

# Statement of Changes in Immigration Rules - Cm5829

## May 2003

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) and 28 July 2000 (HC 704) and 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) and 10 February 2003 (HC 389), and 31 March 2003 (HC538).

These changes take effect on 30th May 2003.

1. In sub-paragraph 131(i), delete "or was subsequently granted an extension of stay for work permit employment under paragraph 131A or 131B".

2. After paragraph 131B, insert:

"131C The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a person granted leave to enter for the purpose of employment under the Sectors-Based Scheme are that the applicant:

(i) entered the United Kingdom for the purpose of employment under the Sectors-Based Scheme in accordance with paragraphs 135I to 135K of these Rules; and

(ii) holds a valid Home Office immigration employment document for employment (which is not an immigration employment document issued under the Sectors-Based Scheme); and

(iii) meets each of the requirements of paragraph 128(ii) to (vi)."

3. In sub-paragraph 132, after "the requirements of paragraph 131", insert ",131A, 131B or 131C".

4. In sub-paragraph 133, after "the requirements of paragraph 131", insert ",131A, 131B or 131C".

5. After paragraph 135H, insert:

### **"Sectors-Based Scheme**

#### **Requirements for leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme**

135I. The requirements to be met by a person seeking leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme are that he:

(i) holds a valid Home Office immigration employment document issued under the Sectors-Based Scheme; and

(ii) is not of an age which puts him outside the limits for employment; and

(iii) is capable of undertaking the employment specified in the immigration employment document; and

(iv) does not intend to take employment except as specified in his immigration employment document; and

(v) is able to maintain and accommodate himself adequately without recourse to public funds; and

(vi) intends to leave the United Kingdom at the end of his approved employment; and

(vii) holds a valid United Kingdom entry clearance for entry in this capacity, except where 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.

### **Leave to enter for the purpose of employment under the Sectors-Based Scheme**

135J. A person seeking leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme may be admitted for a period not exceeding 12 months (normally as specified in his work permit), subject to a condition restricting him to employment approved by the Home Office, provided the Immigration Officer is satisfied that each of the requirements of paragraph 135I is met.

### **Refusal of leave to enter for the purpose of employment under the Sectors-Based Scheme**

135K. Leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135I is met."

6. In paragraph 194, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

7. In paragraph 195, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

8. In paragraph 195, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

9. In paragraph 196, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

10. In paragraph 197, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

11. In paragraph 198, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

12. In paragraph 199, after each reference to "paragraphs 128-193", insert "(but not paragraphs 135I-135K)".

13. In paragraph 314, after sub-paragraph (c), for "(e)", substitute "(d)".

14. In paragraph 316B, for "12 months", substitute "24 months".

15. After paragraph 316C, insert:

**"Requirements for limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention**

316D The requirements to be satisfied in the case of a child seeking limited leave to enter the United Kingdom for the purpose of being adopted in the United Kingdom under the Hague Convention are that he:

- (i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the United Kingdom and who wish to adopt him under the Hague Convention ("the prospective parents");
- (ii) is the subject of an agreement made under Article 17(c) of the Hague Convention; and
- (iii) has been entrusted to the prospective parents by the competent administrative authority of the country from which he is coming to the United Kingdom for adoption under the Hague Convention; and
- (iv) is under the age of 18; and
- (v)\* can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
- (vi)\* holds a valid United Kingdom entry clearance for entry in this capacity.

**Limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention**

316E A person seeking limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid United Kingdom entry clearance for entry in this capacity.

**Refusal of limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention**

316F Limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention 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."

\* please note in the printed version of CM5829 these points appear in error numbered as an alternative version of 316D (iii) and (iv)