

2023 No. 349

IMMIGRATION

NATIONALITY

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

Made - - - - - *21st March 2023*

Laid before Parliament *22nd March 2023*

Coming into force in accordance with regulation 1(2)

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), (8) and (10)(a), (b) and (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).

PART 1

Preliminary

Citation, commencement, extent and interpretation

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

(2) These Regulations come into force as follows—

- (a) Parts 1 and 2 come into force on 12th April 2023;
- (b) Parts 3 and 6 come into force on 13th April 2023;
- (c) Part 4 comes into force on 1st June 2023;
- (d) Part 5 comes into force at 9.00am on 29th June 2023.

(3) Subject to paragraph (4), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) The following provisions of these Regulations also extend to the Isle of Man, for the same purpose as the provisions of the principal Regulations which they amend^(d)—

- (a) this Part;

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

(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) See regulation 1(4) of the principal Regulations for the purpose for which provisions of that instrument extend to the Isle of Man.

(b) in Part 2, regulations 3 and 6.

(5) In these Regulations, “the principal Regulations” means the Immigration and Nationality (Fees) Regulations 2018(a).

Amendments to the principal Regulations

2. The principal Regulations are amended in accordance with Parts 2 to 5.

PART 2

Amendments to the principal Regulations coming into force on 12th April 2023

Amendments to regulation 2

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) Omit the definition of “Tier 1 (General) Migrant” and “Tier 1 (Post-Study Work) Migrant”.

(3) In the definition starting “Tier 1 (Entrepreneur) Migrant” omit “, Tier 1 (Graduate Entrepreneur) Migrant”.

(4) Insert in the appropriate place—

““Tier 1 (Graduate Entrepreneur) Migrant” has the meaning given by paragraph 6 of the Isle of Man immigration rules;”.

Amendment to Schedule 1

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

(2) In Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom), in 1.4.1, for paragraph (b) substitute—

“(b) Appendix Child staying with or joining a Non-Parent Relative (Protection) to the immigration rules(b) for entry clearance as the child of a relative, who is not a parent, and who has limited leave to enter or leave to remain in the United Kingdom with protection status within the meaning given by paragraph 6 of the immigration rules.”.

(3) In Table 2 (specified fees for dependants), omit 2.1.1A.

(4) For paragraph 3 substitute—

“Applications by dependants

3.—(1) The fee for an application for entry clearance to enter or leave to enter the United Kingdom made by the dependant of a main applicant is—

(a) where the dependant’s application is not made at the same time as the main applicant’s application, the fee paid by the main applicant under Table 1 in respect of their last application for limited leave to remain in the United Kingdom which was made before the dependant’s application;

(b) in any other case, the fee specified in Table 1 in respect of the main applicant’s application.

(a) S.I. 2018/330; relevant amending instruments are S.I. 2018/875, 2019/475, 2020/77, 294, 736 and 1147, 2021/1035, 2022/296 and 581 and 2023/15.

(b) The United Kingdom immigration rules were laid before Parliament on 23rd May 1994 (HC 395). Appendix Child joining a Non-Parent Relative (Protection) was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 9th March 2023 (HC 1160).

(2) Sub-paragraph (1) does not apply in respect of applications for which a fee is specified in—

- (a) 1.3C.1, 1.3C.2, 1.4.1 or 1.4.5 of Table 1;
- (b) Table 2; or
- (c) Table 3.

(3) The fee payable in accordance with sub-paragraph (1) is subject to—

- (a) the exceptions and waivers set out in Tables 4 and 5; and
- (b) paragraph 3A.”.

Amendments to Schedule 2

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

(2) In Table 7 (fees for specified applications for limited leave to remain in the United Kingdom as a dependant) omit 7.1.1A.

(3) For paragraph 3 substitute—

“Applications by dependants

3.—(1) The fee for an application for leave to remain in the United Kingdom made by the dependant of a main applicant is—

- (a) where the dependant’s application is not made at the same time as the main applicant’s application, the fee paid by the main applicant under Table 6 or 8 (as the case may be) in respect of their last application for limited leave to remain in the United Kingdom which was made before the dependant’s application;
- (b) in any other case, the fee specified in Table 6 or 8 (as the case may be) in respect of the main applicant’s application.

