## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contents</td>
<td>2</td>
</tr>
<tr>
<td>About this guidance</td>
<td>3</td>
</tr>
<tr>
<td>Contacts</td>
<td>3</td>
</tr>
<tr>
<td>Clearance</td>
<td>3</td>
</tr>
<tr>
<td>Changes from last version of this guidance</td>
<td>3</td>
</tr>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Background</td>
<td>4</td>
</tr>
<tr>
<td>Details of UN and EU travel bans</td>
<td>4</td>
</tr>
<tr>
<td>Legislation</td>
<td>5</td>
</tr>
<tr>
<td>Section 8B of the Immigration Act 1971</td>
<td>5</td>
</tr>
<tr>
<td>Counter-Terrorism and Security Act 2015</td>
<td>5</td>
</tr>
<tr>
<td>Refusing entry clearance, leave to enter or leave to remain</td>
<td>7</td>
</tr>
<tr>
<td>Refuse entry clearance or leave to enter</td>
<td>7</td>
</tr>
<tr>
<td>Refusal wording</td>
<td>7</td>
</tr>
<tr>
<td>Refuse leave to remain or further leave to remain</td>
<td>8</td>
</tr>
<tr>
<td>Refusal wording</td>
<td>8</td>
</tr>
<tr>
<td>Enforcement action</td>
<td>8</td>
</tr>
<tr>
<td>Revoking entry clearance</td>
<td>10</td>
</tr>
<tr>
<td>Direct Airside Transit Visa</td>
<td>11</td>
</tr>
<tr>
<td>Exemptions to travel bans</td>
<td>12</td>
</tr>
<tr>
<td>Exemptions provided by the UN or EU</td>
<td>12</td>
</tr>
<tr>
<td>Refugee Convention and Human Rights obligations</td>
<td>12</td>
</tr>
<tr>
<td>Appeal rights and administrative review</td>
<td>14</td>
</tr>
<tr>
<td>European Economic Area (EEA) nationals</td>
<td>15</td>
</tr>
<tr>
<td>Appeal rights under the 2006 regulations</td>
<td>15</td>
</tr>
<tr>
<td>Refuse EEA nationals and family members subject to a travel ban</td>
<td>17</td>
</tr>
<tr>
<td>Refuse admission or EEA family permit</td>
<td>17</td>
</tr>
<tr>
<td>Refusal wording: admission at the border</td>
<td>17</td>
</tr>
<tr>
<td>Refusal wording: EEA family permit</td>
<td>17</td>
</tr>
</tbody>
</table>
About this guidance

This guidance tells you how to deal with individuals who are, or are suspected of being, subject to a UN (United Nations) or EU (European Union) travel ban.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Criminality Policy Guidance Queries.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance

Below is information on when this version of the guidance was cleared:

- version 8.0
- published for Home Office staff on 20 December 2017

Changes from last version of this guidance

A minor correction on page 13 to the reference to section 8B(5A) of the Immigration Act 1971.

Related content

Contents
Introduction

This page tells you about international travel bans.

Background

Travel bans restrict the movement of identified individuals associated with regimes or groups whose behaviour is considered unacceptable by the international community. The decision to impose a travel ban is made either by the United Nations Security Council by means of a UN resolution, or by an instrument of the Council of the European Union (Council Decision or Common Position). Where a travel ban is agreed, UN or EU member states must deny the individuals concerned entry into, or transit through, their territory, except in limited circumstances.

Although there is no provision in UK law for a person to challenge their being subject to an international travel ban, both the UN and EU provide mechanisms for a person to apply to be de-listed.

Details of UN and EU travel bans

Details of the travel sanctions imposed by the UN and EU are published on the following websites:

- UN security council sanctions committees
- Official journal of the European Union

Related content

Contents
Legislation

This page tells you about the travel ban measures in the Immigration Act 1971 (‘1971 Act’) and the Authority to Carry Scheme 2015.

Section 8B of the Immigration Act 1971

Section 8B of the 1971 Act sets out the provisions which apply to non-European Economic Area (EEA) nationals who are excluded from the UK on the basis of a UN or EU travel ban.

