

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to the House of Commons pursuant to section 3(2) of  
the Immigration Act 1971*

*Presented to the House of Lords by Command of Her Majesty*

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20 December 2012*

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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](mailto:Richard.Postill@homeoffice.gsi.gov.uk).

Specific written queries relating to Statement of Changes should be directed to [StatementofChanges@homeoffice.gsi.gov.uk](mailto: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), 22 November 2012 (HC 760) and 12 December 2012 (HC 820).

### **Implementation**

The changes set out in this Statement shall take effect on 31 December 2012.

### **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 “Laos” insert “Lesotho”.
2. Following on from change 1, in Appendix T Part 1 – applicable countries (in the bullet list) after “Lesotho” insert “Malaysia”.
3. Following on from change 2, in Appendix T Part 1 after “Malaysia” insert “Nepal”.
4. In Appendix T Part 1 – applicable countries (in the bullet list) after “Somalia” insert “South Africa”.
5. In Appendix T Part 1 – applicable countries (in the bullet list) after “Sudan” insert “Swaziland”.
6. In Appendix T Part 1 – applicable countries (in the bullet list) after “Thailand” insert “Zimbabwe”.
7. In Appendix T Part 1 – applicable countries (in the foot sentence) after “are screened in Kenya” insert “, those in Lesotho and Swaziland are screened in South Africa”.
8. In Appendix T Part 2 – list of screening clinics after “Kerala:” subtitle and before “Kerala Institute of Medical Sciences (KIMS)” insert  
“Amrita Institute of Medical Sciences (AIMS)  
Amrita Lane,  
Edapally,  
Cochin, Kerala  
Tel: +91 (0) 484 280 1234, 285 1234, 400 1234”.
9. In Appendix T Part 2 – list of screening clinics after **Kenya** “Fax: 00254 20 2718096” insert  
“**Malaysia**

Kota Kinabalu:

Patient Relations Unit  
Sabah Medical Centre,  
(A Member of KPJ Healthcare Berhad),

Lorong Bersatu, Off Jalan Damai, Luyang,  
88300 Kota Kinabalu  
Tel: 088-322192 088-322196 Fax: 088-2700939

Kuala Lumpur:

Health Screening Centre  
Gleneagles Hospital (Kuala Lumpur) Sdn. Bhd.  
Tel: 603-4141 3282 Fax: 603-41413280,  
Website: [www.gleneagleskl.com.my](http://www.gleneagleskl.com.my)

Life Care Diagnostic Medical Centre Sdn. Bhd.  
1<sup>st</sup> Floor, Wisma Life Care,  
No. 5, Jalan Kerinchi,  
Bangsar South,  
59200 Kuala Lumpur  
Customer Care Line: 1300 222 369  
[info@lifecare.com.my](mailto:info@lifecare.com.my)".

10. Following on from change 9, in Appendix T Part 2 – list of screening clinics after  
“[info@lifecare.com.my](mailto:info@lifecare.com.my)” insert  
“**Nepal**

Kathmandu – International Organization for Migration (IOM)  
IOM Migration Health Assessment Centre (MHAC)  
Thirbam Sadak,  
Baluwatar-5, House No. 768/4  
Kathmandu  
Phone: +977 01 4417219 and +977 01 4429599

Jhapa – International Organization for Migration (IOM) SUB OFFICE  
IOM Resettlement Health Assessment Centre (RHAC)  
Migration Health Division (MHD)  
Devkota Chowk (New Vegetable Market),  
Damak-11, Jhapa,  
Postal Code: 57217".

11. In Appendix T Part 2 – list of screening clinics after “MIRPUR: UAN: +92 51 111 466  
472” insert  
“**South Africa**

Cape Town – International Organization for Migration (IOM)  
IOM Office in Cape Town  
2<sup>nd</sup> Floor, 80 Strand Street,  
Cape Town

INTERCARE Medical and Dental Centre  
(*Dr Bergman, Ross & Partners Radiologists*)  
1<sup>st</sup> Floor, Parow Shopping Centre,  
Corner of Voortrekker and De La Rey Roads,  
Parow 7500  
Cape Town

[www.intercare.co.za](http://www.intercare.co.za)

Durban – International Organization for Migration (IOM)  
IOM Office in Durban  
Suite 1606 Commercial City Building,  
40 Commercial Road (now known as AB XUMA),  
4001 Durban

Malvern Medical and Dental Centre  
(*Dr Van Rensburg & Partners Southern Africa Inc. (26)*)  
Corner of Ethelbert and Conabor Streets,  
Malvern 4093,  
Durban

Pretoria – International Organization for Migration (IOM)  
IOM Office in Hatfield  
Corner of Arcadia and Festival Street,

The Hatmed Clinic (*Dr Leonie Sholtz & Partners*)  
Hatfield, Pretoria,  
454 Hilda Street,  
Hatfield 0083,  
Pretoria”.

12. In Appendix T Part 2 – list of screening clinics after “Thailand Fax:+66 2 234 7956”  
insert  
“**Zimbabwe**

Harare – International Organization for Migration (IOM)  
IOM Office Migration Health Division (MHD)  
142 King George Road,  
Avondale,  
Harare

Diagnostic Imaging Centre (DIC)  
17 Lanark Road,  
Belgravia,  
Harare”.



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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 20 DECEMBER 2012 (HC 847)**

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 additional specified countries and add an authorised screening clinic in India.

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

3.1. This Statement amends the previous Statement of Changes (HC 565) which incorporated compulsory screening for active pulmonary tuberculosis of migrants coming to the UK for more than six months from 16 specified countries and named the clinics authorised to carry out this screening. This Statement adds Lesotho, Malaysia, Nepal, South Africa, Swaziland and Zimbabwe to the specified countries and names the authorised clinics in these countries. This Statement also adds another authorised clinic in India.

3.2 The 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 The Government regrets that for these changes it has not been possible to fully comply with the convention that changes should be laid before Parliament no less than 21 days before they will come into force but invites the Committee to note that these changes continue to put into operation a Government public commitment to introduce pre-entry tuberculosis screening in these countries and have a limited impact for the migrants involved. 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 Organization for Migration (IOM) who are providing screening facilities in Nepal, Zimbabwe and South Africa (applicants applying for visas from Lesotho and Swaziland will be screened in South Africa). This has meant that for this initial phase, we have been unable to plan with certainty around dates far enough in advance but a repeatable, sustainable planning process is being constructed in consultation with other government departments, international partners and UK Border Agency regional colleagues to give adequate notice in future. Moreover, by implementing screening in these high incidence countries as early as possible, we prevent the potential importation of further tuberculosis cases and obviate the need for publically funded on-entry screening.

**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](http://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 relating to India, Lesotho, Malaysia, Nepal, South Africa, Swaziland and Zimbabwe all take effect on 31 December 2012.

## **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 is not suffering 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 lists the 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. The 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](mailto: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/](http://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/](http://www.ukba.homeoffice.gov.uk/contact/).