

---

STATUTORY INSTRUMENTS

---

**2020 No. 966**

**IMMIGRATION  
NATIONALITY  
PASSPORTS**

**The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020**

*Made* - - - - *9th September 2020*  
*Laid before Parliament* *10th September 2020*  
*at 9.00 a.m. on 5th*  
*Coming into force* - - *October 2020*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 84(4) (d) and 166(3)(b) of the Immigration and Asylum Act 1999 <sup>M1</sup>, sections 68(1), (7), (8) and (10)(a) and (b), 69(2) and 74(8)(a), (b) and (c) of the Immigration Act 2014 <sup>M2</sup> and sections 86(1) and (6) (b) and 93(6)(b) of the Immigration Act 2016 <sup>M3</sup>. These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016 <sup>M4</sup>.

So far as these Regulations are made in exercise of powers conferred by the Immigration Act 2014 and the Immigration Act 2016, they are made with the consent of the Treasury <sup>M5</sup>.

**Marginal Citations**

- M1** 1999 c. 33; section 84(4)(d) was amended by paragraph 2(1)(b) of Schedule 7 to the [Immigration Act 2014](#) (c. 22).
- M2** Sections 68 to 70 of the Immigration Act 2014 were extended, with modifications, to the Isle of Man by articles 5 to 7 of the Immigration (Isle of Man) (Amendment) Order (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 Guernsey by article 4 of the Immigration (Guernsey) Order (S.I. 2016/996) subject to modifications specified in the Schedule to that Order. 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.
- M3** 2016 c. 19; section 93(6) was amended by paragraph 32(b) of Schedule 2 to the [Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016](#) (S.I. 2016/997).
- M4** S.I. 2016/177, amended by S.I. 2017/440, 2018/329.

**M5** Treasury consent to the exercise of the powers conferred by the Immigration Act 2014 has been obtained pursuant to section 69(1) of that Act. Treasury consent to the exercise of the powers conferred by the Immigration Act 2016 has been obtained pursuant to section 87(1) of that Act.

### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020.

(2) These Regulations come into force at 9.00 a.m. on 5th October 2020.

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

(4) Regulations 3, 4, 13, 16 and 22 also extend to the Isle of Man.

(5) Regulations 3, 4, 14, 16 and 23 also extend to the Bailiwick of Guernsey and the Bailiwick of Jersey.

### Commencement Information

**II** Reg. 1 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

### Amendments to the Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009

2.—(1) The Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009 <sup>M6</sup> is amended as follows.

(2) In article 2 (interpretation)—

(a) after the definition of “the Act” insert—

““Appendix CS migrant” means a person who—

(a) makes an application for entry clearance or leave to remain under Appendix CS: Child Student to the immigration rules <sup>M7</sup>, or

(b) has been granted such clearance or leave under that Appendix;”;

(b) in the definition of “immediate family”—

(i) for “Tier 2 or Tier 4 migrant's” substitute “Tier 2 migrant's, Tier 4 migrant's or student migrant's”;

(ii) for the comma after “same sex partner” substitute “ or ”;

(iii) for “or parent of” substitute “ , or a parent of a student migrant who is an Appendix CS migrant or of ”;

(c) for the definition of “Points-based system” substitute—

““Part 6A Points-based system” means the Points-based system under Part 6A of the immigration rules;”;

(d) in the definition of “sponsor licence” for “Tiers 2, 4 or 5 of the Points-based System” substitute “ Tier 2 or 5 of the Part 6A Points-based system ”;

(e) after the definition of “sponsor licence” insert—

““student migrant” means a migrant who—

(a) makes an application for entry clearance or leave to remain under Appendix ST: Student to the immigration rules <sup>M8</sup>, other than an application made as the

