

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

DRAFT STATUTORY INSTRUMENTS

2023 No.

IMMIGRATION

The Immigration (Health Charge) (Amendment) Order 2023

*Made - - - -
Coming into force into force in accordance with article
1(2)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 38 and 74(8)(a), (b) and (c) of the Immigration Act 2014⁽¹⁾. 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 the Immigration Act 2014, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, extent and interpretation

- 1.—(1) This Order may be cited as the Immigration (Health Charge) (Amendment) Order 2023.
- (2) This Order comes into force on the later of 16th January 2024 or the twenty-first day after the day on which it is made.
- (3) This Order extends to England and Wales, Scotland and Northern Ireland.
- (4) In this Order, “the Principal Order” means the Immigration (Health Charge) Order 2015⁽²⁾.

Amendments to Schedule 1 to the Principal Order

- 2.—(1) Schedule 1 to the Principal Order (amount of the charge) is amended as follows.
- (2) In the first column of the table (type of application), for “as a Tier 5 (Youth Mobility Scheme) Temporary Migrant in accordance with” substitute “or leave to remain under Appendix Youth Mobility Scheme to⁽³⁾”;

(1) 2014 c. 22.

(2) S.I. 2015/792, amended by S.I. 2016/400, 2017/420, 2018/1389 and 2020/1086.

(3) Immigration Rules Appendix Youth Mobility Scheme is published at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-t5-temporary-worker-youth-mobility-scheme>. A copy is also available on request from the Home Office.

- (3) In the second column of the table (annual amount)—
- (a) for “£470”, in each place it occurs within that column, substitute “£776”;
 - (b) for “£624” substitute “£1,035”.

Amendments to Schedule 2 to the Principal Order

3.—(1) Schedule 2 to the Principal Order (exemptions from paying a charge) is amended as follows.

- (2) In paragraph 1 (exemptions)—
- (a) after sub-paragraph (f), insert—
 - “(fa) for leave to remain by virtue of Appendix Domestic Worker who is a Victim of Modern Slavery to the immigration rules(4);”;
 - (b) for sub-paragraph (g), substitute—
 - “(g) for leave to remain by virtue of Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery to the immigration rules(5);”;
 - (c) after paragraph (h), insert—
 - “(ha) for leave to remain by virtue of Appendix Statelessness to the immigration rules(6);”;
 - (d) in sub-paragraph (i), for “(f), (g) or (h)” substitute “(f) or (h)”;
 - (e) in sub-paragraph (o)—
 - (i) for “Tier 2 (General) Migrant”, in both places it occurs, substitute “Skilled Worker”;
 - (ii) for “Part A of the document entitled “Tier 2 of the Points Based System – Policy Guidance (Version 07/20)”” substitute “virtue of the document entitled “Health and Care visa guidance (Version 02/22)(7)””;
 - (f) after sub-paragraph (o) insert—
 - “(p) for entry clearance to enter or leave to remain by virtue of Appendix Ukraine Scheme to the immigration rules(8).”.
- (3) In paragraph 4 (interpretation)—
- (a) omit the following definitions—
 - (i) “competent authority”;
 - (ii) “positive conclusive grounds decision”;
 - (iii) “Tier 2 (General) Migrant”;
 - (iv) “Trafficking Convention”;
 - (v) “Trafficking Convention reason”;

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- (4) Immigration Rules Appendix Domestic Worker who is a Victim of Modern Slavery is published at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-domestic-worker-who-is-a-victim-of-modern-slavery>. A copy is also available on request from the Home Office.
 - (5) Immigration Rules Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery is published at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-temporary-permission-to-stay-for-victims-of-human-trafficking-or-slavery>. A copy is also available on request from the Home Office.
 - (6) Immigration Rules Appendix Statelessness will be laid in a Home Office Statement of Changes in November 2023. The Immigration Rules: statement of changes are published at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>. A copy is also available on request from the Home Office.
 - (7) The policy is published at <https://www.gov.uk/government/publications/health-and-care-visa-guidance-for-applicants/health-and-care-visa-guidance-accessible>. A copy is also available on request from the Home Office.
 - (8) Immigration Rules Appendix Ukraine Scheme is published at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ukraine-scheme>. A copy is also available on request from the Home Office.

(b) at the appropriate place, insert—

““Skilled Worker” means a person who applies for, or who has been granted, entry clearance to enter or leave to remain as a main applicant under Appendix Skilled Worker to the immigration rules;”.

Transitional provision

4. 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.

Date

Name
Minister of State
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](#)), 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 specified the annual amount of the immigration health charge in respect of different types of applications. In respect of applications by students, dependants of students, persons applying for leave to enter or remain under Appendix Youth Mobility Scheme and all other applications for entry clearance or leave to remain made in respect of persons aged under 18 years at the date of application, whether that person is the applicant or a dependant of the applicant, the annual amount is increased from £470 to £776. In respect of all other applications for entry clearance or leave to remain made in respect of persons aged 18 years or over at the date of application, the annual amount is increased from £624 to £1,035.

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)(a), (b) and (c) provides that an applicant for leave to remain under Appendix Domestic Worker who is a Victim of Modern Slavery, Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery or Appendix Statelessness is exempt from the charge. Article 3(2)(e) makes amendments to ensure that certain NHS workers and their dependants continue to be exempt from payment of the immigration health charge. Article 3(2)(f) provides that applicant for leave to enter or leave to remain under Appendix Ukraine Scheme is exempt from the charge.

Article 4 makes transitional provision so that the amendments made to the Principal Order by this Order do not apply to an application for leave to enter or leave to remain made before this 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 community bodies is submitted alongside the Explanatory Memorandum which is available alongside the instrument on 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.