

SCHEDULE 2

Article 7

1. A person is exempt from paying a charge under article 3 where the person makes an application—

- (a) for entry clearance where, if granted in accordance with the immigration rules, the entry clearance would have effect on arrival in the United Kingdom as leave to enter for 6 months or less, or where the leave to enter which may be granted pursuant to that entry clearance would be for 6 months or less if granted in accordance with the immigration rules;
- (b) for entry clearance under Part 2 of the immigration rules;
- (c) for entry clearance or leave to remain under paragraphs 245G to 245GE of the immigration rules (Tier 2 Intra-company Transfer Migrants);
- (d) for leave to remain of any kind made by a child under the age of 18 years where the child is being looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989⁽¹⁾ or section 17(6) of the Children (Scotland) Act 1995⁽²⁾ or section 74(1) of the Social Services and Well-being (Wales) Act 2014⁽³⁾) or where the child is being looked after by an authority (within the meaning of article 25(1) of the Children (Northern Ireland) Order 1995⁽⁴⁾);
- (e) for leave to remain which relates to a claim for asylum or humanitarian protection to be considered in accordance with Part 11 of the immigration rules;
- (f) for leave to remain which relates to a claim that the person's removal from the United Kingdom would be contrary to the United Kingdom's obligations under article 3 of the Convention (within the meaning of section 21(1) of the Human Rights Act 1998⁽⁵⁾);
- (g) for leave to remain which relates to the person's identification as a victim of human trafficking in accordance with the United Kingdom's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings⁽⁶⁾;
- (h) for leave to remain outside the immigration rules with access to public funds under the Home Office policy known as the "Destitution Domestic Violence Concession" published on 2nd December 2013⁽⁷⁾;
- (i) for entry clearance or leave to remain as the dependant of a person who makes an application of a type mentioned in sub-paragraph (c), (e), (f), (g) or (h);
- (j) for entry clearance or leave to remain as the dependant of a member of Her Majesty's forces under the immigration rules;
- (k) for entry clearance or leave to remain as the dependant of a member of a force who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971, under the immigration rules;
- (l) for entry clearance or leave to remain where provision for such entry clearance or leave has been made pursuant to an EU obligation (within the meaning of Part 2 of Schedule 1 to the European Communities Act 1972⁽⁸⁾).

(1) 1989 c. 41. Section 22(1) has been amended by the Local Government Act 2000 (c. 22), section 107 and Schedule 5, paragraph 19; the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (2); the Adoption and Children Act 2002 (c. 38), section 116(2).

(2) 1995 c. 36. Section 17(6) has been amended by the Adoption and Children (Scotland) Act 2007 (asp 4), Schedule 2, paragraph 9(4)(b), by the Children's Hearings (Scotland) Act 2011 (asp 1), Schedule 5, paragraph 2(4) and by S.S.I. 2013/211.

(3) 2014 anaw 4.

(4) S.I. 1995/755 (N.I. 2).

(5) 1998 c. 42.

(6) Done at Warsaw on 16 May 2005.

(7) The policy is published at

<https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>. A copy is also available on request from the Home Office.

(8) 1972 c. 68.

Status: This is the original version (as it was originally made).

2. A person is exempt from paying the charge where the person is a national of—
 - (a) Australia; or
 - (b) New Zealand.
3. A person is exempt from paying the charge where the person is a British Overseas Territory citizen (within the meaning of section 2(1) of the British Overseas Territories Act 2002⁽⁹⁾) who is resident in the Falkland Islands.

⁽⁹⁾ 2002 c. 8.