(2) Sub-paragraph (1) does not apply in respect of applications for which a fee is specified in—

- (a) 6.2C.1 or 6.2C.2 of Table 6; or
- (b) Table 7.

(3) The fee payable in accordance with sub-paragraph (1) is subject to—

- (a) the exceptions and waivers set out in Table 9 (other than the exception in 9.18 of that Table); and
- (b) paragraph 3A.”.

Amendments to Schedule 9

6. In Schedule 9 (applications in relation to entry clearance to enter the Isle of Man and premium services), in Table 22 (specified fees for dependants), omit 22.1.2 and 22.1.3.

PART 3

Amendments to the principal Regulations coming into force on 13th April 2023

Amendments to regulation 2

7.—(1) Regulation 2 is amended as follows.

(2) In the definition of “approval letter from an endorsing body”, for the words from “for entry clearance” to the end substitute—

“from an individual or a business for—

- (a) entry clearance to enter or leave to remain in the United Kingdom under Appendix Global Talent, Appendix Innovator, Appendix Innovator Founder or Appendix Start-up to those rules;**(a)**; or
- (b) a sponsor licence in connection with sponsoring the applicant under Appendix Scale-up to those rules;”.

(3) For the definition of “Innovator” substitute—

““Innovator Founder” has the meaning given by paragraph 6 of the immigration rules;”.

(4) After the definition of “leave to remain in the United Kingdom” insert—

““legacy endorsing body” means an organisation which had previously been approved by the Home Office to endorse an individual or business in connection with an application under the Innovator or Start-up routes but which is not permitted to endorse a new individual or business under the Innovator Founder route;”.

Amendments to Schedule 1

8.—(1) Schedule 1 is amended as follows.

(2) In paragraph 2 (fees for, and in connection with, applications for entry clearance to enter and leave to enter the United Kingdom), in sub-paragraph (1)(b), for “the fee for an application” substitute “the fees for the specified applications”.

(3) In Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom)—

- (a) in 1.3A, in the second column, for the words from “Appendix Innovator” to the end substitute “Appendix Innovator Founder or Appendix Start-up to the immigration rules, and for connected applications”**(b)**;
- (b) after 1.3A, insert—

“1.3A.A1	Application for an approval letter from an endorsing body, in respect of a proposed application for entry clearance under Appendix Innovator Founder to the immigration rules, other than as a dependent partner or dependent child on the Innovator Founder route under that Appendix.	£1,000”;
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- (c) in 1.3A.1, for “Innovator” in both places where it occurs, substitute “Innovator Founder”.

(4) In Table 4 (exceptions in respect of fees for applications for entry clearance to enter or leave to enter the United Kingdom)—

- (a) in the heading, after “fees for” insert “and in connection with”;
- (b) at the end insert—

“4.13	Applications for an approval letter from the Global Entrepreneur Programme in respect of a proposed application under Appendix Innovator Founder to the immigration rules
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4.13.1	No fee is payable in respect of an application for an approval letter from an endorsing body, in respect of a proposed application for entry clearance under Appendix Innovator Founder to the immigration rules where the endorsing body	1.3A.A1
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- (a) Appendix Innovator Founder was added by the Statement of Changes in Immigration Rules laid before Parliament on 9th March 2023 (HC 1160).
- (b) Appendix Innovator was removed from the United Kingdom immigration rules (subject to savings) by the Statement of Changes in Immigration Rules laid before Parliament on 9th March 2023 (HC 1160).