- dependant partner or dependant child of a Student (within the meaning those expressions have in that Appendix),
- (b) has been granted such clearance or leave under that Appendix, other than as the dependant partner or dependant child of a Student (within the meaning those expressions have in that Appendix),
- (c) makes an application for entry clearance or leave to remain under Appendix CS: Child Student to the immigration rules, or
- (d) has been granted such clearance or leave under that Appendix;
- “Student sponsor” has the meaning given in paragraph 6 of the immigration rules<sup>M9</sup>”;
- (f) in the definition of “Tier 2 migrant”—
- (i) for “the immigration rules' Points-based system” substitute “ the Part 6A Points-based system ”;
- (ii) after “has been granted” insert “ entry clearance or ”;
- (g) after the definition of “Tier 2 migrant” insert—
- ““Tier 4 (Child) Student” means a Tier 4 migrant whose application is for entry clearance or leave to remain, or who has been granted entry clearance or leave, as a Tier 4 (Child) Student within the meaning given by paragraph 6 of the immigration rules;”;
- (h) in the definition of “Tier 4 migrant”—
- (i) for “makes an application” substitute “ before 9.00 a.m. on 5th October 2020 made an application which was an application ”;
- (ii) for “the immigration rules' Points-based system” substitute “ the Part 6A Points-based system and which had not been determined immediately before that time ”;
- (iii) after “has been granted” insert “ entry clearance or ”.
- (3) In article 3 (exemption of licensed sponsors)—
- (a) in the heading, at the end insert “ and Student sponsors ”;
- (b) in paragraph (1) for the words from “are licensed sponsors” to the end substitute—
- “(a) are licensed sponsors of Tier 2 migrants and provide immigration advice or immigration services free of charge to those migrants or their immediate family, or
- (b) are Student sponsors and provide immigration advice or immigration services free of charge to student migrants or Tier 4 Migrants or to the immediate family of those migrants.”
- (c) in paragraph (2) for “the Points-based system”, in both places it occurs, substitute “ the Part 6A Points-based system or under Appendix ST: Student or Appendix CS: Child Student to the immigration rules ”;
- (d) in paragraph (3) at the end insert “ or the Student sponsor ”.

### Commencement Information

**I2** Reg. 2 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

### Marginal Citations

**M6** S.I. 2009/506.

**M7** The United Kingdom immigration rules were laid before Parliament on 23rd May 1994 (HC 395) and have been subsequently amended. Appendix CS: Child Student was added by the Statement of Changes in Immigration Rules laid before Parliament on 10th September 2020 (HC 707), which also

made other related amendments to the rules. Appendix CS: Child Student refers to “permission to stay” which is defined in paragraph 6 of the United Kingdom immigration rules (as amended by the Statement of Changes) to include leave to remain.

**M8** Appendix ST: Student was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 10th September 2020 (HC 707), which also made other related amendments to the rules. Appendix ST: Student refers to “permission to stay” which is defined in paragraph 6 of the United Kingdom immigration rules (as amended by the Statement of Changes) to include leave to remain.

**M9** The definition of “Student sponsor” in paragraph 6 was inserted by the Statement of Changes in Immigration Rules laid before Parliament on 10th September 2020 (HC 707).

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

3. The Immigration and Nationality (Fees) Regulations 2018 <sup>M10</sup> are amended as provided by regulations 4 to 23.

#### Commencement Information

**I3** Reg. 3 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

#### Marginal Citations

**M10** [S.I. 2018/330](#), amended by [S.I. 2018/618](#), 2018/875, 2018/999, 2019/475, 2020/77, 2020/294, 2020/736.

4. In regulation 1 (citation, commencement and extent) in paragraphs (4) and (5) after “13A,” insert “ 13B, 13C, 13D, ”.

#### Commencement Information

**I4** Reg. 4 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

5. In regulation 2 (interpretation) in the definition of “Points-Based System” in paragraph (a) at the end insert “ and in Appendix ST: Student and Appendix CS: Child Student to those rules ”.

#### Commencement Information

**I5** Reg. 5 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

6. In regulation 3 (fees for applications for entry clearance to enter, and leave to enter, the United Kingdom) in paragraph (b) omit “the” in the second place it occurs.

#### Commencement Information

**I6** Reg. 6 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

7. In regulation 4 (fees for applications for leave to remain in the United Kingdom) in paragraph (b) omit “the” in the second place it occurs.

**Commencement Information**

**I7** Reg. 7 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

8. In regulation 5 (fees for documents and administration) in paragraph (b) omit “the” in the second place it occurs.

**Commencement Information**

**I8** Reg. 8 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

9. In regulation 7 (fees for exercise of consular functions) in paragraph (b) omit “the”.

**Commencement Information**

**I9** Reg. 9 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

10. In regulation 8 (fees for premium services in the United Kingdom) in paragraph (b) omit “the”.

**Commencement Information**

**I10** Reg. 10 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

11. In regulation 9 (fees for premium services outside the United Kingdom) in paragraph (b) omit “the”.

**Commencement Information**

**I11** Reg. 11 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

12. In regulation 10 (fees for applications, processes and services relating to nationality) in paragraph (c) omit “the” in the first place it occurs.

