

**EXPLANATORY MEMORANDUM TO**  
**THE IMMIGRATION (HEALTH CHARGE) (AMENDMENT) ORDER 2023**  
**2023 No. [XXXX]**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to update the Immigration (Health Charge) Order 2015 (“the Principal Order”). The Immigration Health Charge (“Health Charge”) is payable by certain migrants who are subject to immigration control. Those who pay the Health Charge can access NHS services free of charge (subject to those charges UK residents must pay, such as for prescriptions and dental treatment in England). This instrument increases the full rate of annual Immigration Health Charge (“Health Charge”) in order to cover the full cost to the NHS of treating Health Charge payers. The Health Charge will be increased from £470 to £776 per year for students, their dependents, applicants for the Youth Mobility Scheme and children under 18. In respect to all other applications liable to pay the Health Charge, the Health Charge will be increased from £624 to £1,035 per year. The Health Charge has not been increased since 2020, as such the current rates do not cover the full cost to the NHS of treating Health Charge payers due to the increased cost of healthcare provision.
- 2.2 It also clarifies exemptions from the requirement to pay the Health Charge currently in operation for applicants on the Ukraine Schemes and Statelessness immigration route by formalising the position in legislation. Additionally, replacing obsolete terminology will ensure that existing exemptions from the requirement to pay the Health Charge for certain NHS workers, their dependents and specified protection cohorts are retained.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

**4. Extent and Territorial Application**

- 4.1 The territorial extent (that is, the jurisdiction(s) which the instrument forms part of the law of) of this instrument is the United Kingdom.
- 4.2 The territorial application (that is, where the instrument produces a practical effect) of this instrument is the United Kingdom.

**5. European Convention on Human Rights**

- 5.1 Robert Jenrick, Minister for Immigration, has made the following statement regarding Human Rights:

“In my view the provisions of the Immigration (Health Charge) (Amendment) Order 2023 are compatible with the Convention rights.”

## 6. Legislative Context

- 6.1 The power to make this instrument arises at Section 38 of the Immigration Act 2014 (“the Act”), which enables the Secretary of State to provide by order for an Immigration Health Charge to be imposed on those applying for leave to enter or remain in the UK for a limited period. The Health Charge was introduced on 6 April 2015 by the Principal Order.

## 7. Policy background

### *What is being done and why?*

#### Increase the annual Health Charge

- 7.1 The Government’s 2019 manifesto included a commitment to set the cost of the Health Charge at an amount which covers the cost to the NHS of treating Health Charge payers, in line with Department of Health and Social Care analysis. The increases to the Health Charge reflect the increased cost of healthcare provision and the extra pressures which migrant driven population growth is placing on the NHS.
- 7.2 The annual cost of the Health Charge for students, dependents of students and applicants for entry clearance as a Tier 5 (Youth Mobility Scheme Applicant) will increase from £470 to £776. For all other applications made in respect of a person under 18 at the date of the application, the Health Charge will also increase from £470 to £776. For all other applications made in respect of a person aged 18 or over at the date of the application, the Health Charge will increase from £624 to £1,035.

#### Clarify exemptions from payment of the Health Charge currently in operation for the Statelessness immigration route and applicants under the Ukraine Scheme by formalising in legislation

- 7.3 This instrument will clarify that applicants who are applying for the Stateless immigration route are exempt from the requirement to pay the Health Charge. This will put applicants in a similar position to migrants who are granted refugee status.
- 7.4 This instrument will also formalise existing exemptions under the Ukraine Schemes. The Ukraine Scheme were launched in March 2022 following the Russian invasion of Ukraine, the schemes support migrants displaced by the war in Ukraine to either enter or remain in the UK. Formalising the exemption will solidify support for Ukraine and place the exemption on a legislative footing.
- 7.5 Schedule 2 to the Principal Order outlines the exemptions from payment of the Health Charge. Article 3 of this Order introduces further exemptions from payment of the Health Charge for migrants on the Ukraine Schemes and the Stateless immigration route.

#### Changes to update obsolete terminology

- 7.6 Obsolete terminology within the Order will be amended to ensure consistency with the Points Based immigration system. Articles 2 and 3 replace obsolete terminology in Schedule 1 and 2 of the Order respectively.