	from which the letter is sought is the Global Entrepreneur Programme operated by the Department for Business and Trade(a).	
4.14	Applications, in specified circumstances, for an approval letter from an endorsing body or a legacy endorsing body in respect of a proposed application under Appendix Innovator Founder to the immigration rules	
4.14.1	No fee is payable in respect of an application for an approval letter from an endorsing body or from a legacy endorsing body in respect of a proposed application for entry clearance under Appendix Innovator Founder to the immigration rules where—	1.3A.A1
	<ul style="list-style-type: none"> (a) the applicant has limited leave to remain in the United Kingdom which was granted under Appendix Innovator, Appendix Innovator Founder or Appendix Start-up to the immigration rules (“the applicant’s current leave”), (b) the endorsing body or legacy endorsing body from which the approval letter is sought by the applicant endorsed the applicant (pursuant to the immigration rules) in connection with the application which gave rise to the grant of the applicant’s current leave, and (c) where the applicant has been granted leave, or further leave, under Appendix Innovator Founder to the immigration rules (“the relevant AIF leave”), the applicant has had previous leave granted, before the grant of the relevant AIF leave, under Appendix Innovator, Appendix Innovator Founder or Appendix Start-up. 	
4.14.2	No fee is payable in respect of an application for an approval letter from an endorsing body, in respect of a proposed application for entry clearance under Appendix Innovator Founder to the immigration rules where—	1.3A.A1”.
	<ul style="list-style-type: none"> (a) the applicant has limited leave to remain in the United Kingdom which was granted under Appendix Innovator, Appendix Innovator Founder or Appendix Start-up to the immigration rules (“the applicant’s current leave”), (b) the endorsing body from which the approval letter is sought by the applicant did not endorse the applicant (pursuant to the immigration rules) in connection with the application which gave rise to the grant of the applicant’s current leave, (c) the letter which endorsed the applicant in connection with the applicant’s current leave (“the original letter”) was issued (pursuant to the immigration rules) by a legacy endorsing body which was at the time when the original letter was issued, approved by the Home Office to endorse individuals in connection with applications under Appendix Innovator to those rules, and 	

(a) Information about the Global Entrepreneur Programme is published at <https://www.great.gov.uk/international/content/investment/how-we-can-help/global-entrepreneur-program/> and is also available from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF.

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- (d) the applicant cannot obtain an approval letter from that legacy endorsing body as that body no longer endorses individuals or businesses in connection with applications under Appendix Innovator Founder to the immigration rules.
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Amendments to Schedule 2

9.—(1) Schedule 2 is amended as follows.

(2) In paragraph 2 (fees for, and in connection with, applications for leave to remain in the United Kingdom)—

- (a) in sub-paragraph (1), for “the fee for an approval letter from an endorsing body” substitute “the fees for the specified applications for an approval letter from an endorsing body in respect of an application for limited leave to remain in the United Kingdom”;
- (b) in sub-paragraph (3), at the end insert “and the amount of the fee for an application for an approval letter from an endorsing body in respect of a specified application for indefinite leave to remain in the United Kingdom”.

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

- (a) in 6.2A, in the second column, for the words from “Appendix Innovator” to the end substitute “Appendix Innovator Founder or Appendix Start-up to the immigration rules, and for connected applications”;
- (b) after 6.2A, insert—

“6.2A.A1	Application for an approval letter from an endorsing body, in respect of a proposed application for limited leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules, other than as a dependent partner or dependent child on the Innovator Founder route under that Appendix.	£1,000”;
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(c) in 6.2A.1, for “Innovator” in both places where it occurs, substitute “Innovator Founder”.

(4) In Table 8 (fees for applications for indefinite leave to remain in the United Kingdom)—

- (a) in the heading, after “the United Kingdom” insert “and connected applications”;
- (b) at the end insert—

“8.2	Fee for applications for an approval letter from an endorsing body	
8.2.1	Application for an approval letter from an endorsing body in respect of a proposed application for indefinite leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules, other than as a dependent partner or dependent child on the Innovator Founder route under that Appendix.	£1,000”.

(5) 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 9.19—
- (i) in the heading, for “Appendix Innovator” substitute “Appendix Innovator Founder”;
- (ii) in the second column for the words from “Appendix Innovator” to “INN 42.1A” substitute “Appendix Innovator Founder to the immigration rules arising by virtue of the variation by the Secretary of State, under paragraph INNF 21.2 or INNF 41.2”;