**Commencement Information**

**I12** Reg. 12 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

13. In regulation 11 (fees for applications relating to entry clearance to enter the Isle of Man and premium services) in paragraph (d) omit “the”.

**Commencement Information**

**I13** Reg. 13 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

14. In regulation 12 (fees for applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey and premium services) in paragraph (c) omit “the”.

**Commencement Information**

**I14** Reg. 14 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

15. In regulation 13 (miscellaneous fees) in paragraph (b) omit “the” in the third place it occurs.

**Commencement Information**

**I15** Reg. 15 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

16. After regulation 13A (Windrush scheme: power to waive fees) insert—

**“Power to waive fees: exceptional circumstances affecting a number of individuals**

**13B.**—(1) Paragraph (2) applies where the Secretary of State considers that—

- (a) there are exceptional circumstances significantly affecting a number of individuals who are in the same or a similar situation, and
- (b) those circumstances are beyond the control of those individuals.

(2) Where the Secretary of State considers it appropriate to do so because of the effect of those circumstances on those individuals, the Secretary of State may decide, in relation to every one of those individuals, to waive the payment by them of any fee specified by these Regulations in respect of any particular description of application, request, process or service.

(3) The Secretary of State's power under paragraph (2) is in addition to, and does not limit, the Secretary of State's other powers under these Regulations to waive the payment of fees.

**Power to waive fees in consequence of a decision of a court or tribunal**

**13C.**—(1) The Secretary of State may waive the payment of any fee specified in these Regulations where the Secretary of State considers it appropriate to do so in consequence of a decision of any court or tribunal in the United Kingdom.

(2) The Secretary of State's power under paragraph (1) is in addition to, and does not limit, the Secretary of State's other powers under these Regulations to waive the payment of fees.

### General power to refund fees

**13D.** The Secretary of State may refund any fee, or any part of a fee, paid under these Regulations.”

#### Commencement Information

**I16** Reg. 16 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

**17.**—(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)—

(a) after 1.3.11 insert—

“1.3.11A	Application for entry clearance under—	£348”
	(a) Appendix ST: Student to the immigration rules, other than an application for entry clearance as the dependant partner or dependant child of a Student (within the meaning those expressions have in that Appendix), or	
	(b) Appendix CS: Child Student to those rules.	

(b) omit 1.3.12.

(3) In Table 5 (waivers or reductions in respect of fees for applications for entry clearance to enter or leave to enter the United Kingdom) in 5.2.1 in the third column for “1.3.12” substitute “ 1.3.11A ”.

#### Commencement Information

**I17** Reg. 17 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

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

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

(a) after 6.2.11 insert—

“6.2.11A	Application for limited leave to remain in the United Kingdom under—	£475”
	(a) Appendix ST: Student to the immigration rules, other than an application for limited leave to remain in the United Kingdom as the dependant partner or dependant child of a Student (within the meaning those expressions have in that Appendix), or	
	(b) Appendix CS: Child Student to those rules <sup>M11</sup> .	

(b) omit 6.2.12.

(3) 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 9.5 in the row below the heading, in the third column for “6.2.12” substitute “ 6.2.11A ”;

- (b) in 9.6 in the row below the heading, in the third column for “6.2.12” substitute “6.2.11A”.
- (4) In paragraph 5—
- (a) omit sub-paragraph (2);
- (b) in sub-paragraph (3) omit the words from “and the further application” to “does not apply and”.

---

**Commencement Information**

**I18** Reg. 18 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

---

**Marginal Citations**

**M11** Appendix ST: Student and Appendix CS: Child Student refer to “permission to stay” which is defined in paragraph 6 of the United Kingdom immigration rules (as amended by the Statement of Changes in Immigration Rules laid before Parliament on 10th September 2020 (HC 707) which added those Appendices) to include leave to remain.

- 19.**—(1) Schedule 3 (documents and administration) is amended as follows.
- (2) In paragraph 2(4) for “Table 12” substitute “Tables 10 and 12”.
- (3) In Table 13 (exceptions to the requirement to pay fees for applications for biometric immigration documents and the process used to take a record of biometric information) after 13.7.1 insert—

---

“13.7A	Application for biometric immigration document in accordance with regulation 3 of the 2008 Regulations by a person falling within paragraph (3) of that regulation
13.7A.1	No fee is payable for an application for a biometric immigration Fees 10.6.1, document made in accordance with regulation 3 of the 2008 10.6.2” Regulations
	<small>M12</small>
	by a person falling within paragraph (3) of that regulation.

