

STATEMENT OF CHANGES IN IMMIGRATION RULES

*Laid before Parliament on 24 April 2009 under section 3(2) of
the Immigration Act 1971*

*Ordered by The House of Commons to be printed
24 April 2009*

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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), 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), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC 523), 3 August 2004 (Cmnd 6297), 24 September 2004 (Cmnd 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 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 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) and 9 March 2009 (HC 314).

The changes in paragraphs 1-3 shall take effect on 18th May 2009 and the changes in paragraphs 4 and 5 shall take effect on 1st July 2009 .

1. In Appendix 1 (Visa requirements for the United Kingdom), sub-paragraph 1(a):
 - (a) after “Bhutan”, insert “Bolivia”;
 - (b) after “Syria” insert “Taiwan (except those referred to in sub paragraph 2(h) of this Appendix)”;
 - (c) after “Uzbekistan” insert “Venezuela (except those referred to in sub paragraph 2(i) of this Appendix)”.
2. In Appendix 1 (Visa requirements for the United Kingdom), after paragraph 2(g) insert:
“(h) those nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan in it”.
3. In Appendix 1 (Visa requirements for the United Kingdom), after paragraph 2(h) insert:
“(i) those nationals or citizens of Venezuela who hold a passport issued by the Republic of Venezuela that contains biometric information held in an electronic chip.”.
4. In Appendix 1 (Visa requirements for the United Kingdom), sub-paragraph 1(a):
 - (a) after “Lebanon” insert “Lesotho”;
 - (b) after “South Africa” omit “(except those referred to in sub paragraph 2(g) of this Appendix)”;
 - (c) after “Surinam” insert “Swaziland”.
5. In Appendix 1 (Visa requirements for the United Kingdom), omit paragraph 2(g).



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**EXPLANATORY MEMORANDUM TO
THE STATEMENT OF CHANGES IN IMMIGRATION RULES
LAID ON 24 APRIL 2009 (HC 413)**

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 These Changes to the list of countries whose nationals and citizens will be required to obtain a visa in order to enter the UK (set out at Appendix 1 to the Immigration Rules) are being made following the completion of the Visa Waiver Test (VWT), the first global review of the UK's existing short-stay visa regimes that was conducted following the publication of the "Securing the Border" Strategy published by the Home Office in March 2007. These changes follow on from changes made to the visa regime in March 2009.

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

- 3.1 None.

4. Legislative Context

- 4.1 The Home Secretary is making the stated changes to Appendix 1 (Visa requirements for the United Kingdom) to the Immigration Rules laid down by her 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. The Home Secretary makes this Statement of Changes under section 3(2) of the Immigration Act 1971.
- 4.2 This Statement of Changes in Immigration Rules has been incorporated into a consolidated version of the Immigration Rules, which can be found under the 'Laws & Policy' page at: www.bia.homeoffice.gov.uk, where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.
- 4.3 This Statement of Changes in the Immigration Rules introduces the following changes:
- 4.4 With effect from 18th May 2009 nationals or citizens of Bolivia will require a visa to visit the UK.
- 4.5 The change in the Immigration Rules will also clarify the visa status of holders of overseas Taiwanese passports. With effect from 18th May 2009 the United Kingdom will make explicit that we continue to require holders of Taiwanese passports issued overseas (commonly known as 'compatriot passports' or as 'Overseas Taiwan Citizens without Household Registration passports') to obtain a visa to enter the UK. Those nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan in it, will not require a visa to enter the United Kingdom.
- 4.6 With effect from 18th May 2009 a person that holds a passport issued by the Republic of Venezuela that does not contain biometric information held in an electronic chip will require a visa to travel to the United Kingdom.
- 4.7 With effect from 1st July 2009 nationals or citizens of Lesotho and Swaziland will require a visa to visit the United Kingdom.
- 4.8 With effect from 1st July 2009 the temporary visa exemption for South African visitors with previous travel history to the UK in their current passport will cease. From this date all South Africans will require a visa to visit the UK.

