

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 5 June 1997 under section 3(2) of  
the Immigration Act 1971.*

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*Ordered by The House of Commons to be printed  
5 June 1997*

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LONDON: THE STATIONERY OFFICE

£1.10

## STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has, with effect from 5 June 1997, made the change hereinafter stated in the Rules laid down by him 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 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 (Cmnd 2663), 26 October 1995 (HC 797), 4 January 1996 (Cmnd 3073), 7 March 1996 (HC 274), 2 April 1996 (HC 329), 30 August 1996 (Cmnd 3365), 31 October 1996 (HC 31) 27 February 1997 (HC338) and 29 May 1997 (Cmnd 3669).

1. For paragraph 281, there shall be substituted:

“281. The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the spouse of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement are that:

- (i) the applicant is married to a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the marriage have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

For the purposes of this paragraph, a member of HM Forces based in the United Kingdom but serving overseas is to be regarded as present and settled in the United Kingdom.”

2. For paragraph 284, there shall be substituted:

“284. The requirements for an extension of stay as the spouse of a person present and settled in the United Kingdom are that:

- (i) the applicant has limited leave to remain in the United Kingdom; and
- (ii) is married to a person present and settled in the United Kingdom; and
- (iii) the parties to the marriage have met; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the marriage has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under Section 6(2) of the Immigration Act 1971; and
- (vi) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and
- (vii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds.

3. For paragraph 290, there shall be substituted:

“290. The requirements to be met by a person seeking leave to enter the United Kingdom as a fiance(e) are that:

- (i) the applicant is seeking leave to enter the United Kingdom for marriage to a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse after the marriage; and

- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage; and
  - (v) there will, after the marriage, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
  - (vi) the parties will be able after the marriage to maintain themselves and any dependants adequately without recourse to public funds; and
  - (vii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.”
4. For sub-paragraph (iv) of paragraph 293, there shall be substituted:
- “(iv) the requirements of paragraph 290 (ii)-(vi) are met.”

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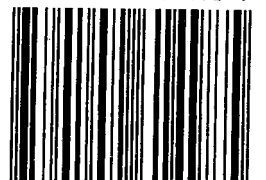
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