---



---

**Commencement Information**

**I19** Reg. 19 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

---

**Marginal Citations**

**M12** “The 2008 Regulations” means the [Immigration \(Biometric Registration\) Regulations 2008 \(S.I. 2008/3048\)](#). Regulation 3 of those Regulations was substituted by [S.I. 2012/594](#) and amended by [S.I. 2015/433](#).

- 20.**—(1) Schedule 4 (sponsorship) is amended as follows.
- (2) In paragraph 1—
- (a) after the definition of “sponsorship management request” insert—
- ““students” means applicants for entry clearance to enter, or limited leave to remain in, the United Kingdom under Appendix ST: Student or Appendix CS: Child Student to the immigration rules;



“the student route” means either or both of—

- (a) the Student route provided for by Appendix ST: Student to the immigration rules;
- (b) the Child Student route provided for by Appendix CS: Child Student to the immigration rules;

“Student Sponsor basic compliance assessment” means the check which a sponsor with Probationary Sponsor status must apply for in order to become registered as having Student Sponsor status, or for which sponsors already registered with Student Sponsor status must apply in order to maintain that registration<sup>M13</sup>;

- (b) in the definition of “Tier” omit “, a Tier 4 Migrant”;
- (c) omit the definition of “Tier 4 Sponsor basic compliance assessment”.

(3) In Table 14 (fees in relation to sponsor licences, premium services for sponsors, certificates of sponsorship and confirmation of acceptance for studies)—

- (a) in 14.1.2 in the second column for “Tier 4 Migrants” substitute “ students ”;
- (b) in 14.1.4 in the second column for “Tier 2 and Tier 4 Migrants” substitute “ Tier 2 Migrants and students ”;
- (c) in 14.1.6 in the second column for “Tier 2, Tier 4 and Tier 5 Migrants” substitute “ Tier 2 Migrants, Tier 5 Migrants and students ”;
- (d) in 14.2.2 in the second column for “Tier 4 Migrants” substitute “ students ”;
- (e) in 14.3.5 in the second column for “Tier 4” substitute “ the student route ”;
- (f) in 14.4.2 in the second column for “for leave to enter or leave to remain in the United Kingdom as a Tier 4 Migrant” substitute “ under Appendix ST: Student or Appendix CS: Child Student to the immigration rules ”.

(4) In paragraph 3—

- (a) in sub-paragraph (1)—
  - (i) for “an additional Tier or additional Tiers” substitute “ a Tier or Tiers ”;
  - (ii) for “the additional Tiers” substitute “ the Tiers ”;
- (b) in sub-paragraph (2) omit “additional”;
- (c) after sub-paragraph (2) insert—

“(2A) No fee is payable in respect of an application to add the student route to an existing valid sponsor licence.”;
- (d) in sub-paragraph (3) for the words “a licence for the relevant Tier” substitute “ the separate licence applied for ”.

(5) In Table 15 (fees for other applications and processes in connection with sponsorship)—

- (a) in 15.1, in the heading for “Tier 4 Sponsor” substitute “ Student Sponsor ”;
- (b) in 15.1.1 in the second column for “Tier 4 Sponsor” substitute “ Student Sponsor ”.

#### **Commencement Information**

**I20** Reg. 20 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

#### **Marginal Citations**

**M13** More information about the Student Sponsor basic compliance assessment policy will be published on [www.gov.uk](http://www.gov.uk).

**21.**—(1) Schedule 7 (premium services outside the United Kingdom) is amended as follows.

(2) In paragraph 1 in the definition of “super priority visa service” for “within 24 hours of receipt of the application” substitute “ within a period shorter than that within which it is aimed to process applications under the priority settlement service or, as the case may be, the priority visa service ”.

(3) In Table 18 (premium services outside the United Kingdom)—

- (a) in 18.3.1 in the third column for “£1.37” substitute “ £0.69 ”;
- (b) in 18.3.2 in the third column for “£5.48” substitute “ £2.74 ”.

---

**Commencement Information**

**I21** Reg. 21 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

**22.**—(1) Schedule 9 (applications in relation to entry clearance to enter the Isle of Man and premium services) is amended as follows.

