

SCHEDULE 2

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),

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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.]

Textual Amendments

- 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.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 para. 1(g) substituted by [S.I. 2024/55 art. 3\(2\)\(b\)](#)
- Sch. 2 para. 1(i) words substituted by [S.I. 2024/55 art. 3\(2\)\(d\)](#)
- Sch. 2 para. 1(o) words substituted by [S.I. 2024/55 art. 3\(2\)\(e\)\(i\)](#)
- Sch. 2 para. 1(o) words substituted by [S.I. 2024/55 art. 3\(2\)\(e\)\(ii\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 1(fa) inserted by [S.I. 2024/55 art. 3\(2\)\(a\)](#)
- Sch. 2 para. 1(ha) inserted by [S.I. 2024/55 art. 3\(2\)\(c\)](#)
- Sch. 2 para. 1(p) inserted by [S.I. 2024/55 art. 3\(2\)\(f\)](#)