STATEMENT OF CHANGES IN IMMIGRATION RULES

Laid before Parliament on 23 January 2006 under section 3(2) of the Immigration Act 1971

Ordered by The House of Commons to be printed 23 January 2006

(This document is accompanied by an Explanatory Memorandum)

HC 819 LONDON: THE STATIONERY OFFICE £4.00

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes 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 (HC 338), 29 May 1997 (Cmnd 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cmnd 3953), 8 October 1998 (Cmnd 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cmnd 4851), 27 August 2001 (Cmnd 5253), 16 April 2002 (HC 735), 27 August 2002 (Cmnd 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 (Cmnd 5829), 24 August 2003 (Cmnd 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 (HC 523), 3 August 2004 (Cmnd 6297), 24 September 2004 (Cmnd 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) and 9 January 2006 (HC 769).

The change shall take effect on 12th February 2006.

1. After paragraph 41 (vii), insert:

"; and

(viii) is not a child under the age of 18."

2. After paragraph 46 insert:

"CHILD VISITORS

Requirements for leave to enter as a child visitor

46A The requirements to be met by a person seeking leave to enter the United Kingdom as a child visitor are that he:

- (i) meets the requirements of paragraph 41 (i)-(vii); and
- (ii) is under the age of 18; and
- (iii) can demonstrate that suitable arrangements have been made for his travel to, and reception and care in the United Kingdom; and
- (iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care; and
- (v) if a visa national:
 - (a) holds a valid United Kingdom entry clearance for entry as an accompanied child visitor and is travelling in the company of the adult identified on his entry clearance, who is on the same occasion being admitted to the United Kingdom; or
 - (b) holds a valid United Kingdom entry clearance for entry as an unaccompanied child visitor.

Leave to enter as a child visitor

46B A person seeking leave to enter the United Kingdom as a child visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, providing that the Immigration Officer is satisfied that each of the requirements of paragraph 46A is met.

Refusal of leave to enter as a child visitor

46C Leave to enter as a child visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46A is met.

Requirements for an extension of stay as a child visitor

46D Six months is the maximum permitted leave which may be granted to a child visitor. The requirements for an extension of stay as a child visitor are that the applicant:

- (i) meets the requirements of paragraph 41 (ii) to (vii); and
- (ii) is under the age of 18; and
- (iii) can demonstrate that there are suitable arrangements for his care in the United Kingdom; and
- (iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care; and

(v) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom as a child visitor.

Extension of stay as a child visitor

46E An extension of stay as a child visitor may be granted, subject to a condition prohibiting employment, provided the Secretary of State is satisfied that each of the requirements of paragraph 46D is met.

Refusal of extension of stay as a child visitor

46F An extension of stay as a child visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 46D is met."

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EXPLANATORY MEMORANDUM TO THE STATEMENT OF CHANGES IN IMMIGRATION RULES LAID ON 23 JANUARY 2006 (HC 819)

[ADMISSION OF CHILDREN AS VISITORS]

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

2. Description

- 2.1 This Statement of Changes in Immigration Rules contains the following:
 - (i) a provision requiring that a child under the age of 18 who is travelling alone should be able to demonstrate that suitable arrangements have been made for his travel to, and reception and care in the United Kingdom and that he has a parent or guardian in his home country or country of habitual residence who is responsible for his care.
 - (ii) a provision requiring that children who are visa nationals and accompanied should have the name of that adult entered on their visa, and can only be given leave to enter on the same occasion as that accompanying adult.

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

3.1 None.

4. Legislative background

- 4.1 The Immigration Rules are the rules made under section 3(2) of the Immigration Act 1971. These constitute a statement of practice, as laid before Parliament by the Home Secretary, to be followed in regulating entry into, and stay of persons in, the United Kingdom. Under section 3(2) the Secretary of State is obliged ".. from time to time (and as soon as may be) lay before Parliament statements of the rules, or any changes in the rules, laid down by him as to the practice to be followed in the administration of this Act ..".
- 4.2 This Statement of Changes in Immigration Rules will be laid on 23 January, 2006 to make changes to the current visitor provisions in so far as they include children. The changes will take effect from 12 February 2006.
- 4.3 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules which can be found under the 'Laws & Policy' page at: www.ind.homeoffice.gov.uk, where there are also copies of all the Statement of Changes in Immigration Rules issued since May 2003.

5. Extent

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

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

- 7.1 A summary of the policy changes to the current admission of children as visitors, as contained in this Statement of Changes in Immigration Rules, follows:
 - Children travelling alone and applying for entry as visitors will have to meet all the visitor requirements in the Immigration Rules (as they do at present). In addition, they will now have

- to show that there are arrangements in place for their arrival in the UK and will also need to identify the parent or guardian normally responsible for them in the home country.
- This means that in the case of a child who subsequently comes to the attention of the caring or educational services we will have a record of their family and carers both prior to, and immediately after, arrival. If the provision of these gives cause for concern then entry to the UK may be refused and, or, further investigation take place.
- Children who are accompanying an adult, whether a family member or not, and seeking entry as visitors will have to meet all the requirements of the visitor rules. In addition, they will have to give details of the accompanying adult so that the nature of the journey and the relationship can be established. Children from countries whose nationals require a visa to enter the UK will have to produce, in order to be admitted, a visa or entry clearance that names the accompanying adult in an identifiable way, and will only be admitted to the UK on the same occasion as this adult.
- If the provision of this information, or the information itself, gives cause for concern, either when provided or at the point of entry, then entry to the UK may be refused and, or, further investigation take place. The information and identities provided will be a record that may be accessed if the child subsequently comes to the attention of the caring or educational services.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Statement of Changes in Immigration Rules as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Queries should be addressed to the Home Office's Immigration and Nationality Enquiry Bureau on telephone: 0870-6067766 or by e-mail: indpublicenquiries@ind.homeoffice.gsi.gov.uk