast track service, the fee is £72.50;
- (b) the application is administered under the premium service, the fee is £111.”.

3. In paragraph 4, for the words from “relevant” to the end substitute “fee for the fast track service specified in paragraph 3(2)(a) or, as the case may be, (3)(a), plus £22”.

4. In paragraph 7, for “£10” substitute “£11”.

5. For paragraph 8 substitute—

“8.—(1) This paragraph and paragraph 9 apply where the application is administered under one of the priority services.

(2) Where—

- (a) the application is administered under the fast track service, the fee is the standard fee plus £83.50;
- (b) the application is administered under the premium service, the fee is the standard fee plus £122.”.

6. In paragraph 9, for the words from “relevant” to the end substitute “fee for the fast track service specified in paragraph 8(2)(a) plus £22”.

7. In paragraph 10, for “£10” substitute “£11”.

8. In paragraph 11, for “£10” substitute “£11”.

9. For the table in paragraph 12 substitute—

<i>“Category of prospective passport holder”</i>	<i>Method of application</i>	<i>Fee</i>
A member of, or a person attached to, His Majesty’s armed forces, or a dependant of such a person aged 16 years or over	Online	The standard fee plus £11
	Postal	The fee specified in the table in paragraph 2 for a postal application made by, or in respect of, an over-16 prospective passport holder who lives in the United Kingdom plus £11
A dependent aged under 16 years of a person who is a member of, or attached to, His Majesty’s armed forces	Online	The standard fee plus £11
	Postal	The fee specified in the table in paragraph 2 for a postal application made by, or in respect of, an under-16 prospective passport holder who lives in the United Kingdom plus £11
A member of, or a person attached to, His Majesty’s armed forces where the application is checked and submitted to His Majesty’s Passport Office by armed forces personnel who are nominated for that purpose		The fee specified in the table in paragraph 2 for a postal application made by, or in respect of, an over-16 prospective passport holder who lives in the United Kingdom plus £11”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends Schedule 2 to the Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330) so as to clarify that the waiver of fees otherwise payable by those who fall within the Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery to the immigration rules (HC 719) issued on 18th October 2022 applies to all those coming within that Appendix. That regulation also makes consequential amendments to that Schedule.

Regulation 3 of, and the Schedule to, these Regulations amend the Passport (Fees) Regulations 2022 (S.I. 2022/660). The amendments increase some of the fees imposed in Parts 1 and 2 of the Schedule to those Regulations in respect of passport applications by approximately 9.1% and reduce the fees in respect of certain other passport applications specified in those Parts.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF and it will be published alongside the Explanatory Memorandum at www.legislation.gov.uk.

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2023/15>

ISBN 978-0-34-824355-0



9 780348 243550