(b) at the end insert—

“9.25	Applications for an approval letter from the Global Entrepreneur Programme in respect of a proposed application for leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules	
	No fee is payable in respect of an application for an approval letter from an endorsing body in respect of an application for limited or indefinite leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules where the endorsing body from which the letter is sought is the Global Entrepreneur Programme operated by the Department for Business and Trade.	Fees 6.2A.A1, 8.2.1
9.26	Applications, in specified circumstances, for an approval letter from an endorsing body or a legacy endorsing body in respect of a proposed application for leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules	
9.26.1	No fee is payable in respect of an application for an approval letter from an endorsing body or legacy endorsing body in respect of a proposed application for limited or indefinite leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules where— (a) the applicant has limited leave to remain in the United Kingdom which was granted under Appendix Innovator, Appendix Innovator Founder to the immigration rules (“the applicant’s current leave”), and (b) the endorsing body or legacy endorsing body from which the approval letter is sought by the applicant endorsed the applicant (pursuant to the immigration rules) in connection with the application which gave rise to the grant of the applicant’s current leave, and (c) where the applicant has been granted leave, or further leave under Appendix Innovator Founder to the immigration rules (“the relevant AIF leave”), the applicant has had previous leave granted, before the grant of the relevant AIF leave, under Appendix Innovator, Appendix Innovator Founder or Appendix Start-up.	Fees 6.2A.A1, 8.2.1
9.26.2	No fee is payable in respect of an application for an approval letter from an endorsing body in respect of a proposed application for limited or indefinite leave to remain in the United Kingdom under Appendix Innovator Founder to the immigration rules where— (a) the applicant has limited leave to remain in the United Kingdom which was granted under Appendix Innovator, Appendix Innovator Founder or Appendix Start-up to the immigration rules (“the applicant’s current leave”), (b) the endorsing body from which the approval letter is sought by the applicant did not endorse the applicant (pursuant to the immigration rules)	Fees 6.2A.A1, 8.2.1”.

in connection with the application which gave rise to the grant of the applicant’s current leave,

- (c) the letter which endorsed the applicant in connection with the applicant’s current leave (“the original letter”) was issued (pursuant to the immigration rules) by a legacy endorsing body which was at the time when the original letter was issued, approved by the Home Office to endorse individuals in connection with applications under Appendix Innovator to those rules, and
 - (d) the applicant cannot obtain an approval letter from that legacy endorsing body as that body no longer endorses individuals or businesses in connection with applications under Appendix Innovator Founder to the immigration rules.
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Amendments to Schedule 4

10. In Schedule 4 (sponsorship), in Table 15 (fees for other applications and processes in connection with sponsorship), at the end insert—

“15.3	Fee for an application for an approval letter from an endorsing body in respect of a proposed application for a sponsor licence in connection with sponsoring the applicants under Appendix Scale-up or to add the Scale-up route to an existing sponsor licence
15.3.1	Application for an approval letter from an endorsing body, within the meaning given by paragraph 6 of the immigration rules, of a proposed application— <ul style="list-style-type: none">(a) for a sponsor licence in respect (wholly or partly) of applicants for entry clearance to enter, or limited leave to remain in, the United Kingdom under Appendix Scale-up to the immigration rules(a), or(b) to add the Scale-up route provided for by that Appendix to an existing sponsor licence.

PART 4

Amendments to the principal Regulations coming into force on 1st June 2023

Amendments to Schedule 1

11.—(1) Table 1 in Schedule 1 is amended as follows.

(2) In 1.4.1, for paragraph (a) substitute—

“(a) Appendix Adult Dependant Relative to the immigration rules(b), for entry clearance as a parent, grandparent or other dependant relative of a person with

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- (a) Appendix Scale-up 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) and has been most recently amended by the Statement of Changes in Immigration Rules laid before Parliament on 9th March 2023 (HC 1160).
 - (b) Appendix Adult Dependant Relative was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 9th March 2023 (HC 1160).

limited leave to enter or leave to remain in the United Kingdom with protection status within the meaning given by paragraph 6 of the immigration rules;”;

(3) In 1.4.5, for “Appendix FM” substitute “Appendix Adult Dependant Relative”.

PART 5

Amendments to the principal Regulations coming into force at 9.00am on 29th June 2023

Amendments to Schedule 2

12. In Schedule 2, in Table 6 (fees for applications for limited leave to remain in the United Kingdom and connected applications), in 6.2.6F—

- (a) omit “or” at the end of paragraph (d);
- (b) insert “or” at the end of paragraph (e);
- (c) after paragraph (e) insert—
 - “(f) Appendix Youth Mobility Scheme to those rules, other than as a dependent partner or dependent child on the Youth Mobility Scheme route under that Appendix.”.

