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STATUTORY INSTRUMENTS

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**2021 No. 269**

**EXITING THE EUROPEAN UNION**

**IMMIGRATION**

**NATIONALITY**

**The Immigration and Nationality (Fees) (Amendment)  
Regulations 2021**

<i>Made</i>	- - - -	<i>8th March 2021</i>
<i>Laid before Parliament</i>		<i>10th March 2021</i>
<i>Coming into force</i>		
<i>Regulations 7 and 8(4)(b)</i>		<i>at 9.00 a.m. on 31st March 2021</i>
<i>Regulations 5(4)(a) and 6</i>		<i>6th April 2021</i>
<i>Regulations 3 and 9</i>	<i>at 9.00 a.m. on</i>	<i>6th April 2021</i>
<i>Regulation 5(4)(b)</i>		<i>6th May 2021</i>
<i>Regulation 4(4)</i>		<i>12th May 2021</i>
<i>Regulation 5(3)(a) and (6)</i>	<i>at 9.00 a.m. on</i>	<i>1st July 2021</i>
<i>Remainder</i>		<i>31st March 2021</i>

The Secretary of State makes these Regulations with the consent of the Treasury in exercise of the powers conferred by sections 68(1), (7), (8), (10)(a) and (b), 69(2) and 74(8)(a) and (b) of the Immigration Act 2014<sup>(a)</sup>. These Regulations are made further to provision in the Immigration and Nationality (Fees) Order 2016<sup>(b)</sup>.

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(a) 2014 c. 22. Treasury consent has been obtained pursuant to section 69(1). 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 of and Schedule 9A to S.I. 2008/680 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 2016 (S.I. 2016/996) subject to modifications specified in the Schedule to that Order. Sections 68 to 70 were also 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.

(b) S.I. 2016/177, amended by S.I. 2017/440, 2018/329.

## Citation, commencement and extent

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

(2) Except as provided by paragraphs (3) to (8), these Regulations come into force on 31st March 2021.

(3) Regulations 7 and 8(4)(b) come into force at 9.00 a.m. on 31st March 2021.

(4) Regulations 5(4)(a) and 6 come into force on 6th April 2021.

(5) Regulations 3 and 9 come into force at 9.00 a.m. on 6th April 2021.

(6) Regulation 5(4)(b) comes into force on 6th May 2021.

(7) Regulation 4(4) comes into force on 12th May 2021.

(8) Regulation 5(3)(a) and (6) comes into force at 9.00 a.m. on 1st July 2021.

(9) The amendments made by these Regulations have the same extent as the provisions that are amended.

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

2. The Immigration and Nationality (Fees) Regulations 2018(a) are amended as follows.

3. In regulation 2 (interpretation) in the definition of “administrative review” at the end insert “or under Part 5 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020(b)”.

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

(2) In paragraph 2(5) after “the fees specified in” insert “1.3C.1, 1.3C.2,”.

(3) In Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom) for 1.3C, 1.3C.1 and 1.3C.2 substitute—

<b>“1.3C</b>	<b>Fees for applications for entry clearance to enter the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules(c)</b>	
1.3C.1	Application for entry clearance to enter the United Kingdom for a period of thirty months under Appendix Hong Kong British National (Overseas) to the immigration rules.	£180
1.3C.2	Application for entry clearance to enter the United Kingdom for a period of five years under Appendix Hong Kong British National (Overseas) to the immigration rules.	£250”

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

<b>“4.9</b>	<b>Delegates attending the 2021 United Nations Climate Change Conference</b>	
4.9.1	No fee is payable in respect of an application for a visit visa for a period of six months or less made for the purpose of attending the 26th United Nations Climate Change Conference of the Parties (COP26) in 2021 by a person who has been invited by the UNFCCC Secretariat to attend that Conference.	Fee 1.1.1”

(a) S.I. 2018/330; relevant amending instruments are S.I. 2019/475, 2020/294, 2020/1147.

(b) S.I. 2020/1213, to which there are amendments not relevant to these Regulations.

(c) Appendix Hong Kong British National (Overseas) was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 22nd October 2020 (HC 813).

(5) In paragraph 3 after “for which a fee is specified in” insert “1.3C.1, 1.3C.2,”.

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

(2) In paragraph 2(5) for “where Table 7 does not apply” substitute “where the fees specified in 6.2C.1 or 6.2C.2 of Table 6 or in Table 7 do not apply”.