### *What did any law do before the changes to be made by this instrument?*

- 7.7 The Principal Order was made under section 38 of the 2014 Act. It requires a person who applies for entry clearance to the United Kingdom for a limited period of more than six months, or for limited leave to remain in the United Kingdom, to pay a Health

Charge. Schedule 1 to the Principal Order set out the amounts of the Health Charge to be paid by particular categories of applicant. In respect of applications by students and dependants of students, it set the amount at £150. For all other categories of application, it set the amount at £200. Exemptions from the requirement to pay the Health Charge were set out in Schedule 2 to the Principal Order. This included an exemption for nationals of Australia and New Zealand.

- 7.8 The Principal Order was amended by the Immigration (Health Charge) (Amendment) Order 2016 (“the 2016 Order”). The 2016 Order established a new category of applicant in respect of Health Charges, namely applicants for entry clearance as a Tier 5 (Youth Mobility Scheme Applicant). The 2016 Order set the Health Charge for this cohort at £150. The 2016 Order also amended Schedule 2 to the Principal Order, removing the exemption from the requirement to pay the Health Charge from nationals of Australia and New Zealand.
- 7.9 The Principal Order was further amended by the Immigration (Health Charge) (Amendment) Order 2017 (“the 2017 Order”). The amendments made by the 2017 Order included amendments to Schedule 2 to the Principal Order, which provided an exemption from the requirement to pay the Health Charge for certain victims of modern slavery.
- 7.10 The Principal Order was further amended by the Immigration (Health Charge) (Amendment) Order 2018 (“the 2018 Order”). The 2018 Order doubled the amount of the Health Charge across all routes – the Health Charge for students, dependents of students and applicants for entry clearance as a Tier 5 (Youth Mobility Scheme Applicant) was increased from £150 to £300 per year. The Health Charge for all other categories of application was increased from £200 to £400 per year.
- 7.11 Most recently, before the making of the present Order, the Principal Order was further amended by the Immigration (Health Charge) (Amendment) Order 2020 (“the 2020 Order”). The 2020 Order amended the Principal Order to increase the Health Charge for students, dependents of students and applicants for entry clearance as a Tier 5 (Youth Mobility Scheme Applicant) from £300 to £470. For all other applications made in respect of a person under 18 at the date of the application, the Health Charge was set at £470. For all other applications made in respect of a person aged 18 or over at the date of the application, the Health Charge was set at £624. Amendments to Schedule 2 to the Principal Order created an exemption from the requirement to pay the Health Charge for certain applicants eligible for a Health and Care Worker Visa and their dependents.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1 The Government indicated in the Explanatory Memorandum to the Immigration (Health Charge) (Amendment) Order 2017 that it intended to consolidate with the Principal Order at the earliest opportunity. Given the limited amendments made by this Order, the Government has concluded that this is not a suitable opportunity for consolidation with the Principle Order. The issue will be kept under review in response to any future amending order.

## **10. Consultation outcome**

- 10.1 There was no public consultation on these changes. Such consultation is not required by the 2014 Act. Previous amendments to the Health Charge rates have not been subject to consultation.

## **11. Guidance**

- 11.1 The relevant guidance on gov.uk will be amended in line with these changes. The Guidance can be found at <https://www.gov.uk/healthcare-immigration-application>

## **12. Impact**

- 12.1 The impact on businesses, charities or voluntary bodies is likely to be significant. The indirect cost to businesses is estimated in the order of tens of millions of pounds per year.
- 12.2 The impact on the public sector is likely to be significant, with a net benefit in the order of approximately a billion pounds per year, predominantly due to increased IHS revenue.
- 12.3 Further detail on the impact on business, charities, voluntary bodies as well as the public sector are set out in the full Impact Assessment which has been prepared alongside this instrument.
- 12.4 The Environmental impact has been considered in accordance with the duty imposed by section 19 of the Environment Act 2021. No negative environmental impacts have been identified for this change.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The Home Office keeps the operation of the Health Charge under review, with support from, amongst others, the Department of Health and Social Care.
- 14.2 The Order does not include a statutory review clause.

## **15. Contact**

- 15.1 Laurence Brammer at the Home Office Telephone: 07587374041 or email: Laurence.Brammer@homeoffice.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Rebecca Nugent, Deputy Director for the Compliant Environment and Enforcement Unit at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister for Immigration, Robert Jenrick MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.