

Statement of Changes in Immigration Rules - HC1224

November 2003

Laid before Parliament on 12 November 2003 under section 3(2) of the Immigration Act 1971

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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 (Cmnd 5829) and 24 August 2003 (Cmnd 5949).

These changes take effect on 13th November 2003.

1. In paragraph 6, after the definition of "visa nationals", insert:

"specified national" is a person specified in Appendix 3 to these Rules who seeks leave to enter the United Kingdom for a period of more than 6 months."

2. After paragraph 23, insert:

"Leave to enter granted on arrival in the United Kingdom

23A. A person who is not a visa national, not a specified national or who is seeking entry for a purpose for which prior entry clearance is not required under these Rules may ascertain in advance whether he is eligible for admission to the United Kingdom by applying for an entry clearance in accordance with paragraphs 24-30. A person who seeks leave to enter on arrival in the United Kingdom may be granted such leave, irrespective of the purpose or period of time for which he seeks entry, for a period not exceeding 6 months."

3. In paragraph 24, after "visa national", insert ", a specified national".

4. In paragraphs 104 to 109, for "seasonal worker", substitute "seasonal agricultural worker".

5. Paragraph 104 is amended as follows:

(i) in sub-paragraph (i), for "between 18-25 years inclusive, except if returning for another season at the specific invitation of a farmer", substitute "18 or over";

(ii) in sub-paragraph (ii), after "holds", insert "an immigration employment document in the form of";

(iii) in sub-paragraph (iv), for "in the terms of this paragraph", substitute "as permitted by his work card and within the terms of this paragraph";

(iv) after sub-paragraph (iv), insert:

"(v) is not seeking leave to enter on a date less than 3 months from the date on which an earlier period of leave to enter or remain granted to him in this capacity expired; and";

(v) re-number paragraph (v) as (vi) and, in that paragraph delete "and any dependants".

6. For paragraph 105, substitute:

"A person seeking leave to enter the United Kingdom as a seasonal agricultural worker may be admitted with a condition restricting his freedom to take employment for a period not exceeding 6 months, providing the Immigration Officer is satisfied that each of the requirements of paragraph 104 is met".

7. For paragraph 107, substitute:

"107. The requirements for an extension of stay as a seasonal agricultural worker are that the applicant:

(i) entered the United Kingdom as a seasonal agricultural worker under paragraph 105; and

(ii) has an immigration employment document in the form of a Home Office work card issued by an operator approved by the Home Office that is valid for the duration of the period of the requested extension of stay; and

(iii) meets the requirements of paragraphs 104 (iii) - (vi); and

(iv) would not, as a result of the extension of stay sought, remain in the United Kingdom as a seasonal agricultural worker beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity."

8. For paragraph 108, substitute:

"108. An extension of stay as a seasonal agricultural worker may be granted with a condition restricting his freedom to take employment for a period which does not extend beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 107."

In paragraph 116, sub-paragraph (vi), after "without recourse to public funds", insert ";and".

10. In paragraph 116, after sub-paragraph (vi), insert "(vii) holds a valid United Kingdom enter clearance for entry in this capacity except where he holds a work permit valid for 6 months or less or he is a national of one of the following countries: Republic of Cyprus, Czech Republic, Republic of Estonia, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Republic of Malta, Republic of Poland or the Republic of Slovenia".

11. For paragraph 117, substitute:

" A person seeking leave to enter the United Kingdom for the purpose of approved training or approved work experience under the Training and Work Experience Scheme may be admitted to the United Kingdom for a period not exceeding the period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 116(i)-(vi) is met."

12. For paragraph 118, substitute:

"Leave to enter the United Kingdom for Home Office approved training or work experience under the Training and Work Experience scheme is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival

or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 116(i)-(vi) is met."

13. For paragraph 120, substitute:

"An extension of stay for approved training or approved work experience under the Training and Work Experience scheme may be granted for a further period not exceeding the extended period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), provided that in each case the Secretary of State is satisfied that the requirements of paragraph 119 are met. An extension of stay is to be subject to a condition permitting the applicant to take or change employment only with the permission of the Home Office."

14. For paragraph 121, substitute:

"121. An extension of stay for approved training or approved work experience under the Training and Work Experience scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 119 is met."

15. In paragraph 128, sub-paragraph (vi), after "intends to leave the United Kingdom at the end of his approved employment" add ";and".

16. In paragraph 128, after sub-paragraph (vi), insert "(vii) holds a valid United Kingdom entry clearance for entry in this capacity except where he holds a work permit for 6 months' or less or where he is national of one of the following countries: Republic of Cyprus, Czech Republic, Republic of Estonia, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Republic of Malta, Republic of Poland or the Republic of Slovenia".

17. For paragraph 129, substitute "A person seeking leave to enter the United Kingdom for the purpose of work permit employment may be admitted for a period not exceeding the period of employment approved by the Home Office (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, where entry clearance is not required, provided that the Immigration Officer is satisfied that each of the requirements of paragraph 128(i) - (vi) is met."

18. For paragraph 130, substitute "Leave to enter for the purpose of work permit employment is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 128(i) - (vi) is met."

20. In paragraph 132 for "or 131C", substitute ",131C or 131D".

21. In paragraph 133, for "or 131C", substitute ",131C or 131D".

22. In paragraph 134 (ii), for "131", substitute "131, 131A, 131B, 131C or 131D".

23. In paragraph 302, for "12 months", substitute "24 months".

24. After Appendix 2, insert:

"APPENDIX 3

SPECIFIED NATIONALS: ENTRY CLEARANCE REQUIREMENTS FOR THE UNITED KINGDOM

Nationals or citizens of the following countries who seek leave to enter the United Kingdom for a period of more than 6 months need an entry clearance for the United Kingdom issued for the purpose for which entry is sought:

Australia,
Canada,
Hong Kong (other than British Nationals (Overseas) under section 2(1) of the Hong Kong Act
1985,
Japan,
Malaysia,
New Zealand,
Singapore,
South Africa,
South Korea,
United States of America".