

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
16 March 2015*

(This document is accompanied by an Explanatory Memorandum)



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Queries should be directed to the Home Office's contact centre on 0300 123 2241, or as per the 'Contact UKVI' section on the visas and immigration pages of the GOV.UK website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

Specific written queries relating to this Statement of Changes should be directed to StatementofChanges@homeoffice.gsi.gov.uk. Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

A copy of this Statement of Changes can be found on the visas and immigration pages of the gov.UK website at www.gov.uk/government/collections/immigration-rules-statement-of-changes

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¹STATEMENT 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), 24 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), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), 8 November 2013 (HC 803), 9 December 2013 (HC 887), 10 December 2013 (HC 901), 18 December 2013 (HC 938), 10 March 2014 (HC 1130), 13 March 2014 (HC 1138), 1 April 2014 (HC 1201), 10 June 2014 (HC 198), 10 July 2014 (HC 532), 16 October 2014 (HC 693) and 26 February 2015 (HC 1025).

¹ This Statement of Changes can be viewed at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

Implementation

The change set out in paragraph 1 shall take effect from 17 March 2015.

The change set out in paragraph 2 shall take effect from 24 April 2015.

Review

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) 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 6 April 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.

“Relevant Rule” means an immigration rule which imposes a net burden (or cost) on business or civil society organisations.

Changes

1. After paragraph 50C insert:

“50CA. Paragraph 50C (i) and (ii) shall not apply where the transit passenger is a citizen or national of Syria holding a B1 or B2 category visa for entry to the United States of America.”

2. In Appendix V, after paragraph V 7.8 insert:

“V 7.8.1 Paragraph V 7.8 (a) and (b) shall not apply where the transit passenger is a citizen or national of Syria holding a B1 or B2 category visa for entry to the United States of America.”

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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 16 MARCH 2015 (HC 1116)**

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. The purpose of these changes is to:

- Remove the transit without visa exemption in respect of Syrian citizens and nationals possessing a B1 or B2 category visa for entry to the United States of America.

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

3.1. The Home Office regrets that it has not been possible to give the usual 21 days' notice before the first of these changes takes effect.

3.2. The reason for the reduced notice period in relation to the changes to the availability of the transit without visa exemption for citizens and nationals of Syria is due to the detection of significant abuse of the transit without visa scheme. Evidence suggests such individuals are using this exemption from the requirement to hold a transit visa to travel to the UK in order to claim asylum, rather than to pass through the United Kingdom en route to another country or territory. The Government considers it is necessary to introduce this change with the minimum of notice in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum, with the associated heavy burden on public resources which might ensue as a result. Accordingly, the Government considers this is a proportionate and appropriate response to protect the United Kingdom and will work with airlines to implement the changes within the short notice period.

4. Legislative Context

4.1. The Immigration Rules, as laid before Parliament by the Home Secretary, constitute a statement of 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.

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 visas and immigration pages of the GOV.UK website at www.gov.uk/government/collections/immigration-rules where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The change set out in paragraph 1 shall take effect from 17 March 2015.

4.4. The change set out in paragraph 2 shall take effect from 24 April 2015.

5. Territorial Extent and Application

5.1. This Statement of Changes applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy Background

What is being done and why

7.1. As explained at paragraph 3.2 above, due to evidenced abuse, transit without visa on the basis of a B1 and B2 category visa for entry to the United States of America for Syrian citizens and nationals is being withdrawn. Accordingly paragraph 50C (i) and (ii) and paragraph V 7.8 (a) and (b) of the Immigration Rules are being disapplied to reflect this. The two sets of changes are required to ensure that the abuse of the transit without visa scheme ceases as soon as possible and takes into account the future introduction of Appendix V (immigration rules for visitors) which will replace the current transit without visa scheme on 24 April 2015. Syrian nationals will still have access to the transit without visa exemption in respect of other transit visa exemption document categories under the scheme and the Government will continue to monitor the UK visa regime to guard against abuse. Transitional arrangements are not considered appropriate for passengers who may already have pre-booked travel to the UK; the profile of Syrian nationals seen to abuse the transit without visa scheme is not limited to those who make last-minute airline bookings. Additionally the impact on both carriers and genuine travellers can be mitigated through other means; airlines may be able to rebook passengers on to other transit routes.

8. Consultation

8.1. There has been no public consultation.

9. Guidance

9.1. This change will be reflected in guidance on the GOV.UK website and on UK embassies' local websites. Relevant operational partners and carriers will be informed.

10. Impact

10.1. These changes to the immigration rules will have limited or no impact on business, charities, the public sector or voluntary bodies, such that an impact assessment is unnecessary.

11. Regulating small business

11.1. These changes will have limited or no impact on small businesses.

12. Monitoring and review

12.1. The Home Office regularly reviews the UK's visa regime.

13. Contact

13.1. Alex Burbidge at the Home Office Tel: 02070358720 or email: Alex.Burbidge2@homeoffice.gsi.gov.uk can answer any queries regarding the Statement of Changes.

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