
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330) (“the 2018 Regulations”) which set fees for the exercise of various functions in connection with immigration and nationality.

Regulation 2(2) and (3)(b) introduces exceptions to fees payable for applications for entry clearance to enter or limited leave to remain in the United Kingdom. The exceptions apply to applications for entry clearance or limited leave to remain under Appendix Ukraine Scheme to the United Kingdom immigration rules. Regulation 2(5) and (6) introduces corresponding exceptions in respect of fees payable for entry clearance to enter the Isle of Man, the Bailiwick of Guernsey or the Bailiwick of Jersey.

Regulation 2(3)(a) remedies an omission from the Immigration and Nationality and Immigration Services Commissioner (Fees) (Amendment) Regulations 2022 (S.I. 2022/296). It sets a specific fee for applications for limited leave to remain in the United Kingdom as a High Potential Individual under the United Kingdom immigration rules. The fee for applications by a dependent partner or child is set by existing paragraph 3 of Schedule 2 to the 2018 Regulations.

Regulation 2(4)(b) substitutes the fees specified in 19.3.1 and 19.3.2 in Table 19 in Schedule 8 to the 2018 Regulations. These are fees for applications to register a child as a British citizen. There is no change in the fee descriptions or the amounts specified for these fees. These fees have been substituted in the light of the judgment of the Court of Appeal in *R (Project for the Registration of Children as British Citizens and O) v. Secretary of State for the Home Department [2021] EWCA Civ 193*. The Secretary of State was found to have breached the duty under section 55 of the Borders, Citizenship and Immigration Act 2009 (c. 11) in relation to setting these fees. Having complied with that duty, the Secretary of State has made these Regulations to substitute these fees and make related provision.

Regulation 2(4)(a)(ii) and (d) gives the Secretary of State the power to waive the fees specified in 19.3.1 and 19.3.2 in cases where the Secretary of State considers the fee to be unaffordable.

Regulation 2(4)(a)(i) and (c) introduces exceptions from the registration fees specified in 19.3.1 and 19.3.2 and from existing fees for arranging a citizenship ceremony or administering a citizenship oath. The exception relating to the registration fees applies where the child is being looked after by a local authority in the United Kingdom or under similar arrangements abroad. The exceptions relating to the fees for arranging a citizenship ceremony or administering a citizenship oath apply where no fee was payable for the related application for registration, either because of the new fee exception for children being looked after by a local authority or because the Secretary of State waived the fee under the new waiver power mentioned above.

An impact assessment has been prepared in respect of the amendments made by regulation 2(4) (c) and (d). 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 produced 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.