

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 19th March 2020 (ISBN 978-0-11-119458-4). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Order laid before Parliament under section 74(2)(b) of the Immigration Act 2014, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No.

IMMIGRATION

The Immigration (Health Charge) (Amendment) Order 2020

Made - - - - 2020

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 38(1) and (3) and 74(8) of the Immigration Act 2014(a).

In accordance with section 38(4) of that Act, in specifying the amount of the charge under section 38(3)(b) of the Act, the Secretary of State has (among other matters) had regard to the range of health services which are likely to be available free of charge to persons who have been given immigration permission.

In accordance with section 74(2)(b) of that Act, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Health Charge) (Amendment) Order 2020 and comes into force on the twenty-first day after the day on which it is made.

(2) In this Order, “the Principal Order” means the Immigration (Health Charge) Order 2015(b).

Amendments to the Principal Order

2.—(1) The Principal Order is amended as follows.

(2) In Schedule 1 (amount of the charge), in the second column of the table (annual amount)—

- (a) in the entry “Application for entry clearance or leave to remain as a student, in accordance with the immigration rules”, for “£300” substitute “£470”;
- (b) in the entry “Application for entry clearance or leave to remain as the dependant of a student, in accordance with the immigration rules”, for “£300” substitute “£470”;

(a) 2014 c. 22.

(b) S.I. 2015/792, amended by S.I. 2016/400, S.I. 2017/420, S.I. 2018/1389 and S.I. 2019/686.

(c) in the entry “Application for entry clearance as a Tier 5 (Youth Mobility Scheme) Temporary Migrant in accordance with the immigration rules”, for “£300” substitute “£470”;

(d) for the entry “All other applications for entry clearance or leave to remain”, substitute—

“All other applications for entry clearance or leave to remain, made in respect of a person aged 18 years or over at the date of the application.	£624
	£470”.

All other applications for entry clearance or leave to remain, made in respect of a person aged under 18 years at the date of the application (whether that person is the applicant or the dependant of the applicant).

(3) In Schedule 2 (exemptions from the requirement to pay the immigration health charge)—

(a) in paragraph 1, after sub-paragraph (n), insert—

“(o) for entry clearance to enter, or leave to remain in, the United Kingdom—

(i) as a Tier 2 (General) Migrant, or

(ii) as the dependant of a Tier 2 (General) Migrant (whether or not the application is made at the same time as that of the main applicant),

where the certificate of sponsorship issued in respect of the application by the main applicant confirms the main applicant’s eligibility for a Health and Care Visa provided for by Part A of the document entitled “Tier 2 of the Points Based System – Policy Guidance (Version 07/20)” published by the Home Office(a).”;

(b) in paragraph 4, at the appropriate places, insert—

“certificate of sponsorship” means an authorisation, allocated by the Secretary of State to a sponsor and issued to a person by that sponsor, in respect of an application, or potential application, for entry clearance to enter, or leave to remain in, the United Kingdom as a sponsored worker;”;

“dependant” in respect of a person (“P”) means—

(i) the spouse or civil partner of P;

(ii) someone who has been living with P in a relationship akin to a marriage or civil partnership for at least two years; or

(iii) any other person whose entitlement to make an application referred to in this Order arises by virtue of a connection between that person and P;”;

“immigration rules” means the rules made under section 3(2) of the Immigration Act 1971(b);”;

“main applicant” means the person who has made an application in connection with immigration, as distinct from a person applying as the dependant of such a person;”;

“sponsor” means a person licensed by the Secretary of State to issue certificates of sponsorship;”;

“sponsored worker” means a person seeking entry clearance to enter, or leave to remain in, the United Kingdom for the purposes of employment (whether paid or

(a) “Tier 2 of the Points Based System – Policy Guidance” (Version 07/20) is accessible via <https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-2-worker>. A hard copy can also be obtained free of charge by writing to Home Office, Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon, CR0 1XG.

(b) 1971 c. 77. Amendments have been made to section 3 which are not relevant to this Order.

unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;”;

““Tier 2 (General) Migrant” has the meaning given by paragraph 6 of the immigration rules;”.

Transitional provision

3. In relation to an application for entry clearance or leave to remain made before the coming into force of this Order, the Principal Order applies without the amendments made by this Order.

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Home Office

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 Schedule 1 to the Principal Order which specifies the annual amount of the immigration health charge in respect of applications by different categories of person. In respect of applications by students, dependants of students and Youth Mobility Scheme Temporary Migrants, the annual amount is increased from £300 to £470. In respect of all other applications for entry clearance or leave to remain (for which the fee was previously £400), article 2(2)(d) draws a distinction between applications made in respect of persons over the age of 18 years at the date of the application, and applications made in respect of those under that age. In respect of applications made in respect of persons aged 18 years or over at the date of the application, the annual amount is set at £624. In respect of applications made in respect of persons aged under 18 years at the date of the application (including both applications made by applicants themselves aged under 18 years and also applications made in respect of a dependant where the dependant is aged under 18 years at the date of the application), the annual amount is set at £470.

Article 2 also provides for an exemption from paying the immigration health charge in respect of an application for entry clearance, or leave to remain, in the capacity of certain NHS workers and their dependants.

Article 3 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 alongside the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk. A hard copy can be obtained by writing to the Immigration Health Charge policy team, Home Office, 2 Marsham Street, London SW1P 4DF.

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