

Statutory Document No. 2023/0056

*Immigration Act 2014*

NATIONALITY (FEES) (AMENDMENT) REGULATIONS 2023

*Laid before Tynwald:**Coming into Operation:**28 June 2023*

The Governor makes the following Regulations with the consent of Treasury under section 68(1), (7) to (10), (12) and (13) and 69(1), (2) and (4A) of the Immigration Act 2014¹ (of Parliament) as that Act has effect in the Island².

1 Title

These Regulations are the Nationality (Fees) (Amendment) Regulations 2023.

2 Commencement

These Regulations come into operation on the day after they are made.

3 Amendment of the Nationality (Fees) Regulations 2020

(1) The Nationality (Fees) Regulations 2020³ are amended as follows.

(2) In regulation 3—

(a) after the definition of “the 1981 Act”, insert—

“the 1997 Act” means the British Nationality (Hong Kong) Act 1997⁴ as that Act has effect in the Island⁵;

(b) in the definition of “application for registration as a British citizen under the 1981 Act”, after “or paragraph 3”, insert 3A;

(c) after the definition of “application for registration as a British citizen under the 1981 Act”, insert—

“application for registration as a British citizen under the 1997 Act” means an application for registration as a British

¹ 2014 c 22.

² S.I. No 2008/680.

³ SD No. 2020/0074.

⁴ 1997 c. 20.

⁵ Extended to the Island by section 3 of that Act.

citizen under section 1 of the British Nationality (Hong Kong) Act 1997;

“being looked after by the Department of Health and Social Care” means being looked after by the Department for Health and Social Care under section 24 of the Children and Young Persons Act 2001⁶; **22**.

(d) after the definition of “child”, insert—

23 **“historical legislative unfairness”**, in relation to the basis on which an application is made under section 4L of the 1981 Act, has the same meaning as it has for the purposes of subsection (1)(a) of that section (see section 4L(2) of that Act); **22**;

(e) after the definition of “process used to take a record of a person’s biometric information”, insert—

24 **“public authority”** has the same meaning as it has for the purposes of section 4L of the 1981 Act (see section 4L(3) of that Act). **22**.

(3) In Schedule 1—

(a) in paragraph 1—

(i) in sub-paragraph (2), after “Table 1”, insert **25** and Table 2 **22**;

(ii) after sub-paragraph (3), insert—

26 (4) Paragraph 5 confers a discretion on the Governor to waive, in specified circumstances, the fee specified in 1.3.1 and 1.3.2 in Table 1. **22**

(b) in Table 1 (Fees for applications relating to nationality), after row 1.1.1, insert—

27 1.1A	Fee for applications for registration as a British citizen in special circumstances	
1.1A.1	Application for registration as a British citizen under section 4L of the 1981 Act made on the basis that the applicant would have been able to become a British citizen but for— (a) historical legislative unfairness; (b) an act or omission of a public authority; or (c) exceptional circumstances relating to the applicant.	£1,126 22 .

(c) In Table 1, in the 2nd column of row 1.2, after “Fees for”, insert **28** other **22**.

⁶ AT 20 of 2001.

- (d) In Table 1 (Fees for applications relating to nationality), after row 1.2.1, insert—

3.2 1.2.2	Application for registration as a British citizen under the 1997 Act, where the applicant is aged 18 or over at the time the application is made.	£1,126 2 .
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- (e) In Table 1, in the 2nd column of row 1.3, after “Fees for”, insert **3** other **2**.

- (f) In Table 1 (Fees for applications relating to nationality), after row 1.3.1, insert—

3 1.3.2	Application for registration as a British citizen under the 1997 Act, where the person in respect of whom the application is made is a child at the time the application is made.	£1,012 2 .
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- (g) In Table 3 (Exception in respect of fees for applications for registration as a British citizen under the 1981 Act)—

- (i) For the heading of the table, substitute, **3** Table 3 (Exceptions in respect of fees for registration and for services in connection with citizenship ceremonies and oaths) **2**.

- (ii) After row 3.1.1, insert—

3.2	Children being looked after by a local authority	
3.2.1	No fee is payable in respect of an application for registration as a British citizen under the 1981 Act or the 1997 Act where, at the time the application is made, the person in respect of whom it is made is a child and— (a) is being looked after by the Department of Health and Social Care, or (b) is being looked after outside the Isle of Man under an arrangement similar to any of those referred to in the provisions mentioned in the definition of “being looked after by the Department of Health and Social Care” in regulation 3 (interpretation).	Fee 1.3.1, 1.3.2.
3.3	Fees for services in connection with citizenship ceremonies and citizenship oaths where no registration fee was payable	
3.3.1	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	Fee 2.3.1 2 .

	<p>person as a British citizen under the 1981 Act or the 1997 Act where no fee was payable in respect of the related application for registration of that person because—</p> <p>(a) the exception at 3.2.1; or</p> <p>(b) the fee in respect of that application was waived under paragraph 5.</p>	
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(h) after paragraph 4 insert—

¶¶ Fees specified in 1.3.1 and 1.3.2: waiver on grounds of unaffordability

5. The Governor may waive the fee specified in 1.3.1 and 1.3.2 in a case where the Governor considers that the fee is not affordable, taking into account the financial circumstances of the child in respect of whom the application is being made and of any other person who (in the Governor's opinion) might otherwise reasonably be expected to bear the cost of paying all or part of the fee. ¶¶.

MADE 27 JUNE 2023

JOHN LORIMER
Lieutenant Governor

Explanatory Note

(This note is not part of the Regulations)

These Regulations amend the Nationality (Fees) Regulations 2020 (SD No. 2020/0074) in order to introduce equivalent amendments to the Island's Nationality fees, as were made to the UK's nationality fees by the Immigration and Nationality (Fees) (Amendment) Regulations 2022 (SI 2022 No. 581) and the British Nationality (General, British Overseas Territories and Fees) (Amendment) Regulations 2022 (SI 2022 No. 602).

A change has been made to introduce an affordability-based fee waiver for child citizenship applications, and a fee exception for children who are looked after by the Department of Health and Social Care in the Island. Isle of Man Nationality case officers will utilise relevant UK caseworker guidance where making any affordability assessments for child nationality applications received here.

Changes have been made in order to set fees for certain applications for registration as a British citizen. These changes are limited to applications where applicants would have been eligible to become British citizens, but for historical legislative unfairness, an act or omission of a public authority or other exceptional circumstance, they were not able to become British. This new fee has been brought about by the inclusion of section 4L to the British Nationality Act 1981⁷ (which automatically extends to the Isle of Man).

Additionally, amendments have been made to include fees chargeable for person's naturalising under the British Nationality (Hong Kong) Act 1997, as that Act extends to the Island.

⁷ Section 4L was added by section 7 of the Nationality and Borders Act 2022 (c. 36).