EXPLANATORY MEMORANDUM TO

THE IMMIGRATION AND NATIONALITY (FEES) (AMENDMENT) REGULATIONS 2026

2026 No. 1008

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Jo White MP, Minister for Migration and Citizenship, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Ed Brown, Deputy Director – Strategic Finance, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Milind Deshpande at the Home Office can be contacted by email at the following address with any queries regarding the instrument: feesandincomeplanning.requests@homeoffice.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Immigration and Nationality (Fees) Regulations 2018 ("the 2018 Fees Regulations") to:

i) Remove application fees and a fee exception for certain closed visa routes in the UK and Isle of Man, and make corresponding fee provisions for dependants, where required.

ii) Introduce entry clearance fees for the Isle of Man's Global Business Mobility (GBM) route.

iii) Introduce a new fee exception for individuals with EU Settlement Status (EUSS) leave who are applying for a Transfer of Conditions (TOC) from overseas

iv) Introduce a new fee exception for individuals in the Family Returns Process (FRP) and in immigration detention, who are making a human rights-based application.

v) Amend fee provisions for administrative review corresponding to changes to the Immigration Rules.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland. The provisions related to the fees of the Isle of Man as specified in this instrument extend to the Isle of Man.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the same as its extent.

5. Policy Context

What is being done and why? What was the previous policy, how is this different?

Removal of fees on closed visa routes (UK)

5.1 This instrument removes fees for entry clearance and limited leave to remain applications on visa routes in the UK immigration system that have closed, as set out below:

- **Start-up**: This visa route was for individuals establishing a business in the UK for the first time. It closed to new entrants in July 2023. Relevant individuals may now apply for the Innovator Founder route, which provides a pathway to settlement.[1]
- **Tier 1 Entrepreneur**: This visa route was for individuals establishing or taking over a business in the UK through investment under specified criteria. It closed to new entrants in March 2019. Transitional arrangements for extensions ended in July 2025. Relevant individuals may now apply for the Innovator Founder route.
- **Tier 1 Investor**: This visa route was for high-net-worth individuals making substantial investments in the UK. It closed to new entrants in February 2022. Transitional arrangements for extensions ended in February 2026. The route only remains open to applications from dependants.

Fees for dependants under transitional arrangements

5.2 There are transitional arrangements in the Immigration Rules for dependant partners and children seeking to join individuals who were previously granted leave on the visa routes which have closed, as described in paragraph 5.1. While removing fees for main applicants, this instrument introduces fee provisions specifically for dependant applications on those routes. The fees on those visa routes will be the same as those previously charged to main applicants, and are set out below:

- **Dependants on Start-up route:** £495 for entry clearance, and £666 for leave to remain applications.
- **Dependants on Tier 1 Entrepreneur route:** £1,357 for entry clearance, and £1,693 for leave to remain applications.
- **Dependants on Tier 1 Investor route:** £2,000 each for entry clearance and leave to remain applications.

Removal of dependant fee on closed Tier 1 (Exceptional Talent) visa route

5.3 The Tier 1 (Exceptional Talent) visa route was closed in February 2020 and replaced by the Global Talent visa. While specific application fees for dependants were retained under transitional arrangements, those arrangements have now ended, and no individuals remain with leave on this route. This instrument, therefore, removes the remaining dependant fees.

Removal of fee exception on closed route for Service providers from Switzerland

5.4 No fee was payable for entry clearance applications on the route for Service providers from Switzerland. This route closed in December 2025, and the related Appendix has

[1] https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-innovator-founder

been removed from the Immigration Rules. This instrument therefore removes the related fee exception for this route, as it is no longer relevant.

Removal of fees on closed visa routes (Isle of Man)

5.5 This instrument removes entry clearance fees to reflect the closure of visa routes within the Isle of Man Immigration Rules, as stated below:

- **Tier 1 (Exceptional Talent):** Following the closure of this visa route in February 2025 to new applicants, this instrument removes the entry clearance fee for main applicants and the associated endorsement fee. The current entry clearance fee of £766 for dependant applications is retained under transitional arrangements, which are still in force.
- **Tier 1 (Investor):** As this route has closed in February 2022 and all transitional arrangements have ended in October 2025, this instrument removes the relevant entry clearance fees both for main applicants and dependants.