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

(a) after 6.2.6F insert—

“6.2.6G	Application for limited leave to remain in the United Kingdom under Appendix Graduate to the immigration rules(a), other than as the dependant partner or dependant child of a Graduate.	£700”
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(b) for 6.2C, 6.2C.1 and 6.2C.2 substitute—

“6.2C	<b>Fees for applications for limited leave to remain in the United Kingdom under Appendix Hong Kong British National (Overseas) to the immigration rules</b>	
6.2C.1	Application for limited leave to remain in the United Kingdom for a period of thirty months under Appendix Hong Kong British National (Overseas) to the immigration rules.	£180
6.2C.2	Application for limited leave to remain in the United Kingdom for a period of five years under Appendix Hong Kong British National (Overseas) to the immigration rules.	£250”

(4) 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 9.9 in the row below the heading—

(i) in the second column—

(aa) in the words before paragraph (a), after “a condition of no recourse” insert “or access”;

(bb) omit the “or” after paragraph (a)(v);

(cc) after paragraph (a)(vi) insert—

“or

(vii) Appendix Hong Kong British National (Overseas) to the immigration rules;”;

(ii) in the third column for “Fee 6.1.1” substitute “Fees 6.1.1, 6.2C.1, 6.2C.2”;

(b) in 9.11.1 in the second column for the words from “paragraph 159I” to the end substitute “Appendix Domestic Worker who is a Victim of Modern Slavery to the immigration rules(b).”

(5) In paragraph 3 after “for which a fee is specified” insert “in 6.2C.1 or 6.2C.2 of Table 6 or”.

(6) In paragraph 4(2A) after paragraph (i) insert—

“(ia) Appendix Graduate;”.

**6.**—(1) Schedule 3 (documents and administration) is amended as follows.

(a) Appendix Graduate was added to the United Kingdom immigration rules by the Statement of Changes to Immigration Rules laid before Parliament on 4th March 2021 (HC 1248).

(b) Appendix Domestic Worker who is a Victim of Modern Slavery was added to the United Kingdom immigration rules by the Statement of Changes in Immigration Rules laid before Parliament on 4th March 2021 (HC 1248).

(2) 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) in 13.7.1 in the second column—

- (a) in the words before paragraph (a), after “a condition of no recourse” insert “or access”;
- (b) omit the “or” after paragraph (a)(v);
- (c) after paragraph (a)(vi) insert—

“or

(vii) Appendix Hong Kong British National (Overseas) to the immigration rules;”.

7.—(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 2(4) after “the fees specified in” insert “21.2A.1, 21.2A.2 or”.

(3) In Table 21 (fees for applications for entry clearance to enter the Isle of Man) after 21.2.8 insert—

<b>“21.2A 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(a)</b>	
21.2A.1	Application for entry clearance for a period of thirty months under Appendix Hong Kong British Nationals (Overseas) to the Isle of Man immigration rules. £180
21.2A.2	Application for entry clearance for a period of five years under Appendix Hong Kong British Nationals (Overseas) to the Isle of Man immigration rules. £250”

(4) In Table 23 (exceptions in respect of fees for applications for entry clearance to enter the Isle of Man) after 23.3.1 insert—

<b>“23.4 Application for entry clearance under Appendix ECAA Extension of Stay to the Isle of Man immigration rules(b)</b>	
23.4.1	No fee is payable in respect of an application for entry clearance made under Appendix ECAA Extension of Stay to the Isle of Man immigration rules. Fee 21.4.1”

(5) In paragraph 3 after “Except in respect of applications for which a fee is specified in” insert “21.2A.1, 21.2A.2 or”.

8.—(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 omit sub-paragraph (2).

(3) In paragraph 2(3) after “by the dependant of a main applicant” insert “in circumstances where the fees in 26.4A.1, 26.4A.2, 26.5.1 or 26.5.2 of Table 26 do not apply”.

(4) In Table 26 (fees for applications for entry clearance to enter the Bailiwick of Guernsey or the Bailiwick of Jersey)—

- (a) in 26.4.1ZA in the second column for “9 months” substitute “12 months”;
- (b) after 26.4.2 insert—

- (a) Appendix Hong Kong British Nationals (Overseas) was added to the Isle of Man immigration rules by the Statement of Changes in Immigration Rules laid before Tynwald on 15th December 2020 (Statutory Document 2020/0497).
- (b) Appendix ECAA Extension of Stay was added to the Isle of Man immigration rules by the Statement of Changes in Immigration Rules laid before Tynwald on 15th December 2020 (Statutory Document 2020/0497).

