

2023 No. 977

IMMIGRATION

NATIONALITY

**The Immigration and Nationality (Fees) (Amendment) Order
2023**

Made - - - - *6th September 2023*

Coming into force *7th September 2023*

The Secretary of State makes this Order with the consent of the Treasury in exercise of the powers conferred by sections 68(1) to (6), 69(2) and 74(8) of the Immigration Act 2014(a).

In accordance with section 74(2)(j) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Immigration and Nationality (Fees) (Amendment) Order 2023.

(2) This Order comes into force on the day after the date on which it is made.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

(4) Paragraphs (1) and (2), this paragraph, and article 2(1), (2)(b) and (c), (4), (5), (6) and (10) and 3(1) and (2) also extend to the Bailiwick of Guernsey and the Bailiwick of Jersey.

(5) Paragraphs (1) and (2), this paragraph, article 2(1), (2)(a), (4), (5), (6) and (10) and 3(1) and (2) also extend to the Isle of Man.

(a) 2014 c. 22. Treasury consent has been obtained pursuant to section 69(1). Sections 68 to 70 of the Immigration Act 2014 are extended, with modifications, to the Isle of Man by article 22 of and Schedule 9A to the Immigration (Isle of Man) Order 2008 (S.I. 2008/680) which were inserted by articles 5 and 7 of the Immigration (Isle of Man) (Amendment) Order 2015 (S.I. 2015/1765). Article 22 of S.I. 2008/680 was amended by the Immigration (Isle of Man) (Amendment) Order 2019 (S.I. 2019/562) and further amended by the Immigration (Isle of Man) (Amendment) Order 2020 (S.I. 2020/1214) and the Immigration (Isle of Man) (Amendment) Order 2022 (S.I. 2021/1277). There are other amendments to S.I. 2008/680 not relevant to these Regulations. Sections 68 to 70 are 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 are also extended to the Bailiwick of Jersey by article 12 of the Immigration (Jersey) Order 2021 (S.I. 2021/1281) subject to modifications specified in Schedule 10 to that Order.

Amendments to the Immigration and Nationality (Fees) Order 2016

2.—(1) The Immigration and Nationality (Fees) Order 2016(a) is amended as follows.

(2) In article 1—

(a) after paragraph (4), insert—

“(4A) Article 5B extends to the Isle of Man so far as it relates to the charging of a fee for attending to an application for an authorisation in electronic form to travel to the Isle of Man; and this article and articles 2 and 3 also extend to the Isle of Man in relation to article 5B as it so extends.”;

(b) in paragraph (5), after “but only” insert “(subject to paragraphs (5A) and (5B))”;

(c) after paragraph (5), insert—

“(5A) Article 5B extends to the Bailiwick of Guernsey so far as it relates to the charging of a fee for attending to an application for an authorisation in electronic form to travel to that bailiwick; and this article and articles 2 and 3 also extend to the Bailiwick of Guernsey in relation to article 5B as it so extends.

(5B) Article 5B extends to the Bailiwick of Jersey so far as it relates to the charging of a fee for attending to an application for authorisation in electronic form to travel to that bailiwick; and this article and articles 2 and 3 also extend to the Bailiwick of Jersey in relation to article 5B as it so extends.”.

(3) In article 2—

(a) omit the definition of “biometric information”;

(b) after the definition of “consular premises” insert—

““contact point meeting” means, in relation to an applicant under Appendix Innovator Founder to the immigration rules, a meeting between the applicant and an endorsing body to assess progress against the applicant’s business plan”;

(c) after the definition of “contractor” insert—

““endorsing body” means an organisation which is approved by the Secretary of State to endorse an individual or business in connection with an application under the immigration rules”;

(d) in the definition of “Electronic Visa Waiver”, at the end insert “but does not include an ETA within the meaning of section 11C of the 1971 Act(b)”;

(e) after the definition of “sponsor” insert—

““Sponsor a Worker” means the scheme operated by the Secretary of State to give approval to an employer to recruit an individual to a specific work role where that individual is required to make an application for entry clearance, leave to enter or leave to remain in the United Kingdom in order to perform that role;”;

(f) in paragraph (a) of the definition of “sponsored worker”(c), at the end insert “or approval under Sponsor a Worker”;

(g) in paragraph (a) of the definition of “unsponsored worker”, at the end insert “or approval under Sponsor a Worker”.