(2) In paragraph 1 in the definition of “super priority visa service” for “within 24 hours of receipt of the application” substitute “ within a period shorter than that within which it is aimed to process applications under the priority settlement service or, as the case may be, the priority visa service ”.

(3) In Table 25 (premium services outside the United Kingdom and the Isle of Man)—

- (a) in 25.3.1 in the third column for “£1.37” substitute “ £0.69 ”;
- (b) in 25.3.2 in the third column for “£5.48” substitute “ £2.74 ”.

---

**Commencement Information**

**I22** Reg. 22 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

**23.**—(1) Schedule 10 (applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey and premium services) is amended as follows.

(2) In paragraph 1 in the definition of “super priority visa service” for “within 24 hours of receipt of the application” substitute “ within a period shorter than that within which it is aimed to process applications under the priority settlement service or, as the case may be, the priority visa service ”.

(3) In Table 27 (premium services outside the United Kingdom and the relevant bailiwick)—

- (a) in 27.3.1 in the third column for “£1.37” substitute “ £0.69 ”;
- (b) in 27.3.2 in the third column for “£5.48” substitute “ £2.74 ”.

---

**Commencement Information**

**I23** Reg. 23 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

**Saving of provisions of the Immigration and Nationality (Fees) Regulations 2018 revoked by regulations 17 and 18**

**24.**—(1) Despite the amendments made by regulation 17(2)(b) and (3), fee 1.3.12 in Table 1 in Schedule 1 to the Immigration and Nationality (Fees) Regulations 2018 and the reference to that fee in 5.2.1 in Table 5 in that Schedule continue to have effect 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 the dependant of a Tier 4 Migrant.

(2) Despite the amendments made by regulation 18(2)(b) and (3), fee 6.2.12 in Table 6 in Schedule 2 to the Immigration and Nationality (Fees) Regulations 2018 and the reference to that fee in 9.5 and 9.6 in Table 9 in that Schedule continue to have effect 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 the dependant of a Tier 4 Migrant.

[<sup>F1</sup>(3) In this regulation—

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

“dependant” has the meaning given by regulation 2 of the Immigration and Nationality (Fees) Regulations 2018;

“Tier 4 Migrant” means a person who—

- (a) has entry clearance or limited leave to remain in the United Kingdom as a Tier 4 (General) Student or a Tier 4 (Child) Student granted before 9.00 a.m. on 5th October 2020 under Part 6A of the immigration rules, or
- (b) made an application before that time under that Part for entry clearance or limited leave to remain in the United Kingdom as a Tier 4 (General) Student or a Tier 4 (Child) Student which had not been determined immediately before that time.]

#### Textual Amendments

**F1** Reg. 24(3) substituted (1.12.2020 at 9.00 am) by [The Immigration and Nationality \(Replacement of Tier 2 and Fees\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1147\)](#), regs. 1(2), **15(2)**

#### Commencement Information

**I24** Reg. 24 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

### Amendments to the Passport (Fees) Regulations 2018

25.—(1) The Passport (Fees) Regulations 2018<sup>M14</sup> are amended as follows.

(2) After regulation 4 insert—

#### “Refund of fees

4A. The Secretary of State may refund any fee, or any part of a fee, paid under these Regulations.”

#### Commencement Information

**I25** Reg. 25 in force at 5.10.2020 at 9.00 am, see reg. 1(2)

#### Marginal Citations

**M14** [S.I. 2018/414](#).

---

**Changes to legislation:** There are currently no known outstanding effects for the The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020. (See end of Document for details)

---

Home Office

*Kevin Foster*  
Parliamentary Under Secretary of State

We consent

*Maggie Throup*  
*Michael Tomlinson*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

---

## EXPLANATORY NOTE

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

These Regulations amend the Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009 (“the 2009 Order”), the Immigration and Nationality (Fees) Regulations 2018 (“the Immigration Fees Regulations”) and the Passport (Fees) Regulations 2018 (“the Passport Fees Regulations”).

Regulation 2 amends the 2009 Order. Section 84(1) of the Immigration and Asylum Act 1999 prohibits a person who is not a qualified person (within the meaning of that section) from providing immigration advice or immigration services. The 2009 Order provides an exemption for licensed sponsors of Tier 2 and Tier 4 Migrants under the United Kingdom immigration rules. Part 6A of the United Kingdom immigration rules provides for applications by Tier 2 Migrants and formerly provided also for applications by Tier 4 Migrants. Tier 4 applications required sponsorship by a person with a sponsor licence from the Secretary of State (as do Tier 2 applications). The rules have been amended to replace the Tier 4 route with new Student and Child Student routes in new Appendix ST: Student and new Appendix CS: Student. Regulation 2 of these Regulations makes amendments to exempt sponsors of applicants under the new Appendices from the prohibition in section 84(1). It also makes other consequential amendments.