Section 76 of the Immigration Act 2016 amended the travel ban provisions in the 1971 Act.

Unless an exemption applies, once the UN or EU impose a travel ban on a non-EEA national, the provisions in section 8B of the 1971 Act take effect. This means the individual becomes an ‘excluded person’ within the meaning of section 8B(4) and:

- under section 8B(1) they must be refused leave to enter or remain in the UK and any leave subsequently given is invalid
- under section 8B(2) any leave the person holds is automatically cancelled
- under section 8B(3) any exemption from immigration control, provided by the 1971 Act, no longer applies, so long as they are an excluded person

An ‘excluded person’ as meant by section 8B(4) is not to be confused with a person who is excluded personally by the Secretary of State.

Section 8B does not apply to EEA nationals or their third country national family members. If an EEA national or family member is subject to a travel ban you must deal with them under the Immigration (European Economic Area) Regulations 2016.

Counter-Terrorism and Security Act 2015

Sections 22 and 23 of the Counter-Terrorism and Security Act 2015 introduced provision for an Authority to Carry Scheme, requiring a carrier to seek authority to carry persons on aircraft, ships or trains which are arriving (or expected to arrive) or leaving (or expected to leave) the UK.

The Authority to Carry Scheme 2015 prevents certain individuals from travelling to or from the UK when that is necessary in the public interest. This includes individuals who are the subject of a UN or EU travel ban. If a carrier breaches a requirement of the Authority to Carry Scheme they may be liable to a financial penalty.

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Refusing entry clearance, leave to enter or leave to remain

This page tells you about refusing a non-EEA national who is subject to a travel ban.

Refuse entry clearance or leave to enter

A person who is the subject of a travel ban instrument must be refused leave to enter under section 8B(1)(a) of the 1971 Act unless an exemption applies.

If a person who is subject to a UN or EU travel ban requires a visa to come to the UK, refusing that person an entry clearance will prevent them from lawfully travelling here.

If the subject of a UN or EU travel ban is encountered applying for an entry clearance, or seeking leave to enter at the border, you can use the paragraphs provided below in your decision notices as appropriate. You must still provide full reasons for refusal and address any human rights or asylum issues arising, ensuring that no exemptions to the travel ban apply.

Remember to undo the bold effect in the entry text in your final document.

Refusal wording

‘On [date] you applied for entry clearance/leave to enter the UK as [insert basis of application, for example, ‘a Tier 4 migrant’]. I am refusing your application in accordance with section 8B(1)(a) of the Immigration Act 1971 as you are an excluded person within the meaning of section 8B(4) of that Act. This is because you are subject to travel restrictions imposed by the UN Security Council/Council of the European Union requiring that you be prevented from entering or transiting the UK. This is in compliance with [insert relevant UN Security Council resolution or EU Council Decision in full]. Having considered your application I am satisfied that no relevant exemptions to the travel ban apply.’

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Refuse leave to remain or further leave to remain

When a person becomes subject to a travel ban, unless an exemption applies, any existing leave to enter or remain that they hold is cancelled at that point by virtue of section 8B(2) of the 1971 Act. Unless an exemption applies, any application for leave to remain from an excluded person must be refused under section 8B(1)(b) of the 1971 Act.

Refusal wording

‘On [date] you applied for leave to remain/further leave to remain in the UK as [insert basis of application, for example, a Tier 4 migrant]. I am refusing your application in accordance with section 8B(1)(b) of the Immigration Act 1971 as you are an excluded person within the meaning of section 8B(4) of that Act. This is because you are subject to travel restrictions imposed by the UN Security Council/Council of the European Union. This is in compliance with [insert relevant UN Security Council resolution or EU Council Decision in full]. Having considered your application I am satisfied that no relevant exemptions to the travel ban apply.’

If the person is in the UK with existing leave to enter or remain and wishes to extend their stay by applying for leave to remain, or further leave to remain, add the following line:

‘Furthermore, on becoming an excluded person your leave to [enter/remain] was cancelled by virtue of section 8B(2) of the Immigration Act 1971. You are therefore in the UK without leave.’