<b>“26.4A Fees for applications for entry clearance to enter the Bailiwick of Guernsey under Appendix HK: British National (Overseas) to the Guernsey immigration rules(a)</b>		
26.4A.1	Application for entry clearance to enter the Bailiwick of Guernsey for a period of thirty months under Appendix HK: British National (Overseas) to the Guernsey immigration rules.	£180
26.4A.2	Application for entry clearance to enter the Bailiwick of Guernsey for a period of five years under Appendix HK: British National (Overseas) to the Guernsey immigration rules.	£250”

(5) For 26.5, 26.5.1 and 26.5.2 substitute—

<b>“26.5 Fees for applications for entry clearance to enter the Bailiwick of Jersey under Appendix HK(J) British National (Overseas) to the Jersey immigration rules(b)</b>		
26.5.1	Application for entry clearance to enter the Bailiwick of Jersey for a period of thirty months under Appendix HK(J) British National (Overseas) to the Jersey immigration rules.	£180
26.5.2	Application for entry clearance to enter the Bailiwick of Jersey for a period of five years under Appendix HK(J) British National (Overseas) to the Jersey immigration rules.	£250”

(6) In paragraph 4 at the beginning insert “Except in respect of applications for which a fee is specified in 26.4A.1, 26.4A.2, 26.5.1 or 26.5.2 of Table 26.”.

9.—(1) Schedule 11 (miscellaneous fees) is amended as follows.

(2) In paragraph 1 after “application for”, in each place it occurs, insert “entry clearance to enter.”.

(3) In paragraph 3—

(a) in sub-paragraph (1) after paragraph (b) insert—

“(c) a decision to refuse to issue or renew, or to revoke, a frontier worker permit under the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020.”;

(b) in sub-paragraph (3)—

(i) in paragraph (a)—

(aa) after “any application” insert “for entry clearance to enter, leave to enter or leave to remain in the United Kingdom”;

(bb) after “Appendix EU to the immigration rules” insert “or an application to which sub-paragraph (3A) applies”;

(ii) in paragraph (b) at the end insert “, except where that application was an application to which sub-paragraph (3A) applies or an application for entry clearance to enter the United Kingdom under Appendix EU (Family Permit) to the immigration rules.”;

(c) after sub-paragraph (3) insert—

“(3A) This sub-paragraph applies to an application for—

(a) leave to enter the United Kingdom under Appendix EU to the immigration rules,

(a) Appendix HK: British National (Overseas) was added to the Guernsey immigration rules by Guernsey Statutory Instrument No. 14 of 2021.

(b) For the Jersey immigration rules, as amended, see [www.gov.je/SiteCollectionDocuments/Government and administration/JSY Immigration Rules 061219.pdf](http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/JSY%20Immigration%20Rules%20061219.pdf).

- (b) entry clearance to enter or limited leave to remain in the United Kingdom under Appendix S2 Healthcare Visitor to those rules<sup>(a)</sup>, or
- (c) entry clearance to enter the United Kingdom under Appendix Service Providers from Switzerland to those rules.”;
- (d) in sub-paragraph (5) at the beginning insert “Subject to sub-paragraphs (5A) and (5B),”;
- (e) in sub-paragraph (5A)—
  - (i) in the words before paragraph (a) omit “But”;
  - (ii) omit paragraph (a) (including the “and” at the end);
- (f) after sub-paragraph (5A) insert—
  - “(5B) Sub-paragraph (5) also does not apply where the decision under review—
    - (a) was a decision to refuse to issue a frontier worker permit to a person under the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020, or to revoke or refuse to renew a person’s frontier worker permit under those Regulations, and
    - (b) is withdrawn solely because information or evidence that was not before the original decision maker has been provided showing that the person qualifies for a frontier worker permit under those Regulations.”

8th March 2021

*Kevin Foster*  
Parliamentary Under Secretary of State  
Home Office

We consent

8th March 2021

*James Morris*  
*David Rutley*  
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 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

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<sup>(a)</sup> Appendix S2 Healthcare Visitor to the United Kingdom immigration rules provides for certain applications for “permission to stay” in the United Kingdom. Paragraph 6 of those rules provides that “permission to stay” has the same meaning as leave to remain under the Immigration Act 1971.

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.

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.

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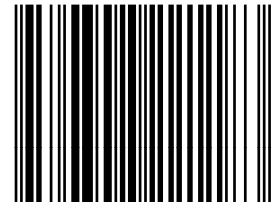
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