(4) In article 3, at the end insert—

“(5) For the purposes of section 69(4) of the Immigration Act 2014, fees paid to an endorsing body for the discharge of functions relating to Appendices Innovator Founder or Scale-up to the immigration rules, may be retained by the endorsing body where the terms of the arrangement between the Secretary of State and the endorsing body so require.”.

(a) S.I. 2016/177; relevant amending instruments are S.I. 2017/440, 2018/329, 2021/768.

(b) 1971 c. 77; section 11C was inserted by section 75(2) of the Nationality and Borders Act 2022 (c. 36).

(c) The definition of “sponsored worker” was substituted by S.I. 2018/329.

(5) In article 4, in table 1 (visitor application fees), in the fourth column (maximum amount/rate), in the row beginning—

- (a) 1.1, for “£130”(a) substitute “£140”;
- (b) 1.2, for “£200” substitute “£250”;
- (c) 1.3, for “£200” substitute “£250”;
- (d) 1.4, for “£1,000” substitute “£1,200”.

(6) In article 5, in table 2 (entry clearance, limited leave or indefinite leave application fees)—

- (a) in the second column (type of application), in the row beginning 2.1, after “certificate of sponsorship” insert “or approval under Sponsor a Worker”;
- (b) in the third column (maximum amount), in the row beginning—
 - (i) 2.1, for “£1,500” substitute “£2,000”;
 - (ii) 2.3, for “£490”(b) substitute “£600”;
 - (iii) 2.4, for “£3,250” substitute “£3,600”;
 - (iv) 2.6, for “£3,250” substitute “£3,600”.

(7) After article 5A insert—

“Authorisation in electronic form to travel to the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man

5B.—(1) A fee is to be charged for attending to an application for an authorisation in electronic form to travel to the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.

(2) The maximum amount of the fee is £15.”.

(8) In article 6, in table 3 (applications for documents and administrative activities for which fees are to be charged)—

- (a) in the row beginning 3.1.1, in the second column (type of application, claim, request or administrative activity), omit paragraph (b) and the “or” preceding it;
- (b) in the row beginning 3.1.2, in the second column, after “Transfer of conditions” insert “applied for from outside the United Kingdom”;
- (c) after the row beginning 3.1.4, insert—

“3.1.4A	An ETA, within the meaning of section 11C of the 1971 Act (electronic travel authorisations)(c).	Fixed amount	£15”;
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- (d) in the row beginning 3.1.9, in the second column, for “Any other” substitute “Replacement or copy of any of the documents specified above or any other”;
- (e) omit the row beginning 3.1.10;
- (f) omit the row beginning 3.2.2;
- (g) in the row beginning 3.2.3 in the fourth column (maximum amount/rate), for “£400” substitute “£450”;
- (h) at the end insert—

“3.2.5	Carrying out a contact point meeting	Fixed amount	£500”.
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(a) The sum of £130 was substituted by S.I. 2022/233.
 (b) The sum of £490 was substituted by S.I. 2022/233.
 (c) Section 11C was inserted in the Immigration Act 1971 (c. 77) by section 75(2) of the Nationality and Borders Act 2022 (c. 36).

(9) In article 7, in table 4 (applications for services or processes relating to sponsorship for which fees are to be charged) after the row beginning 4.2 insert—

“4.2A	Sponsorship approval under Sponsor a Worker	£300”.
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(10) In article 9, in table 6 (fees for premium services: United Kingdom), in the row beginning 6.1, in the fourth column (maximum amount), for “£1,000” substitute “£1,200”.

(11) In article 9A(a), in table 6A (fees for premium services: Guernsey, Jersey and Isle of Man), in the row beginning 6A.1, in the fourth column (maximum amount), for “£1,000” substitute “£1,200”.

(12) In article 10, in table 7 (fees for applications relating to naturalisation, citizenship etc.), in the third column (maximum amount), in the row beginning—

- (a) 7.3, for “£400” substitute “£450”;
- (b) 7.4, for “£250” substitute “£400”;
- (c) 7.5, for “£100” substitute “£150”;
- (d) 7.8, for “£250” substitute “£400”
- (e) 7.9, for “£250” substitute “£400”.

