

This draft Statutory Instrument has been laid partly in consequence of a defect in [S.I. 2016/177](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Order laid before Parliament under section 74(2)(j) of the Immigration Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. 0000

IMMIGRATION NATIONALITY

The Immigration and Nationality (Fees) (Amendment) Order 2021

Made - - - - 2021
Coming into force in accordance with article 1(2) and
(3)

The Secretary of State makes the following Order with the consent of the Treasury in exercise of the powers conferred by sections 68(1) to (6), 69(2) and 74(8)(d) of the Immigration Act 2014(1).

In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Immigration and Nationality (Fees) (Amendment) Order 2021.

(2) Except as provided by paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Articles 2(2)(b), (3) and (4) and 3(3) come into force on the twenty-first day after the day on which this Order is made.

(4) The amendments made by this Order have the same extent as the provisions that are amended.

(1) [2014 c. 22](#). See section 68(12) for the definition of “specified”. Treasury consent has been obtained pursuant to section 69(1). Sections 68 to 70 were extended, with modifications, to the Isle of Man by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 ([S.I. 2015/1765](#)) which inserted new article 22 and new Schedule 9A in the Immigration (Isle of Man) Order 2008 ([S.I. 2008/680](#)). Article 22 and Schedule 9A were amended by the Immigration (Isle of Man) (Amendment) Order 2019 ([S.I. 2019/562](#)). There are other amendments to [S.I. 2008/680](#) not relevant to these Regulations. Sections 68 to 70 were extended to the Bailiwick of Jersey by article 3 of the Immigration (Jersey) Order 2016 ([S.I. 2016/994](#)) subject to modifications specified in the Schedule to that Order. Sections 68 to 70 were 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.

Amendments to the Immigration and Nationality (Fees) Order 2016

2.—(1) The Immigration and Nationality (Fees) Order 2016(2) is amended as follows.

(2) In article 2—

(a) in the definition of “premium services” omit “applications”;

(b) in the definition of “transfer of conditions”, for the words from “the fixing” to “passport” substitute “an addition to a passport”.

(3) In article 6, in Table 3, in the row beginning “3.2.2”, in the second column, after “information” insert “or reusing that recorded information”.

(4) In article 9, in Table 6, in the row beginning “6.11”, in the second column, for “in addition to those (if any) required to provide a basic service” substitute “, other than immigration officers or facilities needed to provide a basic service”.

Amendments to the Immigration and Nationality (Fees) Regulations 2018

3.—(1) The Immigration and Nationality (Fees) Regulations 2018(3) are amended as follows.

(2) In regulation 2, after the definition of “Points-Based System” insert—

““premium services” means optional premium services in connection with immigration or nationality;”.

(3) In Schedule 3, in paragraph 1, in the definition of “transfer of conditions”, for the words from “the fixing” to “passport” substitute “an addition to a passport”.

(4) In Schedule 4, in paragraph 1, in the definition of “premium services for sponsors”, for “optional premium customer services” substitute “premium services”.

Date _____
Parliamentary Under Secretary of State
Home Office

We consent

Date _____
Two of the Lords Commissioners of Her
Majesty’s Treasury

(2) [S.I. 2016/177](#); relevant amending instruments are [S.I. 2017/440](#), [2018/329](#).

(3) [S.I. 2018/330](#), to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration and Nationality (Fees) Order 2016 ([S.I. 2016/177](#)) (“the 2016 Order”) and the Immigration and Nationality (Fees) Regulations 2018 ([S.I. 2018/330](#)) (“the Fees Regulations”). The 2016 Order and the Fees Regulations together provide for fees to be charged in respect of the exercise of functions in connection with immigration and nationality, in accordance with section 68 of the Immigration Act 2014. The 2016 Order specifies the functions in respect of which fees are to be charged (subject to exceptions and waivers provided for in the Fees Regulations) and specifies how each fee is to be calculated. The Fees Regulations set the actual amount or rate of each fee that is to be charged.

Article 2 amends the 2016 Order as follows.

Article 2(2)(a) amends the definition of “premium services” which applies for the purposes of articles 7, 9 and 9A of the 2016 Order. The definition is currently restricted to optional premium services in connection with immigration or nationality applications. As amended, “premium services” are optional premium services in connection with immigration or nationality. Article 2(2)(b) amends the definition of “transfer of conditions” which applies for the purposes of article 6 of the 2016 Order (see 3.1.2 in Table 3) so that it provides that the fee is for any addition (physical or electronic) to a passport, or other document issued to an applicant, which indicates that the person has been given leave to enter or remain in the United Kingdom.

Article 2(3) amends 3.2.2 in Table 3 in article 6 of the 2016 Order to extend the scope of the administrative activity so that it includes, as well as the taking of a record of a person’s biometric information, the reuse of that recorded information.

Article 2(4) amends 6.11 in Table 6 in article 9 of the 2016 Order. The amendment makes clear that the fee provided for in respect of premium service arrangements for the provision of immigration officers or facilities is not limited to arrangements to provide additional officers or facilities at a control port but also covers the provision of immigration officers or facilities in other circumstances.

Article 3 amends the Fees Regulations. Article 3(2) and (4) adds a definition of “premium services” in regulation 2 of those Regulations and amends the definition of “premium services for sponsors” in Schedule 4. These amendments make clear that the expression “premium services” has the same meaning in the Fees Regulations as it does in the 2016 Order. Article 3(3) makes an amendment to the Fees Regulations equivalent and consequential to the amendment to the 2016 Order made by article 2(2)(b).

A full impact assessment was prepared for the 2016 Order and made available alongside that Order on www.legislation.gov.uk. That assessment has been amended to take account of the amendments made by this Order and the amended impact assessment is available alongside this Order on www.legislation.gov.uk and from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London SW1P 4DF.