Global Business Mobility route (Isle of Man)

5.6 The Isle of Man has introduced a new Global Business Mobility (GBM) route into their Immigration Rules, coming into force on 2 November 2026 (SD No.2026/0102, laid in May 2026 before Tynwald of the Isle of Man).2 This route will comprise five sub-routes broadly mirroring the structure of the UK's GBM route that is set out in an Appendix to the Isle of Man Immigration Rules. The fee levels for entry clearance applications under these routes will be the same as those for the equivalent UK GBM routes.

5.7 This instrument sets entry clearance fees for main applicants and dependants applying under Appendix Global Business Mobility to the Isle of Man Immigration Rules, as follows:

- £819 for an application for entry clearance on the GBM route as a Senior or Specialist Worker
- £340 for applications for entry clearance on GBM sub-routes as a Graduate Trainee, Isle of Man Expansion Worker, Service Supplier, or a Secondment Worker

Fee exception for EUSS status holders applying for a Transfer of Conditions (TOC)

5.8 Following the transition to digital immigration status (eVisa), physical evidence of status, such as vignettes, biometric residence permits and residence cards, are no longer issued. Individuals must instead keep their personal details, such as their name and their travel document number, up to date on their UK Visa and Immigration (UKVI) account through the "Update My Details" (UMD) process.

5.9 Currently, holders of immigration status under the EU Settlement Scheme (EUSS) can update their details from overseas by applying for an EUSS Travel Permit under Appendix EU (Family Permit) to the Immigration Rules, free of charge. Changes to the Immigration Rules (HC 584, laid in September 2026[3]) remove the EUSS Travel Permit route, as it is no longer required in a digital status system. As a result, EUSS status holders who need to update their details from overseas must instead apply using the Transfer of Conditions (TOC) form, which enables them to evidence their updated

[2] https://www.gov.im/media/1392944/statementofchangesinimmigrationrules-no3-2026-210526_compressed.pdf

[3] https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-584-3-september-2026

status when travelling to the UK. Currently a TOC application, when it is made from outside the UK, attracts a fee of £154.

5.10 The department's policy intention is to maintain the existing fee-free position for EUSS status holders, who have been granted leave to enter or remain in the UK under Appendix EU to the Immigration Rules. Accordingly, this instrument introduces a fee exception for EUSS status holders who are applying for a TOC from outside the UK at Table 11 of Schedule 3 and updates an accompanying description of the contents of that Table at paragraph 2 (2) of the same schedule in the 2018 Fees Regulations. This description is also updated to reference exceptions for contact point meetings that were added to Table 11 in previous amendments (SI 2024/398) to the 2018 Fees Regulations.

Fee exception for Family Returns Process (FRP) and associated changes

5.11 The Family Returns Process (FRP) is a Home Office process for managing the departure of families with children under the age of eighteen who have no lawful basis to remain in the UK. Families with no legal right to remain in the UK will enter the FRP when all in country appeal rights are exhausted, or where they indicate they wish to leave the UK voluntarily.

5.12 Individuals in the FRP cohort may make a human rights claim to remain in the UK, including under Article 8 of the Human Rights Act 1998. Currently, applicants must either pay the relevant application fee or seek a fee waiver on affordability grounds. The policy intention is to streamline the process and reduce the administrative burden, time, and cost of assessing fee waivers, which in turn supports the speeding-up of returns. Accordingly, amendments have been made to the Immigration Rules (HC 584, laid in September 2026[4]) to enable eligible individuals in the FRP cohort to apply without being required to pay a fee. In order to support this change, this instrument introduces an exception to the relevant fee of £1,407 for applications for leave to enter and leave to remain by individuals who are physically present in the UK, in the FRP and who are applying on a human rights basis.

5.13 In making these amendments, this instrument also extends the scope of these fee exceptions to individuals in immigration detention. At present individuals in immigration detention and those in the FRP are generally not required to pay a fee where an application raises a human rights claim. Existing Immigration Rules allow certain Article 8 human rights claims to be made without a formal application or fee where an individual is in detention; however, families in the FRP do not fall within this provision. In practice, FRP participants have been permitted to raise Article 8 claims directly with Family Engagement staff without making an application or paying a fee, enabling claims to be considered more quickly and avoiding delays associated with fee waiver applications. This instrument formalises that approach by introducing a fee exception for eligible individuals in the FRP and clarifying the process for making such claims. The changes ensure a consistent approach across both these cohorts by providing that no fee is payable where an application is made on a human rights basis.

