
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”) and the Immigration and Nationality (Fees) Regulations 2018 (“the 2018 Regulations”).

Regulation 2 and Schedule 1 amend the 2009 Order. Section 84(1) of the Immigration and Asylum Act 1999 prohibits the provision of immigration advice or immigration services by anyone who is not a qualified person. The 2009 Order exempts certain persons from this prohibition in specified circumstances, including licensed sponsors of applicants under Appendix T2 Sports person to the United Kingdom immigration rules. Appendix T2 Sports person has been replaced by provisions in new Appendix International Sports person. Schedule 1 to these Regulations amends the 2009 Order to exempt licensed sponsors of applicants under that new Appendix.

Regulations 3 and 4 and Schedules 2 and 3 amend the 2018 Regulations, which set fees for the exercise of functions in connection with immigration and nationality. The amendments made by Schedule 2 come into force on dates in October 2021 specified in regulation 1(2), (3)(c) and (4). The further amendments made by Schedule 3 come into force on 26th February 2022.

Paragraphs 2, 3, 6(1) to (3) and 9 of Schedule 2 amend existing fee descriptions covering the process used to take a record of a person’s biometric information for the purposes of specified applications. The effect is to extend the fees so that they also cover the reuse, in connection with the specified applications, of biometric information already taken for the purposes of another application or claim. Paragraph 6(4) of Schedule 2 extends a number of exceptions which currently apply to the existing fees for the process used to take a record of biometric information for the purposes of an application for a biometric immigration document. Paragraphs 6(4) and 9(4) also provide fee exceptions to the effect that no fee is payable for the reuse of a person’s biometric application in a case where a record of any of the person’s biometric information is also taken for the purposes of the same application.

Paragraphs 4(2) and (3) and 5(2) and (3) of Schedule 2 amend provisions setting fees for entry clearance to enter, and limited leave to remain in, the United Kingdom. A number of Appendices to the United Kingdom immigration rules providing routes to enter and remain in the United Kingdom have been replaced, and paragraphs 4 and 5 of Schedule 2 amend Schedules 1 and 2 to the 2018 Regulations to set fees for applications under the new Appendices. Paragraphs 4(5) and 5(4)(a) and (5) of Schedule 2 to these Regulations provide for a related fee exception and for the new fees to be reduced in specified circumstances. Regulation 5 makes related transitional provision in respect of fees payable by dependants.

Paragraphs 4(4)(a) and 5(4)(b) and (c) of Schedule 2 amend existing fee exceptions for applications for entry clearance to enter, and leave to remain in, the United Kingdom by certain Afghan citizens and their dependants. The amendments reflect changes made to Part 7 of the United Kingdom immigration rules.

Paragraph 4(4)(b) of Schedule 2 provides an exception, from an existing fee for a visit visa, for applications made for the purposes of taking part or otherwise being involved in the Birmingham 2022 Commonwealth Games.

Paragraph 7 of Schedule 2 makes amendments to Schedule 4 to the 2018 Regulations which sets fees relating to sponsorship of immigration applications, including fees for sponsor licences and for the issuing of certificates of sponsorship in connection with applications. Amendments are made to reflect the replacing of a number of Appendices to the United Kingdom immigration rules with new

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Appendices. Paragraph 7(3)(b) of Schedule 2 adds fees for the issuing of certificates of sponsorship in respect of applications under new Appendix International Sportsperson.

Paragraph 8 of Schedule 2 amends Schedule 7 to the 2018 Regulations to set a new fee for the provision of an immigration officer to provide premium services outside the United Kingdom relating to entry into or transit through the United Kingdom. Fees are already set by the 2018 Regulations for providing an immigration officer to provide such services in the United Kingdom (see 17.7 in Table 17 in Schedule 6).

Regulation 4 and Schedule 3 make further amendments to the 2018 Regulations which come into force on 26th February 2022. The 2018 Regulations provide that the fees specified for certain applications are to be reduced, or in some cases not payable at all, where the application is made in respect of a “CESC national”. A “CESC national” is a person who is a national of a State which has ratified the European Social Charter agreed by the Council of Europe at Turin on 18th October 1961 (CETS No. 035). With effect from 26th February 2022, the United Kingdom has denounced acceptance of Article 18(2) of the European Social Charter, which provides for the reduction or abolition of charges paid by foreign workers and their employers. This denunciation also extends to the Isle of Man. The relevant fee reduction provisions and exceptions in the 2018 Regulations are therefore no longer required, and these Regulations make amendments removing all of them.

A full impact assessment has been prepared in respect of the amendments made to the 2018 Regulations by regulation 4 and Schedule 3. It is available alongside these Regulations on www.legislation.gov.uk and copies are also available from the Home Office, Fees and Income Planning Team, 2 Marsham Street, London, SW1P 4DF. 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.