

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 31 October 1996 under section 3(2) of
the Immigration Act 1971.*

*Ordered by The House of Commons to be printed
31 October 1996*

LONDON: THE STATIONERY OFFICE

£1.10

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made changes 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) and 30 August 1996 (Cmnd 3365).

These changes take effect on 1 November 1996.

1. In paragraph 6, for the definition of "public funds" there shall be substituted—

"public funds" means

- (a) housing under Part II or III of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988;
- (b) attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III, income support, family credit, council tax benefit, disability working allowance and housing benefit under Part VII and child benefit under Part IX of the Social Security Contribution and Benefits Act 1992;
- (c) attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III, income support, family credit, disability working allowance, housing benefit under Part VII and child benefit under Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; and
- (d) income-based jobseeker's allowance under the Jobseekers Act 1995."

2. After paragraph 30 there shall be inserted—

"30A. An entry clearance may be revoked if the Entry Clearance Officer is satisfied that:

- (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or
- (ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the United Kingdom, except where the change of circumstances amounts solely to his exceeding the age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or
- (iii) the holder's exclusion from the United Kingdom would be conducive to the public good."

3. In paragraphs 70 and 73 (postgraduate doctors and dentists), there shall be inserted after sub-paragraph (iii)—

"; and (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds."

4. In each of the headings to paragraphs 76 to 81 (spouses and children of students), after "student" there shall be added "or prospective student".

5. In paragraphs 76 and 79 (requirements for spouses and children of students), there shall be inserted after "paragraphs 57-75" in sub-paragraph (i) "or 82-87".

6. In paragraph 89 (requirements for "au pairs"), there shall be inserted after sub-paragraph (viii)—

"; and (ix) is able to maintain and accommodate himself without recourse to public funds."

7. In paragraph 92 (extension of stay as an "au pair"), for "89(ii)-(viii)" in sub-paragraph (iii) there shall be substituted "89(ii)-(ix)".

8. In paragraph 104 (requirements for seasonal workers at agricultural camps), there shall be inserted after sub-paragraph (iv)—

"; and (v) is able to maintain and accommodate himself and any dependants without recourse to public funds."

9. In paragraph 107 (extension of stay as a seasonal worker), for "104(iii)-(iv)" in sub-paragraph (ii) there shall be substituted "104(iii)-(v)".

10. In paragraph 320(9) (refusal of entry clearance or leave to enter) after "paragraph 18 of these Rules" there shall be inserted "or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted".

11. In paragraph 349 there shall be inserted at the end—

“In this paragraph and paragraphs 350–352 a child means a person who is under 18 years of age or who, in the absence of documentary evidence, appears to be under that age.”

12. In the Appendix, for paragraph 2(b) there shall be substituted—

“(b) those who seek leave to enter the United Kingdom within the period of their earlier leave and for the same purpose as that for which that leave was granted, unless it—

- (i) was for a period of six months or less, or
- (ii) was extended by statutory instrument;”.

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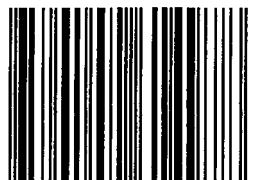
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