
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Health Charge) Order 2015 ([S.I. 2015/792](#)) (“the Principal Order”) which requires a person who applies for entry clearance for a limited period, or for limited leave to remain in the United Kingdom, to pay an immigration health charge.

Article 2 amends article 6 of the Principal Order, which sets out the consequences of a failure to pay a charge, in relation to a case where an application for leave or entry clearance is refused and the immigration health charge has either not been requested or has been refunded. If the refusal is subsequently overturned by the Secretary of State or a competent court or tribunal and the application is granted, an entry clearance officer or the Secretary of State may request payment of the charge or part of the charge. It also makes provision for cases where entry clearance or leave to remain is granted for a lesser period than that requested by the applicant and the Secretary of State has refunded part or all of the charge. If on appeal or otherwise a longer period of leave is to be granted, the Secretary of State may request payment of the charge for the additional period of leave. The applicant must then pay within the time specified in article 6(1) of the Principal Order or the additional period of leave cannot be granted.

Article 3 amends Schedule 2 to the Principal Order which sets out the situations in which applicants for entry clearance or leave to remain are exempt from paying the immigration health charge. Article 3(2) provides that an applicant for leave to remain under Appendix V of the immigration rules (visitor rules) is exempt. Article 3(3) and (5) removes the exemption which applies to an applicant (and the dependants of such an applicant) for entry clearance or leave to remain under paragraphs 245G to 245GE of the immigration rules (a Tier 2 Intra-company Transfer Migrant). Article 3(4) and (6) extends the exemption for an application which relates to the applicant’s identification as a victim of human trafficking to also include the applicant’s identification as a victim of slavery.

Article 4 makes transitional provision so that the amendments made to the Principal Order by this Order do not apply to an application for entry clearance or leave to remain made before the Order comes into force.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is submitted with the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.