PART 6

Savings

Saving of provisions amended by regulations 8(3)(c) and 9(3)(c)

13.—(1) 1.3A.1 in Table 1 in Schedule 1 to the principal Regulations continues to have effect as it had effect immediately before the commencement date, without the amendment made by regulation 8(3)(c), for the purposes of the provision by paragraph 3 of that Schedule of a fee for an application for entry clearance to enter the United Kingdom made by a dependant of a person who—

- (a) has entry clearance to enter the United Kingdom granted before the commencement date under Appendix Innovator to the immigration rules, or
- (b) made an application before the commencement date for entry clearance to enter the United Kingdom under that Appendix which had not been determined immediately before the commencement date.

(2) Subject to paragraph (3), 6.2A.1 in Table 6 in Schedule 2 to the principal Regulations continues to have effect as it had effect immediately before the commencement date, without the amendment made by regulation 9(3)(c), for the purposes of the provision by paragraph 3 of that Schedule of a fee for an application for limited leave to remain in the United Kingdom made by a dependant of a person who—

- (a) has limited leave to remain in the United Kingdom granted before the commencement date under Appendix Innovator to the immigration rules, or
- (b) made an application before the commencement date for limited leave to remain in the United Kingdom under that Appendix which had not been determined immediately before the commencement date.

(3) The reference in paragraph (2) to an application for limited leave to remain in the United Kingdom made by a person’s dependant does not include an application for such leave arising by virtue of the variation by the Secretary of State, under paragraph INN 42.1A of Appendix Innovator to the immigration rules (as that Appendix continues to have effect), of an application for indefinite leave to remain in the United Kingdom.

(4) In this regulation—

“the commencement date” means 13th April 2023;

“dependant” has the meaning given by regulation 2 of the principal Regulations;

“the immigration rules” means the rules made under section 3(2) of the Immigration Act 1971(a).

21st March 2023

Robert Jenrick
Minister of State
Home Office

We consent

21st March 2023

Scott Mann
Andrew Stephenson
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) (“the principal Regulations”) which set fees for the exercise of various functions in connection with immigration and nationality.

In Part 2—

- regulation 3 makes changes to certain definitions consequential on to the amendments made by regulation 6 which makes changes to the fees in respect of applications for entry clearance to the Isle of Man;
- regulation 4(2) specifies the fee payable for applications made under Appendix Child joining a Non-Parent Relative (Protection) to the immigration rules;
- regulations 4(3) and 5(2) remove fees for applications which are no longer provided for by the United Kingdom immigration rules;
- regulations 4(4) and 5(3) clarify the fee payable respectively by a dependant who applies for entry clearance or leave to remain but not at the same time as the main applicant makes those applications.

Part 3 sets fees for applications—

- for entry clearance to enter and limited leave to remain in the United Kingdom under Appendix Innovator Founder to the United Kingdom immigration rules. Appendix Innovator Founder has replaced Appendix Innovator in those rules. Part 6 makes related savings. Regulations 8(4) and 9(5) provide exceptions from these new fees;
- for endorsement, by an endorsing body, of an application to be licensed by the Secretary of State as a sponsor in respect of the Scale-up route provided for by Appendix Scale-up to the United Kingdom immigration rules.
- for an approval letter from an endorsing body in respect of a proposed application for entry clearance to enter, or leave to remain in, the United Kingdom under Appendix Innovator Founder to the United Kingdom immigration rules.

(a) 1971 c. 77.

Part 4 specifies the fee payable in respect of applications made under the Appendix Adult Dependant Relative to the United Kingdom immigration rules.

Part 5 specifies the fee payable in respect of applications made under the Appendix Youth Mobility Scheme to the United Kingdom immigration rules.

A full impact assessment has not been produced for these Regulations because no, or no significant, impact on the private, voluntary or public sector is foreseen.

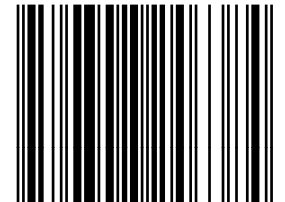
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