

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
7 February 2013*

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Queries should be directed to the UK Border Agency's Immigration Enquiry Bureau on 0870 606 7766 or as per the the contact page on the UK Border Agency website at www.ukba.homeoffice.gov.uk/contact/.

Queries specifically regarding tuberculosis screening only should be addressed to: Richard Postill at the UK Border Agency on 020 7035 4057 or Richard.Postill@homeoffice.gsi.gov.uk

Specific written queries relating to 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 applicants, will not receive a response.

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STATEMENT 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) and 9 July 2012 (HC 514), 19 July (Cm 8423), 5 September 2012 (HC 565) and 22 November 2012 (HC760), 12 December 2012 (HC 820), 20 December 2012 (HC 847) and 30 January 2013 (HC 943).

Implementation

The changes set out in this Statement shall take effect on 28 February 2013.

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) 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. In Appendix T Part 1 – applicable countries (in the bullet list) after “Thailand” insert “The Philippines”.
- 2. In Appendix T Part 2 – list of screening clinics after Malaysia “info@lifecare.com.my” insert
“Kuching:

Normah Medical Specialist Centre
Lot 937, Section 30 KTL D,
Jalan Tun Abdul Rahman,
Petra Jaya,
93050 Kuching, Sarawak
T: +60 82-440055
inquiry@normah.com

Penang:

Penang Adventist Hospital
465 Jalan Burma,
10350 Penang,
Tel (+604) 226 1566 Ext.202
Fax (+604) 229 3037
Website: www.pah.com.my”.

- 3. In appendix T Part 2 – list of screening clinics after “Thailand Fax:+66 2 234 7956” insert
“**The Philippines**

Manila – International Organization for Migration (IOM)
IOM Health Centre
15th Floor Trafalgar Plaza,
105 H.V. dela Costa Street,
Salcedo Village,
Makati City 1227,
Metro Manila”.



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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
PRESENTED TO PARLIAMENT ON 7 FEBRUARY 2013 (HC 967)**

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. Incorporate compulsory screening for active pulmonary tuberculosis for migrants coming to the UK for over six months, from an additional specified country, the Philippines and add a further two authorised screening clinics in Malaysia.

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

3.1. This Statement changes Immigration Rules which incorporated compulsory screening for active pulmonary tuberculosis of migrants coming to the UK for more than six months from 22 specified countries and named the clinics authorised to carry out this screening. This Statement adds the Philippines to the specified countries and names the authorised clinic in this country. This Statement also adds another two authorised clinics in Malaysia.

3.2 These changes reflect a Government commitment to introduce pre-entry screening for tuberculosis in 82 countries. The relevant Written Ministerial Statement (WMS) of the then Minister of State for Immigration, Damian Green, of 21 May 2012 is at <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/may/42-tb-test>.

3.3 Operationally, we are ensuring alignment with Five Country Conference (FCC) partners who have been supporting the UK in implementing this programme and also the International Organisation for Migration (IOM) who are providing screening facilities in the Philippines. Concerns expressed by FCC partners over the clinical standards of screening providers in the Philippines meant that we were unable to deliver a screening capability in the Philippines within the first phase of implementation but the use of a bespoke IOM facility, shared with Canada, means we can better prevent the potential importation of further TB cases and obviate the need for publically funded, on-entry screening.

3.4 Following the submission and Rules change in December, extending TB screening to a further seven countries, the Secondary Legislation Scrutiny Committee were advised of the scope of the project and the planned frequency of Rules changes

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 'Policy and Law' page at www.ukba.homeoffice.gov.uk where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.

4.3. The changes effected by this Statement of Changes to the Immigration Rules will take effect on 28 February 2013.

5. Territorial Extent and Application

5.1. This instrument 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

7.1. The UK has had a longstanding policy of screening new entrants from high incidence tuberculosis countries intending to remain for over six months. Screening has been conducted at ports of entry and, since October 2005, pre-entry in some high incidence tuberculosis countries. On 21 May 2012 the Government announced its intention to expand upon the pre-entry screening programme to allow for more extensive screening. Entry clearance applicants intending to come to the UK for over six months from countries where pre-entry screening is available will be required to present a certificate from a designated screening provider confirming that screening has been conducted and that the applicant has been diagnosed as free from active pulmonary tuberculosis. Where tuberculosis is detected, the applicant will be required to undertake treatment and further screening before any entry clearance application can be made. This Statement increases the number of countries in which pre entry screening is required and increases the number of clinics authorised to carry out this screening in accordance with this policy.

8. Consultation

8.1. As the effect of these changes is to better reflect stated policy intentions these changes were not the subject of a formal consultation.

9. Guidance

9.1. Where necessary guidance will be updated and placed on the UK Border Agency website.

10. Impact

10.1. These changes covered in this statement are minor and expected to be of limited impact, such that an impact assessment is unnecessary.

11. Regulating small business

11.1. This Statement of Changes has no impact on small businesses.

12. Monitoring and review

12.1. The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement, and lay a report before Parliament within five years of 6 April 2012, and within every five years after that. Following each review the Secretary of State will decide whether the relevant

Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

13. Contact

13.1. Queries specifically regarding this Statement of Changes only should be addressed to Richard Postill at the UK Border Agency on 020 7035 4057 or Richard.Postill@homeoffice.gsi.gov.uk

13.2. Other queries not related to this Statement of Changes, such as queries relating to individual cases, should be addressed as per the Contact page on the UK Border Agency website at www.ukba.homeoffice.gov.uk/contact/.

13.3. Queries from applicants about their applications should NOT be addressed to the contacts above. Such queries should be addressed as directed by the UK Border Agency website www.ukba.homeoffice.gov.uk/contact/.