Consequential amendments to the Immigration and Nationality (Fees) Regulations 2018

3.—(1) The Immigration and Nationality (Fees) Regulations 2018(b) are amended as follows.

(2) In regulation 2 omit the definitions of “process used to take a record of a person’s biometric information” and “reuse of a person’s biometric information”.

(3) In Schedule 3 (documents and administration)—

- (a) in paragraph 2(3) omit the words from “, the process” to the end;
- (b) in Table 10 (fees for miscellaneous documents and services)—
 - (i) omit the rows beginning 10.1 and 10.1.1,
 - (ii) in the row beginning 10.5A omit “or amended”,
 - (iii) omit the rows beginning 10.5A.2, 10.6, 10.6.1, 10.6.3 and 10.6.5;
- (c) in Table 12 (fees for biometric immigration documents, the process used to take a record of biometric information and the reuse of biometric information)—
 - (i) in the heading of the table, omit the words from “, the process” to the end,
 - (ii) omit the rows beginning 12.1.2, 12.2, 12.2.1 and 12.2.4;
- (d) in Table 13 (exceptions to the requirement to pay fees for applications for biometric immigration documents, the process used to take a record of biometric information and the reuse of biometric information)—
 - (i) in the heading of the table omit the words from “, the process” to the end,
 - (ii) in the rows beginning 13.1.1 and 13.2.1, for the words in the third column substitute “Fee 12.1.1”,
 - (iii) omit the rows beginning 13.3, 13.3.1, 13.4, 13.4.1, 13.5, 13.5.1, 13.Z7A, 13.Z7A.1, 13.7A and 13.7A.1,
 - (iv) in the row beginning 13.8.1—

(a) Article 9A was inserted by S.I. 2018/329.

(b) S.I. 2018/330, amended by S.I. 2019/475, 2020/294, 2022/296, 2022/581; there are other amending instruments but none is relevant.

- (aa) in the second column for the words from “has made” to “10.6.5” substitute “made an application for which a fee was specified in 10.6.1, 10.6.3 or 10.6.5 at any time before the date on which those provisions were revoked”,
- (bb) in the third column for “All fees in 12.1” substitute “Fee 12.1.1”;
- (e) after paragraph 2 insert—

“Waiver of fee 12.1.1

- 2A.** The Secretary of State may waive the fee specified in 12.1.1 in Table 12.”.
- (f) omit paragraph 3.

6th September 2023

Robert Jenrick
Minister of State
Home Office

We consent

5th September 2023

Stuart Anderson
Steve Double
Two of the Lords Commissioners of His Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration and Nationality (Fees) Order 2016 (“the Fees Order”) and makes consequential amendments to the Immigration and Nationality (Fees) Regulations 2018 (“the Fees Regulations”). Together those instruments provide for fees to be payable for the exercise of various functions in connection with immigration and nationality, in accordance with section 68 of the Immigration Act 2014. The Fees Order specifies the functions in respect of which fees are to be charged (subject to exceptions and waivers provided for by the Fees Regulations) and specifies how each fee is to be calculated. The Fees Regulations set the actual amount or rate of each fee that is to be charged, including different fees and rates for different purposes.

Article 2 amends the Fees Order. It adds new functions for which fees are to be charged and specifies how some fees may be applied. It also amends the description of certain existing functions in the Fees Order, removing some functions entirely and reducing the scope of others.

Article 3 makes amendments to the Fees Regulations which are consequential on the amendments to the Fees Order. The result is that a number of existing fees are removed and others modified so that they are payable in more limited circumstances.

An impact assessment has been produced in relation to the introduction of the authorisation in electronic form to travel (“ETA”) published alongside the Immigration Rules laid on 9 March 2023. An impact assessment for changes to fee maxima has also been produced, and is published alongside this instrument on www.legislation.gov.uk.

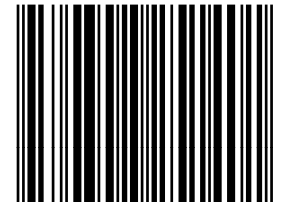
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