

2018 No. 1389

IMMIGRATION

The Immigration (Health Charge) (Amendment) Order 2018

Made - - - - *18th December 2018*

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 to persons who have been given immigration permission.

In accordance with section 74(2) 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 2018 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).

New article 5A of the Principal Order

2. After article 5 (when a charge must be paid) of the Principal Order insert—

“Payment in foreign currency

5A. Where a person seeks to pay a charge required under article 3 of this Order in a currency other than sterling (“the foreign currency”), the charge payable in the foreign currency is determined by reference to the Home Office Exchange Rate Policy^(c) applying on the date that the payment is made.”.

Amendment of Schedule 1 to the Principal Order

3.—(1) Schedule 1 (amount of the charge) to the Principal Order is amended as follows.

(2) 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 “£150” substitute “£300”;

(a) 2014 c. 22.

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

(c) Accessible at <http://www.gov.uk/government/publications/exchange-rate-policy>. Hard copies can be obtained from: Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon CR0 1XG.

- (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 “£150” substitute “£300”;
- (c) in the entry “application for entry clearance as a Tier 5 (Youth Mobility Scheme) Temporary Migrant in accordance with the immigration rules”, for “£150” substitute “£300”;
- (d) in the entry “all other applications for entry clearance or leave to remain”, for “£200” substitute “£400”.

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.

Caroline Nokes
Minister of State
Home Office

18th December 2018

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 the Principal Order to make provision in respect of the exchange rate which the Home Office is to apply when the charge is paid in a currency other than sterling. The exchange rate is to be determined by reference to the Home Office Exchange Rate Policy, accessible at <http://www.gov.uk/government/publications/exchange-rate-policy>. Hard copies can be obtained from: Fees and Income Planning Team, 8th Floor, Southern House, Wellesley Grove, Croydon CR0 1XG.

Article 3 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 £150 to £300. In respect of all other categories of application, the annual amount is increased from £200 to £400.

Article 4 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 annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

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