

Statement of Changes in Immigration Rules - HC302

February 2005

Laid before Parliament on 7 February 2005 under section 3(2) of the Immigration Act 1971

Ordered by the House of Commons to be printed 7 February 2005

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 (HC329), 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 (Cmnd4065), 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), 17th 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 (Cmnd 6297), 24 September 2004 (Cmnd 6339), 18 October 2004 (HC 1112) and 20 December 2004 (HC 164).

These changes take effect on 8 February 2005.

Requirements for leave to enter as a working holidaymaker

95. The requirements to be met by a person seeking leave to enter the United Kingdom as a working holidaymaker are that he:

- (i) is a national or citizen of a country listed in Appendix 3 of these Rules, or a British Overseas Citizen; a British Overseas Territories Citizen; or a British National (Overseas); and
- (ii) is aged between 17 and 30 inclusive or was so aged at the date of his application for leave to enter; and
- (iii) is unmarried or is married to a person who meets the requirements of this paragraph and the parties to the marriage intend to take a working holiday together; and
- (iv) has the means to pay for his return or onward journey; and
- (v) is able and intends to maintain and accommodate himself without recourse to public funds; and
- (vi) is intending only to take employment incidental to a holiday, and not to engage in business, or to provide services as a professional sportsman, and in any event not to work for more than 12 months during his stay; and
- (vii) does not have dependent children any of whom are 5 years of age or over or who will reach 5 years of age before the applicant completes his working holiday; and
- (viii) intends to leave the UK at the end of his working holiday: and

(ix) has not spent time in the United Kingdom on a previous working holidaymaker entry clearance; and

(x) holds a valid United Kingdom entry clearance for entry in this capacity.

Leave to enter as a working holidaymaker

96. A person seeking to enter the United Kingdom as a working holidaymaker may be admitted provided he is able to produce on arrival a valid United Kingdom entry clearance for entry in this capacity.

4. Delete paragraphs 98 to 100.

5. For paragraph 101 substitute:

"Requirements for leave to enter or remain as the child of a working holidaymaker

101. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a working holidaymaker are that:

(i) he is the child of a parent admitted to, and currently present in, the United Kingdom as a working holidaymaker; and

(ii) he is under the age of 5 and will leave the United Kingdom before reaching that age; and

(iii) he can and will be maintained and accommodated adequately without recourse to public funds or without his parent(s) engaging in employment except as provided by paragraph 95 above; and

(iv) both parents are being or have been admitted to the United Kingdom, save where:

(a) the parent he is accompanying or joining is his sole surviving parent; or

(b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and

(v) he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity, and is seeking leave to a date not beyond the date to which his parent(s) have leave to enter in the working holidaymaker category.

Leave to enter [or remain] as the child of a working holidaymaker

102. A person seeking to enter the United Kingdom as the child of working holidaymaker/s must be able to produce on arrival a valid United Kingdom entry clearance for entry in this capacity.

131D. 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 working holidaymaker are that the applicant:

(i) entered the United Kingdom as a working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and

- (ii) he has spent more than 12 months in total in the UK in this capacity; and
- (iii) holds a valid Home Office immigration employment document for employment in an occupation listed on the Work Permits (UK) shortage occupations list; and
- (iv) meets each of the requirements of paragraph 128 (ii) to (vi).

List of countries participating in the Working Holidaymaker scheme

Antigua and Barbuda,
Australia,
The Bahamas,
Bangladesh,
Barbados,
Belize,
Botswana,
Brunei Darussalam,
Canada,
Cameroon,
Dominica,
Fiji Islands,
The Gambia,
Ghana,
Grenada,
Guyana,
India,
Jamaica,
Kenya,
Kiribati,
Malawi,
Malaysia,
Maldives,
Mauritius,
Mozambique,
Namibia,
Nauru,
New Zealand,
Nigeria,
Pakistan,
Papua New Guinea,
Saint Christopher and Nevis,
Saint Lucia,
Saint Vincent and the Grenadines,
Seychelles,
Sierra Leone,
Singapore,
Solomon Islands,
South Africa,
Sri Lanka,
Swaziland,
Tanzania, United Republic of,
Tonga,
Trinidad and Tobago,
Tuvalu,
Uganda,
Vanuatu,
Western Samoa,
Zambia,
Zimbabwe,