5. Territorial Extent and Application

- 5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

- 6.1 As this Statement of Changes in the Immigration rules is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

What is being done and why

- 7.1 The Visa Waiver Test was the first global review of the UK's existing short-stay visa regimes looking at every country except those in the EEA (and Switzerland). It was announced as part of the 'Securing the Border' Strategy in March 2007 and has been conducted jointly with FCO.
- 7.2 Stage One involved a quantitative assessment of the risk posed to the UK by each country on issues such as illegal immigration, crime and security. Stage Two looked in more detail at the economic and political consequences of introducing or lifting visa regimes. At the end of Stage Two, it was agreed that the UK should, in principle, introduce visa regimes on eleven countries unless they could address areas of concern identified during a six month mitigation period (or 'Stage Three' of the Test).
- 7.3 The countries concerned were informed at the beginning of July 2008. Mitigation officially ended on 2 January 2009. The countries involved in Stage Three were: Bolivia, Botswana, Brazil, Lesotho, Malaysia, Mauritius, Namibia, South Africa, Swaziland, Trinidad and Tobago and Venezuela. The first changes to visa regimes consequent to the Visa Waiver Test came into force on the 3rd March 2009 in Statement of Changes in Immigration Rules HC 227.
- 7.4 Bolivia did not mitigate successfully and the introduction of a visa requirement for Bolivian passports holders reflects the findings of the Visa Waiver Test.
- 7.5 Changes to the regime affecting Taiwan were made in the Statement of Changes in Immigration Rules HC 227. These Changes to the Rules will now make explicit that holders of Taiwanese passports issued overseas (commonly known as 'compatriot passports' or as 'Overseas Taiwan Citizens without Household Registration passports') will need to obtain a visa to visit the UK. These passports can be identified through the lack of an identity number in the biographical details page and the machine readable zone of relevant passports. As a result of these changes, nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan in it will not require a visa to enter the UK.
- 7.7 Venezuela was partially successful in the mitigation process, due to the fact it is in the process of rolling out a secure new biometric machine readable passport. As a result the United Kingdom is introducing a visa requirement for persons holding a Venezuelan passport that does not contain biometric information held in an electronic chip. Persons holding a Venezuelan passport that does contain biometric information held in an electronic chip will be exempt from the requirement to obtain a visa in order to enter the United Kingdom.
- 7.8 Lesotho and Swaziland did not mitigate successfully and the introduction of a visa requirement for Lesotho and Swazi passports holders reflects the findings of the Visa Waiver Test.
- 7.9 South Africa did not mitigate successfully and so a visa regime is being introduced. It was also announced that that a full visa regime would be imposed on South Africa in a two stage process. At the first stage (introduced with effect from 3rd March 2009), South African passport holders seeking to enter or transit the United Kingdom who could not show previous travel history to

the United Kingdom in their current passport were required to get a visa or a transit visa (as required) in order to travel to the United Kingdom. The second stage (effective from 1st July 2009) will be to impose a full visa and transit visa regime on South Africa. The temporary visa exemption for South Africans introduced on 3rd March will be removed from 1st July 2009. All South African passport holders will need to obtain a visa in order to enter the United Kingdom from this date.

7.10 Effective from the same dates, a separate Order (the Immigration (Passenger Transit Visa) (Amendment) (No. 2) Order 2009) will also amend the Immigration (Passenger Transit Visa) Order 2003 (S.I. 2003/1185 as amended by S.I. 2003/2628, S.I. 2004/1304, S.I. 2005/492, S.I. 2006/493 and S.I. 2009/198), by adding Bolivia, Lesotho and Swazi passport holders; and persons holding a Venezuelan passport that does not contain biometric information held in an electronic chip, to the list of persons that will require a transit visa to pass through, without entering, the United Kingdom. The Order which amends the transit visa requirements will minimise any displacement effect arising from passengers attempting to circumvent the new visa requirements by purporting to be transit passengers in order to reach the UK.

7.11 The changes will be of interest in the countries concerned.

7.12 These changes reflect a need to effectively manage migration to the United Kingdom.

8. Consultation

8.1 The governments of Bolivia, Lesotho, South Africa, Swaziland, Taiwan and Venezuela have been involved in the Visa Waiver Test process and are aware of the changes being introduced.

9. Guidance

9.1 Information on the changes will be made available to UK Border Agency staff, passengers, and airlines through proactive media engagement, updates to websites, letters and briefing packs for airlines and internal UKBA instructions, both in the UK and in the countries concerned.

10. Impact

10.1 An Impact Assessment relating to this instrument has been laid alongside this explanatory memorandum.

11. Regulation small business

11.1 The legislation does not apply to small businesses.

12. Monitoring and review

12.1 The imposition of the visa requirement on Bolivian, South African, Lesotho, Swazi and Venezuelan nationals and citizens will be monitored on an on-going basis as part of the review of progress towards meeting Public Service Announcement 3: 'ensure fair, controlled migration that protects the public and contributes to economic growth.'

12.2 Further information on monitoring and implementation review can be found on page 12 of the Impact Assessment.

13. Contact

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