Amendments relating to Administrative Review

5.14 Administrative review is a process under which certain immigration decisions may be reconsidered, on the basis that a case-working error was made in the decision-making process. Administrative review is available for specified decisions as set out in

[4] https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-584-3-september-2026

Appendix Administrative Review and Appendix AR (EU) to the Immigration Rules, and Part 5 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.

5.15 Over recent years, various changes to the Immigration Rules have removed certain immigration routes from the scope of administrative review. These changes are as follows:

- HC 1780, September 2023 – Removed Appendix EU, Appendix EU (Family Permit), and Appendix S2 Healthcare Visitor from the scope of administrative review
- HC 590, March 2024 – Removed the ability to make an out of time application for an administrative review (where that decision was made before 5 October 2023)
- HC 1491, December 2025 – Removed Appendix Service Providers from Switzerland from the Immigration Rules
- HC 584, September 2026 – Removed Appendix AR (EU) from the Immigration Rules[5]

5.16 These changes require consequential amendments to the provisions relating to the administrative review fee, which specify exceptions to, and refunds of, that fee where applicable. Accordingly, this instrument makes the following technical amendments to relevant provisions in the 2018 Fee Regulations:

i) amends the definition of Administrative Review by updating reference to the title of Appendix AR to 'Appendix Administrative Review' to reflect the renaming of the Appendix as part of simplification changes to the Immigration Rules, and removes the reference to Appendix AR (EU);

ii) removes provisions relating to fee exceptions and fee refunds for administrative review applications under Appendix EU, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor, and Appendix Service Providers from Switzerland; and

iii) removes associated references to Appendix AR (EU) across the remaining provisions.

6. Legislative and Legal Context

How has the law changed?

6.1 The Immigration and Nationality (Fees) (Amendment) Regulations 2026 amend the Immigration and Nationality (Fees) Regulations 2018 in respect of fees chargeable for immigration related applications and services, with the consent of the Treasury. The amendments include certain new fee exceptions and amendments to existing fee exceptions. These amendments are made in exercise of the powers conferred by section 68(1), (7)(a), 8(b), and (10)(a), (b) of the Immigration Act 2014.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

[5] https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-584-3-september-2026

7. Consultation

Summary of consultation outcome and methodology

7.1 These Regulations have not been subject to a formal public consultation, as this would be disproportionate given the limited nature of the changes and the small number of individuals affected. The fees for dependants on closed visa routes are the same as the existing fees specified for those routes. The fees for Isle of Man entry clearance applications under the Global Business Mobility route are the same as the existing UK fees. The remaining amendments are consequential to changes in the Immigration Rules and wider policy changes and have not been specifically consulted on.

8. Applicable Guidance

8.1 The fee table on GOV.UK, which sets out all UK immigration and nationality fees, will be updated to reflect changes made through these amendments on the laying date.[6] The changes to fees for the Isle of Man will also be updated on GOV.IM.[7] In relation to changes in fee exceptions, updated information, and guidance for the members of public and staff will be published on the GOV.UK website when the respective changes take effect.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as it would be disproportionate to do so, given there is not expected to be a significant impact to business. Any impacts on individuals and the public sector are expected to be limited.

Impact on businesses, charities and voluntary bodies

9.2 There is no significant, impact on business, charities or voluntary bodies because the changes that are in scope of this legislation apply to individuals, not businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because most of the changes are technical only and so there are limited impacts in practice. Where there may be impacts on the public sector through changes in fee revenue and changes to net fiscal contributions from changes in immigration, these are expected to be very small due to the very low expected volumes thought to be affected. For illustration, in the year ending March 2026 there were only 27 applications from dependants on the UK visa routes that were closed to main applicants.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that fees are kept under regular review. The Home Office has an ongoing programme of evaluation and will continue to monitor the impact of such policies in terms of live application data and collected revenue. This monitoring may include, for example, assessment of volumes and income relative to the estimates and historic trends.

[6] https://www.gov.uk/government/publications/visa-regulations-revised-table
[7] https://www.gov.im/categories/travel-traffic-and-motoring/immigration/visa-application-forms-and-fees/

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").