

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 26 November 2002 under section 3(2) of
the Immigration Act 1971.*

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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 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), 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) and 7 November 2002 (HC 1301).

These changes take effect on 18th December 2002.

1. For paragraphs 70 to 75, substitute:

“POSTGRADUATE DOCTORS, DENTISTS AND TRAINEE GENERAL PRACTITIONERS

Requirements for leave to enter as a postgraduate doctor, dentist or trainee general practitioner

70. The requirements for leave to enter the United Kingdom for the purpose of postgraduate training as a doctor, dentist or as a trainee general practitioner are that the applicant:

- (i) (a) is a graduate from a medical school, who is eligible for provisional or limited registration with the General Medical Council, and who
 - (1) intends to undertake Pre-Registration House Officer employment for up to 12 months, and
 - (2) has not spent more than 12 months in aggregate in Pre-Registration House Officer employment; or
- (b) is a doctor, dentist or trainee general practitioner eligible for full or limited registration with the General Medical Council or the General Dental Council, who intends to undertake postgraduate training or general practitioner training in a hospital or the Community Health Services or both; and
- (ii) intends to leave the United Kingdom on completion of his Pre-Registration House Officer employment or on completion of his training period, as appropriate; and
- (iii) is able to maintain and accommodate himself and any dependants without recourse to public funds.

Leave to enter as a postgraduate doctor, dentist or trainee general practitioner

71. A person seeking leave to enter the United Kingdom to undertake—

- (a) Pre-Registration House Officer employment may be admitted for a period not exceeding 12 months; and
- (b) postgraduate training as a doctor, dentist or as a trainee general practitioner training in a hospital or the Community Health services, or both, may be admitted for a period not exceeding three years,

if the Immigration Officer is satisfied that each of the requirements of paragraph 70 is met.

Refusal of leave to enter as a postgraduate doctor, dentist or trainee general practitioner

72. Leave to enter for the purposes of postgraduate training as a doctor, dentist or as a trainee general practitioner is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 70 are met.

Requirements for extension of stay as a postgraduate doctor, dentist or trainee general practitioner

73. The requirements for an extension of stay for the purposes of postgraduate training as a doctor, dentist or as a trainee general practitioner are that the applicant:

- (i) (a) is a graduate from a medical school who is eligible for provisional or limited registration with the General Medical Council, and who—
 - (1) intends to undertake Pre-Registration House Officer employment for up to 12 months, and

- (2) would not, as a result of an extension of stay, spend more than 12 months in aggregate in Pre-Registration House Officer employment; or
- (b) is a doctor, dentist or trainee general practitioner who can provide evidence of limited or full registration with the General Medical Council or registration with the General Dental Council and who
 - (1) intends to undertake or continue postgraduate training or general practitioner training in a hospital or the Community Health Services or both, and
 - (2) can show evidence of satisfactory progress in his training including the passing of any relevant examinations; and
- (ii) intends to leave the United Kingdom on completion of his Pre-Registration House Officer employment or on completion of his training period, as appropriate; and
- (iii) is able to maintain and accommodate himself or any dependants without recourse to public funds.

Extension of stay as a postgraduate doctor, dentist or trainee general practitioner

74. An extension of stay may be granted
- (a) as a Pre-Registration House Officer for a period not exceeding 12 months; and
 - (b) as a doctor or dentist undertaking postgraduate training or general practitioner training in a hospital or the Community Health Service or both for a period not exceeding three years,
- if the Secretary of State is satisfied that—
- (i) each of the requirements of paragraph 73 is met; and
 - (ii) in the case of a doctor undertaking basic specialist training no more than four years in aggregate will be spent in Senior House Officer or equivalent posts.

Refusal of extension of stay as a postgraduate doctor, dentist or trainee general practitioner

75. An extension of stay for the purposes of postgraduate training as a doctor, dentist or as a trainee general practitioner is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 73 are met.”

2. For sub-paragraph 89(v), substitute:
- “is a national of one of the following countries: Andorra, Bosnia-Herzegovina, Republic of Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Republic of Estonia, The Faroes, Greenland, Republic of Hungary, Republic of Latvia, Republic of Lithuania, Macedonia, Republic of Malta, Monaco, Republic of Poland, Romania, San Marino, Slovak Republic, Republic of Slovenia or Turkey; and”
3. Sub-paragraph 131A(ii) is amended as follows:
- (a) for “completed”, substitute “obtained a degree qualification on”; and
 - (b) after “bona fide”, insert “United Kingdom”.
4. After paragraph 289, insert:

“Requirements for indefinite leave to remain in the United Kingdom as the victim of domestic violence

289A The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in the United Kingdom are that the applicant:

- (i) was admitted to the United Kingdom or given an extension of stay for a period of 12 months as the spouse of a person present and settled here; or
- (ii) was admitted to the United Kingdom or given an extension of stay for a period of 2 years as the unmarried partner of a person present and settled here; and
- (iii) the relationship with their spouse or unmarried partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (i) or (ii) above; and
- (iv) is able to produce such evidence as may be required by the Secretary of State to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence.”

5. Appendix 1 (Visa requirements for the United Kingdom) is amended as follows:

- (a) in sub-paragraph 1(a), delete “Maldives”, “Mauritius” and “Papua New Guinea”; and
- (b) in sub-paragraph 2(b)(ii), after “was extended by statutory instrument”, insert “or by section 3C of the Immigration Act 1971 (inserted by section 3 of the Immigration and Asylum Act 1999)”; and
- (c) after sub-paragraph 2 (e), insert:
 - “(f) those who arrive in the United Kingdom with leave to enter which is in force but which was given before arrival so long as those in question arrive within the period of their earlier leave and for the same purpose as that for which leave was granted, unless that leave—
 - (i) was for a period of six months or less, or
 - (ii) was extended by statutory instrument or by section 3C of the Immigration Act 1971 (inserted by section 3 of the Immigration and Asylum Act 1999)”.

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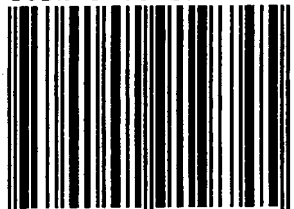
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