

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of
the Immigration Act 1971*

*Ordered by The House of Commons to be printed
20 December 2011*

(This document is accompanied by an Explanatory Memorandum)

© Crown copyright 2011

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be addressed to Anne Dunne at the Home Office. Tel: 020 7035 8100 or e-mail: Anne.Dunne7@homeoffice.gsi.gov.uk

This publication is also available for download at www.official-documents.gov.uk

ISBN: 9780102975567

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID: P002470078 12/11 17488 19585

Printed on paper containing 75% recycled fibre content minimum.

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622) and 8 December 2011 (HC 1693).

The changes set out in this statement shall take effect on 9 January 2012.

Review

Before the end of each review period, the Secretary of State must:

- (a) carry out a review of the changes made by HC 1719 to the extent that they are still in force,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

The report must in particular:

- (a) set out the objectives intended to be achieved by any regulatory system established by HC 1719,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 9 January 2012, and
- (b) subject to the paragraph below, each successive period of five years. If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

Changes

1. Appendix 1 is amended as follows.
2. In paragraph 1(a) after “South Africa” insert “South Sudan”.
3. In paragraph 1(a), next to the entry “Turkey” insert “(except those referred to in subparagraph 2(q) of this Appendix)”.
4. After paragraph 2(l), insert—
“(q) those nationals or citizens of Turkey, who hold diplomatic passports issued by Turkey when travelling to the UK for the purpose of a general visit in accordance with paragraph 41”.



information & publishing solutions

Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Order through the Parliamentary Hotline Lo-Call 0845 7 023474

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone: 0870 240 3701

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

Telephone orders/General enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: bookshop@parliament.uk

Internet: <http://www.bookshop.parliament.uk>

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-297556-7



9 780102 975567

**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 20 DECEMBER 2011 (HC 1719)**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the Instrument**

- 2.1 This Statement of Changes amends Appendix 1 to the Immigration Rules which sets out those whose nationals and citizens who are required to obtain a visa in order to visit the UK.

- 2.2 Nationals from Turkey who hold diplomatic passports when travelling to the UK as a general visitor in accordance with paragraph 41 of the immigration rules will not require a visa. This change is being made following an assessment of the risk posed by specific categories of passport holders and in order to develop foreign policy relations between the United Kingdom and Turkey.

- 2.3 Nationals and citizens from South Sudan when travelling to the UK as a general visitor in accordance with paragraph 41 of the immigration rules will require a visa. This change is being made following the division of Sudan into two separate independent states on 9 July 2011.

3. **Matters of Special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

- 3.1 None.

4. **Legislative Context**

- 4.1 The Home Secretary is making the stated changes to Appendix 1 (Visa requirements for the United Kingdom) to the Immigration Rules laid down by her as to the practice to be followed in the administration of the Immigration Act 1971 for regulating entry into and the stay of persons in the United

Kingdom. The Home Secretary lays down this Statement of Changes under section 3(2) of the Immigration Act 1971.

4.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the Policy and Law page at: www.ukba.homeoffice.gov.uk, where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 As this Statement of Changes in the Immigration rules is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

What is being done and why

7.1 The UK values close co-operation with Turkey and these amendments to the UK's visa requirements will allow greater flexibility and ease of travel for those who are actively engaged in developing the ties between, and who are supporting the mutual interests of, both Governments.

7.2 These changes reflect a need to deepen relationships between the UK and Turkey whilst ensuring that the security of the UK border is upheld. From the 9 January 2012, Turkish nationals who hold valid diplomatic passports (biometric and pre-biometric) issued by Turkish authorities will be exempted from visa requirement to travel and stay temporarily in the territory of the United Kingdom for official and private visits.

7.3 These changes also reflect the fact that on the 9 July 2011, Sudan divided into two separate independent states. The north is now the Republic of Sudan, and the southern part is the Republic of South Sudan. In the intervening months Sudan and South Sudan have had transitional arrangements in place allowing citizens of both countries to travel on their old Sudanese passports. Under these arrangements, UKBA has continued to accept citizens of both countries travelling on their old Sudanese passports, and citizens of both countries have been treated as those of the Republic of Sudan in regards to visas i.e. remaining visa/DATV nationals. As the Government of South Sudan has begun to issue their own passports, it is now necessary to officially add them to the list of visa countries. From the 9 January 2012 South Sudan will be added to the list of countries whose nationals require a visa to enter the UK.

7.4 The change will be of interest in the countries concerned.

8. Consultation

8.1 The government of Turkey is aware of the changes being introduced. The government of South Sudan is aware that their citizens require a visa to enter the UK.

9. Guidance

9.1 Information on the changes will be made available to UK Border Agency staff, passengers, and airlines through proactive media engagement, updates to websites, letters and briefing packs for airlines and internal UKBA instructions, both in the UK and in the countries concerned.

10. Impact

10.1 An Impact Assessment is not required for this amendment as the impact is likely to be negligible.

11. Regulation small business

11.1 The legislation does not apply to small businesses.

12. Monitoring and review

12.1 The exemptions from a visa requirement on Turkish nationals and citizens holding Diplomatic passports will be regularly monitored.

13. Contact

Queries should be addressed to Anne Dunne at the Home Office. Tel: 020 7035 8100 or e-mail: Anne.Dunne7@homeoffice.gsi.gov.uk