Regulations 3 to 23 amend the Immigration Fees Regulations.

Regulation 16 gives the Secretary of State new powers to waive fees payable under those Regulations. A new power is provided for cases where there are exceptional circumstances affecting a number of people who are in the same or a similar situation and the Secretary of State considers it appropriate, because of the effect of these circumstances on those people, to waive particular fees for all of those people. A new power is also provided to waive fees where the Secretary of State considers it appropriate to do so in consequence of a decision of a court or tribunal in the United Kingdom. These new powers are in addition to existing powers to waive fees in the Immigration Fees Regulations.

Regulation 16 also gives the Secretary of State a power to refund any fee paid under the Immigration Fees Regulations. Regulation 18(4) makes related amendments to paragraph 5 of Schedule 2 to the Immigration Fees Regulations, which deals with the refund of fees where an application for leave to remain in the United Kingdom is varied by a subsequent application before the first application has been determined. Paragraph 5 is amended to require the fee for the first application to be refunded in these circumstances in all cases. The new general refund power will apply in relation to the fee for the further application.

Regulations 4 and 6 to 15 make minor amendments consequential on the addition of the new powers to waive and refund fees.

Regulations 17 and 18(1) to (3) remove existing fees for applications for entry clearance to enter or limited leave to remain in the United Kingdom as a Tier 4 Migrant. They also set new fees for applications for entry clearance to enter or limited leave to remain in the United Kingdom on the Student or Child Student routes provided for by new Appendices ST: Student and CS: Child Student to the United Kingdom immigration rules. Fees for applications by dependants are provided for by paragraph 3 of Schedule 1 and paragraph 3 of Schedule 2 to the Immigration Fees Regulations. The saving provision in regulation 24 of these Regulations preserves the fees for applications by dependants of Tier 4 Migrants.

Regulation 19 amends Table 13 in Schedule 3 to the Immigration Fees Regulations to provide for an exception to existing fees 10.6.1 and 10.6.2 in Table 10. The new exception is for applications for a biometric immigration document made in accordance with regulation 3 of the Immigration (Biometric Registration) Regulations 2008 by a person falling within paragraph (3) of that regulation.

**Changes to legislation:** *There are currently no known outstanding effects for the The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020. (See end of Document for details)*

Regulation 20 amends Schedule 4 to the Immigration Fees Regulations, which sets fees for applications and services in connection with sponsorship. As mentioned above, applications under the former Tier 4 route in the United Kingdom immigration rules required sponsorship, as do applications under the new Student and Child Student routes mentioned above. Regulation 20 amends Schedule 4 to reflect the replacement of Tier 4 with the Student and Child Student routes, making amendments to provisions setting fees for sponsor licences, for the provision of premium services to sponsors, for the issuing of a confirmation of acceptance for studies and for applications for a basic compliance assessment.

Regulation 21 amends Schedule 7 to the Immigration Fees Regulations, which sets fees for premium services provided outside the United Kingdom. It amends the definition of “super priority visa service” because that definition is too precise in its reference to the standard of service. It also reduces the rates of certain fees for information or assistance to applicants provided by telephone or email. Regulations 22 and 23 make equivalent amendments to corresponding provisions in Schedule 9 (relating to the Isle of Man) and Schedule 10 (relating to Guernsey and Jersey).

Regulation 25 amends the Passport Fees Regulations. It inserts new regulation 4A, which gives the Secretary of State a general power to refund any fee paid under those Regulations.

Impact assessments have been prepared in respect of the reduction fees for information and assistance to applicants provided by telephone and email and in respect of the replacement of the Tier 4 route in the United Kingdom immigration rules with the new Student and Child Student routes referred to above. These impact assessments are available alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies are also available from the Home Office, Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon, CR0 1XG. No impact assessment has been published in respect of other changes made by these Regulations because no impact, or no significant impact, on the private, voluntary or public sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration and Nationality (Replacement of Tier 4 and Fees) and Passport (Fees) (Amendment) Regulations 2020.