

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 [^{F1}entry clearance or leave to remain] under [^{F2}Appendix V to the immigration rules];
- ^{F3}(c)
- (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 ^{M1} or section 17(6) of the Children (Scotland) Act 1995 ^{M2} or section 74(1) of the Social Services and Well-being (Wales) Act 2014 ^{M3}) 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 ^{M4});
- (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 ^{M5});
- [^{F4}(g) for leave to remain for a Trafficking Convention reason, or under paragraph 159I of the immigration rules as a domestic worker who is the victim of slavery or human trafficking, where the applicant has received a positive conclusive grounds decision from a competent authority;]
- (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 ^{M6};
- (i) for entry clearance or leave to remain as the dependant of a person who makes an application of a type mentioned in [^{F5}sub-paragraph (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 [^{F6}a retained EU obligation].
- [^{F7}(m) for entry clearance under any immigration rules which are identified in the immigration rules as having effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the United Kingdom by virtue of Appendix EU to the immigration rules;
- (n) for leave to remain by virtue of Appendix EU to the immigration rules.]
- [^{F8}(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),

Changes to legislation: There are currently no known outstanding effects for the The Immigration (Health Charge) Order 2015, SCHEDULE 2. (See end of Document for details)

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.]

F1	Words in Sch. 2 para. 1(b) substituted (6.4.2017) by The Immigration (Health Charge) (Amendment) Order 2017 (S.I. 2017/420) , arts. 1(2), 3(2) (with art. 4)
F2	Words in Sch. 2 para. 1(b) substituted (6.4.2016) by The Immigration (Health Charge) (Amendment) Order 2016 (S.I. 2016/400) , arts. 1(1), 3(2)
F3	Sch. 2 para. 1(c) omitted (6.4.2017) by virtue of The Immigration (Health Charge) (Amendment) Order 2017 (S.I. 2017/420) , arts. 1(2), 3(3) (with art. 4)
F4	Sch. 2 para. 1(g) substituted (6.4.2017) by The Immigration (Health Charge) (Amendment) Order 2017 (S.I. 2017/420) , arts. 1(2), 3(4) (with art. 4)
F5	Words in Sch. 2 para. 1(i) substituted (6.4.2017) by The Immigration (Health Charge) (Amendment) Order 2017 (S.I. 2017/420) , arts. 1(2), 3(5) (with art. 4)
F6	Words in Sch. 2 para. 1(l) substituted (31.12.2020) by The Immigration, Nationality and Asylum (EU Exit) Regulations 2019 (S.I. 2019/745) , regs. 1(2), 41 ; 2020 c. 1, Sch. 5 para. 1(1)
F7	Sch. 2 para. 1(m)(n) inserted (30.3.2019) by The Immigration (European Economic Area Nationals) (EU Exit) Order 2019 (S.I. 2019/686) , arts. 1(3), 10
F8	Sch. 2 para. 1(o) inserted (27.10.2020) by The Immigration (Health Charge) (Amendment) Order 2020 (S.I. 2020/1086) , arts. 1(1), 2(3)(a) (with art. 3)
Marginal Citations	
M1	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) .
M2	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.
M3	2014 anaw 4.
M4	S.I. 1995/755 (N.I. 2).
M5	1998 c. 42.
M6	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.

F9 2.

F9	Sch. 2 para. 2 omitted (6.4.2016) by virtue of The Immigration (Health Charge) (Amendment) Order 2016 (S.I. 2016/400) , arts. 1(1), 3(3)
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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 ^{M7}) who is resident in the Falkland Islands.

Marginal Citations	
M7	2002 c. 8.

[^{F10}4. In this Schedule—

[^{F11}"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;]

"competent authority" means a designated competent authority of the United Kingdom for the purposes of the Trafficking Convention;

"positive conclusive grounds decision" means a decision made by a competent authority that the applicant is either—

- (a) a victim of human trafficking, or
- (b) a victim of slavery, servitude or forced or compulsory labour;

[^{F11}"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;]

[^{F11}"immigration rules" means the rules made under section 3(2) of the Immigration Act 1971;]

[^{F11}"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;]

[^{F11}"sponsor" means a person licensed by the Secretary of State to issue certificates of sponsorship;]

[^{F11}"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 unpaid) or some other economic activity, where that person is required by the immigration rules to obtain a certificate of sponsorship;]

[^{F11}"Tier 2 (General) Migrant" has the meaning given by paragraph 6 of the immigration rules;]

"Trafficking Convention" means the Council of Europe Convention on Action against Trafficking in Human Beings;

"Trafficking Convention reason" means a reason, in accordance with the United Kingdom's obligations under the Trafficking Convention, that the applicant's stay in the United Kingdom is necessary—

- (a) because of the applicant's personal situation,
- (b) because the applicant is co-operating with a police investigation or criminal proceedings, or
- (c) in order to pursue a claim for compensation against the applicant's trafficker or modern slavery facilitator.]

F10 Sch. 2 para. 4 inserted (6.4.2017) by [The Immigration \(Health Charge\) \(Amendment\) Order 2017 \(S.I. 2017/420\)](#), arts. 1(2), **3(6)** (with art. 4)

F11 Words in Sch. 2 para. 4 inserted (27.10.2020) by [The Immigration \(Health Charge\) \(Amendment\) Order 2020 \(S.I. 2020/1086\)](#), arts. 1(1), **2(3)(b)** (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (Health Charge) Order 2015, SCHEDULE 2.