
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 various functions in connection with immigration and nationality.

Regulation 2(2) amends an existing fee provision relating to applications for entry clearance to enter the United Kingdom. It removes a reference to provisions of the United Kingdom immigration rules under which such applications are no longer possible in practice.

Regulation 2(3)(a) removes fees for applications which are no longer provided for by the United Kingdom immigration rules as a result of amendments contained in the Statement of Changes in Immigration Rules laid before Parliament on 18th October 2022 (HC 719). Regulation 2(3)(b) removes a related fee exception.

Regulation 2(4)(a) and (c) provides a new waiver in relation to the existing fee for the processing of an application or claim which is rejected as invalid before a decision is issued. Where the amount of that fee exceeds the amount of the fee paid for the rejected application, the new provision allows the Secretary of State to waive payment of the difference between the two amounts.

Regulation 2(4)(b)(ii) and (iii) amends existing fees in respect of applications for an amended version of an Appendix EU biometric residence card (defined in paragraph 1 of Schedule 3 to the 2018 Regulations) and applications for a replacement, copy or amended version of a document confirming immigration status where the applicant is a person who has been granted asylum or humanitarian protection or is a dependant of such a person. The amendments restrict these fees to applications by individuals who have limited leave to remain in the United Kingdom. Regulation 2(4)(b)(i) and (iv) reduces the amount of specified fees for a replacement of an Appendix EU biometric residence card and for a replacement of a biometric immigration document applied for under the Immigration (Biometric Registration) Regulations 2008 ([S.I. 2008/3048](#)).

Regulation 2(5) provides exceptions from existing fees for arranging a citizenship ceremony or administering a citizenship oath and pledge where a person is being registered as a British citizen or British overseas territories citizen. The new exceptions apply where the person’s entitlement to be registered arises under provisions of the British Nationality Act 1981 which provide for people of Chagossian descent to acquire British nationality.

A full impact assessment has not been produced for these Regulations because no, or no significant, impact on the private, voluntary or public sector is foreseen.