Enforcement action

If the person has been refused and their leave has been cancelled, they are here without leave. You will need to consider whether the person can leave the UK voluntarily, or whether it is necessary to enforce removal, either by way of administrative removal or by deportation.

Related content
Revoking entry clearance

This page tells you about revoking an entry clearance held by a non-EEA national subject to a travel ban.

Under section 8B(2) of the 1971 Act any leave to enter that is conferred by an entry clearance is cancelled once the holder becomes subject to a UN or EU travel ban, unless an exemption applies. If an entry clearance is granted after the person becomes subject to a travel ban any leave normally conferred is invalidated by way of section 8B(1). This means that leave conferred by a multiple entry visit visa, which is not continuing leave, and so is not cancelled for successive visits, is still invalidated if the person tries to travel or enter with the entry clearance.

Although leave conferred by an entry clearance will be cancelled or invalidated under the provisions in section 8B of the 1971 Act, the entry clearance itself remains extant unless an Entry Clearance Officer (ECO) revokes it. For this reason you must seek to have the entry clearance revoked by an ECO on conducive grounds under paragraph 30A(iii) of the Immigration Rules.
Direct Airside Transit Visa

This page tells you about refusing a direct airside transit visa (DATV) to a person who is the subject of a UN or EU travel ban.

If a person who is the subject of a UN or EU travel ban applies for a DATV, unless an exemption to the travel ban applies, you must refuse the application. Although an application for a DATV is not considered under the Immigration Rules, the applicant can still be refused if any of the general grounds for refusal in paragraph 320 apply. Paragraph 320(19) will be relevant in travel ban cases. This is where:

‘The immigration officer deems the exclusion of the person from the United Kingdom to be conducive to the public good. For example, because the person’s conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter.’

For more information on refusing a DATV see direct airside transit visa guidance.

There is no right of appeal against a refusal.

Related content
Contents
Exemptions to travel bans

This page tells you about exemptions to international travel bans and when they are allowed.

Exemptions provided by the UN or EU

In certain circumstances the UN or EU allows exemptions to a travel ban. The particular exemptions are set out in the individual travel ban instruments and can include allowing travel for humanitarian or religious reasons, to take part in peace talks, or to give evidence at a trial. Exemptions may also be granted where there is an obligation in international law, for example if the UK is hosting an international inter-governmental organisation or an international conference convened by, or under the auspices of, the UN.

The UK will consider any request for an exemption to a travel ban on a case by case basis. If the UK agrees that a person should be allowed to travel here it will apply to the UN or EU for an exemption.

If the UN or EU grants an exemption to a travel ban, enabling a person to enter or transit the UK, this is normally for a specific period, sufficient to allow the person to undertake the approved activity. During that period the following provisions do not apply by virtue of section 8(5A) of the 1971 Act:

- section 8B(1) (refusal and invalidation of leave)
- section 8B(2) (cancellation of leave)
- section 8B(3) (removal of exemption from immigration control)

A UN or EU member state is not expected to refuse entry to its own nationals and British nationals are in any event not subject to the requirements of the 1971 Act.

Refugee Convention and Human Rights obligations
Under section 8B(5A) of the 1971 Act, even where an international travel ban is in force it will not be appropriate to refuse leave to enter or leave to remain, cancel an individual’s existing leave or remove an individual’s exemption from immigration control, where to do so would be contrary to the UK’s obligations under the European Convention on Human Rights (ECHR) or the 1951 UN Convention Relating to the Status of Refugees (Refugee Convention).

If a person who is subject to a travel ban is already in the UK, for example with leave, including indefinite leave or awaiting the outcome of an application, you must take into account any ECHR or Refugee Convention obligations when considering what action to take, including possible removal from the UK. If the person is already recognised as a refugee in the UK you must consider whether, given the reasons for the travel ban, it is appropriate for that status to be retained.
Appeal rights and administrative review

This page tells you about the rights of appeal or eligibility for administrative review that may arise in non-EEA national travel ban cases.

