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## EXPLANATORY NOTE

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

These Regulations amend the Immigration and Nationality (Fees) Regulations 2018 (“the 2018 Regulations”) which set fees for the exercise of functions in connection with immigration and nationality.

Regulations 3 and 9 make amendments to provisions setting fees for the administrative review of certain decisions. The amendments set fees for administrative review, under Appendix AR or Appendix AR (EU) to the United Kingdom immigration rules, of decisions in respect of applications for entry clearance to enter the United Kingdom. They also set fees for administrative review, under Part 5 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, of decisions to refuse to issue or renew, or to revoke, a frontier worker permit under those Regulations. The amendments also provide further exceptions from the rule that a fee paid for administrative review of a decision must be refunded where the decision is withdrawn, and they specify further situations in which fees for administrative review apply despite no fee having been payable for the original application.

Regulations 4(2), (3) and (5) and 5(2), (3)(b) and (5) replace the descriptions of fees set for applications for entry clearance to enter and limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the United Kingdom immigration rules. The new provisions set fees for these applications by reference only to the length of clearance or leave applied for, irrespective of whether the application is made by a dependant or a main applicant. The specified amounts of the fees remain unchanged. Corresponding amendments are made in relation to the Bailiwick of Jersey by regulation 8(2), (3), (5) and (6), where fees are for applications for entry clearance only. Fees are no longer set for applications for limited leave to enter the United Kingdom under Appendix Hong Kong British National (Overseas), because that Appendix does not set fees for such applications.

Regulation 4(4) provides an exception from the existing fee for a visit visa for a period of six months or less for applications made by delegates attending the 26th United Nations Climate Change Conference of the Parties (COP26) in 2021.

Regulation 5(3)(a) sets a new fee for applications for limited leave to remain in the United Kingdom under new Appendix Graduate to the immigration rules. Regulation 5(6) provides for the reduction of that fee where the applicant 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). Fees for applications by dependants are provided for by existing paragraph 3 of Schedule 2 to the 2018 Regulations.

Regulation 5(4)(a) provides a new exception from the fees which would otherwise apply in respect of an application to vary the conditions attached to a grant of limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the United Kingdom immigration rules in order to be permitted access to public funds. Regulation 6 provides a new exception from fees for taking a record of biometric information which would otherwise apply where a person applies for a biometric immigration document in these situations.

Regulation 5(4)(b) amends a fee exception relating to applications for leave to remain in the United Kingdom as a domestic worker who is a victim of modern slavery or human trafficking. The exception currently refers to provisions of the United Kingdom immigration rules which have been replaced by a new Appendix, and is amended to refer to the new Appendix.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 7(2), (3) and (5) sets fees for applications for entry clearance to enter the Isle of Man under Appendix Hong Kong British Nationals (Overseas) to the Isle of Man immigration rules.

Regulation 7(4) provides a fee exception for applications for entry clearance to enter the Isle of Man made under new Appendix ECAA Extension of Stay to the Isle of Man immigration rules. That Appendix provides (among other things) for applications for entry clearance by the children of certain Turkish nationals, in consequence of the withdrawal of the United Kingdom from the European Union.

Regulation 8(3), (4)(b) and (6) sets fees for applications for entry clearance to enter the Bailiwick of Guernsey under Appendix HK: British National (Overseas) to the Guernsey immigration rules.

Regulation 8(4)(a) amends an existing fee for entry clearance to enter the Bailiwick of Guernsey for the purposes of work permit employment so that it relates to applications for such entry clearance for a period of 12 months or less rather than a period of 9 months or less.

An impact assessment has been prepared in respect of the addition of new Appendix Graduate to the United Kingdom immigration rules and is 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, 2 Marsham Street, London, SW1P 4DF. No impact assessment has been published in respect of the other changes made by these Regulations because no impact, or no significant impact, on the private, voluntary or public sector is foreseen.