

2022 No. 1062

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment) (No. 2)
Regulations 2022**

Made - - - - at 9.45 a.m. on 18th October 2022

Laid before Parliament at 4.30 p.m. on 18th October 2022

Coming into force

Regulation 2(4)(b) at 9.00 a.m. on 9th November 2022

Regulation 2(5) 23rd November 2022

Remainder 9th November 2022

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration and Nationality (Fees) (Amendment) (No. 2) Regulations 2022.

(2) Except as provided by paragraphs (3) and (4), these Regulations come into force on 9th November 2022.

(3) Regulation 2(4)(b) comes into force at 9.00 a.m. on 9th November 2022.

(4) Regulation 2(5) comes into force on 23rd November 2022.

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

Amendments to the Immigration and Nationality (Fees) Regulations 2018

2.—(1) The Immigration and Nationality (Fees) Regulations 2018^(c) are amended as follows.

(2) In Schedule 1 (applications for entry clearance to enter, and leave to enter, the United Kingdom) in Table 1 (fees for applications for entry clearance to enter or leave to enter the United Kingdom) in 1.4.1 in the second column, in paragraph (a) for the words from “paragraphs 319V”

(a) 2014 c. 22. Treasury consent has been obtained pursuant to section 69(1) of the Immigration Act 2014.

(b) S.I. 2016/177, to which there are amendments not relevant to these Regulations.

(c) S.I. 2018/330; relevant amending instruments are S.I. 2019/475, 2020/294, 2022/296, 2022/581.

to “the immigration rules,” substitute “Section EC-DR of Appendix FM to the immigration rules”(a).

- (3) In Schedule 2 (applications for leave to remain in the United Kingdom)—
- (a) in Table 6 (fees for applications for limited leave to remain in the United Kingdom and connected applications) omit 6.3.2;
 - (b) in Table 9 (exceptions and waivers in respect of fees for applications for, or in connection with, leave to remain in the United Kingdom) in 9.5 in the third column omit “, 6.3.2”.
- (4) In Schedule 3 (documents and administration)—
- (a) in paragraph 2 after sub-paragraph (6) insert—

“(7) Paragraph 5 confers a discretion on the Secretary of State to waive part of the specified fee in 10.8.1 in specified circumstances.”;
 - (b) in Table 10 (fees for miscellaneous documents and services)—
 - (i) in 10.5A.1 in the third column for “£56” substitute “£19”;
 - (ii) in 10.5A.2 in the second column after “Application” insert “by an applicant who has limited leave to remain in the United Kingdom”;
 - (iii) in 10.6.5 in the second column after “Application” insert “by an applicant who has limited leave to remain in the United Kingdom”;
 - (iv) in 12.1.1 and 12.1.2 in the third column for “£56” substitute “£19”;
 - (c) after paragraph 4 insert—

“Partial waiver of the fee specified at 10.8.1 (fee for processing an application or claim rejected as invalid)

- 5.—(1) This paragraph applies where—
- (a) an application or claim in respect of which a fee (“the application fee”) is specified by these Regulations is rejected as invalid before a decision is issued in respect of that application or claim,
 - (b) the fee specified in 10.8.1 is payable for the processing of that application or claim, and
 - (c) the amount of the application fee paid in respect of the rejected application or claim is less than the amount of the fee specified in 10.8.1.
- (2) The Secretary of State may waive the payment of the fee specified in 10.8.1 to the extent that the amount of that fee exceeds the amount of the application fee paid in respect of the rejected application or claim.”

(5) In Schedule 8 (nationality) in Table 20A (exceptions in respect of fees for registration and for services in connection with citizenship ceremonies and oaths) at the end insert—

“20A.4.3	No fee is payable for the arrangement of a citizenship ceremony (including the administration of a citizenship oath and pledge at the ceremony) in relation to the registration of a person as a British citizen under section 4K of the 1981 Act(b) where the person is entitled to be registered as a British citizen under that section because they are or would be entitled to be registered as a British overseas territories citizen under section 17H of that Act(c).	Fee 20.4.1
----------	---	------------

- (a) The United Kingdom immigration rules were laid before Parliament on 23rd May 1994 (HC 395) and have been subsequently amended.
- (b) Section 4K of the British Nationality Act 1981 (c. 61) was inserted by section 4(2) of the Nationality and Borders Act 2022 (c. 36).
- (c) Section 17H of the British Nationality Act 1981 was inserted by section 3 of the Nationality and Borders Act 2022.

20A.4.4	No fee is payable for the administration, otherwise than at a citizenship ceremony or by a Justice of the Peace, of a citizenship oath and pledge in relation to the registration of a person as a British citizen under section 4K of the 1981 Act where the person is entitled to be registered as a British citizen under that section because they are or would be entitled to be registered as a British overseas territories citizen under section 17H of that Act.	Fee 20.4.2
20A.4.5	No fee is payable for the administration of a citizenship oath and pledge in relation to the registration of a person as a British overseas territories citizen under section 17H of the 1981 Act.	Fee 20.4.2”

At 9.45 a.m. on 18th October 2022

Tom Pursglove
Minister of State
Home Office

We consent

17th October 2022

David Davies
Craig Whittaker
Two of the Lords Commissioners of His 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 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.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2022/1062>

ISBN 978-0-34-823980-5



9 780348 239805