STATUTORY INSTRUMENTS

2024 No. 1192

IMMIGRATION

NATIONALITY

The Immigration and Nationality (Fees) (Amendment) Order 2024

Made - - - -	*19th November 2024*
Coming into force - -	*10th December 2024*

The Secretary of State makes this Order with the consent of the Treasury in exercise of the powers conferred by sections 68(1) to (5), 69(4)(b) 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 2024.

(2) This Order comes into force at the end of the period of 21 days beginning with the day 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(2)(a), (4) and (5) also extend to the Isle of Man.

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

Amendment of the Immigration and Nationality (Fees) Order 2016

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

(2) In article 1—

(**a**) 2014 c. 22. Treasury consent has been obtained pursuant to section 69(1) of the Immigration Act 2014 (c. 22). Section 68(12) provides that "specified" means specified in a fees order. 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.

(**b**) S.I. 2016/177; relevant amending instruments are S.I. 2017/440, 2018/329, 2021/768, and 2023/977.

(a) after paragraph (4A) insert—

"(4B) Article 5C extends to the Isle of Man so far as it relates to the assessment of overseas qualifications in relation to an application for entry clearance or leave to enter the Isle of Man; and this article and articles 2 and 3 also extend to the Isle of Man in relation to article 5C as it so extends.";

(b) after paragraph (5B), insert—

"(5C) Article 5C extends to the Bailiwick of Guernsey so far as it relates to the assessment of overseas qualifications in relation to an application for entry clearance or leave to enter that bailiwick; and this article and articles 2 and 3 also extend to the Bailiwick of Guernsey in relation to article 5C as it so extends.

(5D) Article 5C extends to the Bailiwick of Jersey so far as it relates to the assessment of overseas qualifications in relation to an application for entry clearance or leave to enter that bailiwick; and this article and articles 2 and 3 also extend to the Bailiwick of Jersey in relation to article 5C as it so extends.".

(3) In article 2—

(a) after the definition of "approval letter" insert—

""assessment of overseas qualification" means an assessment, by a qualifications assessor, of an overseas qualification, to determine whether that qualification—

(a) meets or exceeds the recognised standard of a Bachelor's degree, Master's degree or PhD in the United Kingdom;

(b) was taught or researched in English of the appropriate Common European Framework of Reference for Languages level, or above that level; or

(c) meets the conditions in both (a) and (b);";

(b) after the definition of "limited leave" insert—

""overseas qualification" means a qualification awarded by a body located outside the United Kingdom;";

(c) after the definition of "premium services" insert—

""qualifications assessor" means a body approved by the Secretary of State to carry out assessments of overseas qualifications;".

(4) In article 3, after paragraph (5) insert—

"(6) For the purposes of section 69(4) of the Immigration Act 2014, fees paid to a qualifications assessor for the assessment of overseas qualifications may be retained by the qualifications assessor where the terms of the arrangement between the Secretary of State and the qualifications assessor so require.".

(5) After article 5B, insert—

"Assessment of overseas qualifications: Bailiwick of Guernsey, Bailiwick of Jersey, Isle of Man

5C.—(1) A fee is to be charged for the assessment of overseas qualifications.

(2) The maximum amount of the fee is £400.".

(6) In article 6, in Table 3, after the row beginning with 3.1.9 insert—

“3.1.12	Assessment of overseas qualification	Fixed amount	£400”.

Seema Malhotra
Parliamentary Under Secretary of State
Home Office

19th November 2024

We consent

Nicholas Dakin
Taiwo Owatemi
Two of the Lords Commissioners of His Majesty’s Treasury

18th November 2024

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration and Nationality (Fees) Order 2016 (S.I. 2016/177). That Order sets out the functions in connection with immigration or nationality for which fees are to be charged and specifies how each fee is to be calculated.

This Order inserts a fee for the function of assessment of overseas qualifications and specifies how the fee is to be applied. A new Article 5C is inserted which extends to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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