If you decide that no exemptions apply to prevent the cancellation or invalidation of leave, including indefinite leave and you are minded to refuse any application the person makes for leave and, or, pursue removal action, you must check whether your decision attracts a right of appeal.

Rights of appeal exist against the refusal of a human rights or protection claim and the revocation of protection status. Certain Immigration Rules based applications made in the UK are human rights applications and will attract a right of appeal against refusal.

See the Rights of appeal guidance for further information.

A person may be entitled to seek an administrative review of a decision to refuse an application for leave or entry clearance, if it is an "eligible decision". See the Administrative review guidance for further information.
European Economic Area (EEA) nationals

This page tells you about dealing with European Economic Area (EEA) nationals and their family members if they are subject to a travel ban.

For immigration purposes, EEA nationals and their family members, who may be third country nationals, are dealt with under the Immigration (European Economic Area) Regulations 2006 (as amended) (‘2006 Regulations’). Although EEA nationals, and family members who are accompanying or joining them, have the right to move and reside freely within EEA member states, that right is subject to certain limitations and conditions.

If an EEA national or the family member of an EEA national who is subject to a UN or EU travel ban, arrives at the border, you should normally refuse admission under the 2006 Regulations on grounds of public policy or public security. Similarly, you must refuse an EEA family permit to a person who is subject to a UN or EU travel ban. Decisions must be taken in accordance with the set of principles in regulation 21 of the 2006 Regulations.

If the EEA national or family member of an EEA national in respect of whom the travel ban is made is already present in the UK, you must consider whether the person’s removal from the UK on grounds of public policy or public security would be appropriate. Again you must consider the principles set out in regulation 21.

Appeal rights under the 2006 regulations

Under regulation 26 of the 2006 Regulations, where ‘an EEA decision’ is taken in respect of an EEA national or the family member of an EEA national, that person may be able to appeal the decision.

A person may only appeal from outside the UK against a decision to refuse admission to the UK (regulation 27(1)(a)), unless the person is in the UK and either:

- on arrival in the UK held a valid EEA family permit, registration certificate, residence card, derivative residence card, document certifying permanent residence or permanent residence card, or can otherwise prove that they are resident in the UK (regulation 27(2))
- they are detained or temporarily admitted or released while liable to detention, but on the date that the notice of the decision to refuse admission is served the person has been in the UK for at least 3 months

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Refuse EEA nationals and family members subject to a travel ban

This page tells you about refusing admission or EEA family permit applications if the person is subject to a travel ban.

Refuse admission or EEA family permit

If an EEA national or their third country national family member is subject to a travel ban and applies for an EEA family permit or for admission to the UK, any decision to refuse must be taken on grounds of public policy or public security. In considering whether or not to refuse, you must take into account the set of principles in regulation 21 of the 2006 Regulations.

You can use the paragraphs provided below in your decision notices as appropriate. You must still provide full reasons for refusal ensuring that no exemptions to the travel ban apply.

Remember to undo the bold effect in the entry text in your final document.

Refusal wording: admission at the border

‘You are seeking admission to the UK as an EEA national/the family member of an EEA national. I am refusing you admission under regulation 19(1) of the Immigration (European Economic Area) Regulations 2006 (as amended) on the basis that your exclusion from the UK is justified on grounds of public policy/public security. This is because you are subject to travel restrictions imposed by the UN Security Council/Council of the European Union, requiring that you are prevented from entering or transiting the UK. This is in compliance with [insert relevant UN Security Council resolution or EU Council Decision in full]. Having considered your application I am satisfied that no relevant exemptions to the travel ban apply.’

Refusal wording: EEA family permit

‘You have applied for an EEA family permit for [insert reasons/details]. I am refusing your application under regulation 12(5) of the Immigration (European Economic Area) Regulations 2006 (as amended) on the basis that you fall to be excluded from the UK on grounds of public policy/public security. This is because you are subject to travel restrictions imposed by the UN Security Council/Council of the European Union, requiring that you are prevented from entering or transiting the UK. This is in compliance with [insert relevant UN Security Council resolution or EU Council Decision in full]. Having considered your application I am satisfied that no relevant exemptions to the travel ban apply.’

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