

SCHEDULE 1

Regulation 8

Evidence of particular immigration status

Permanent residence

1.—(1) Where a party has a right of permanent residence in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972(1), the notice must be accompanied by one of the following—

- (a) the party's passport containing a valid endorsement with photograph by an immigration officer or the Secretary of State confirming the party's right of permanent residence in the United Kingdom,
- (b) the party's valid permanent residence card.

(2) In this paragraph "permanent residence card" has the same meaning as in regulation 2 of the Immigration (European Economic Area) Regulations 2006(2).

Exempt from immigration control

2.—(1) Subject to paragraph (2), where a party is exempt from immigration control(3) under a provision listed in the left hand column of the table, the notice must be accompanied by one of the types of evidence listed in the corresponding right hand column—

Table

<i>Exempt from immigration control by virtue of..</i>	<i>...notice must be accompanied by..</i>
The right of abode under section 2(1)(b) of the 1971 Act(4)	The party's United Kingdom passport describing him or her as a British subject with the right of abode in the United Kingdom. The party's certificate of entitlement.
Section 8(3) of the 1971 Act(5) (members of diplomatic missions and their families)	The party's passport containing a valid exempt status vignette. The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer. A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.

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- (1) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).
 - (2) S.I. 2006/1003 as amended by S.I. 2009/1117, S.I. 2011/544, S.I. 2012/1547, S.I. 2012/2560, S.I. 2013/3032 and S.I. 2014/1976.
 - (3) Regulations made under section 49 of the Immigration Act 2014 (c. 22) (S.I. 2015/122) set out who is subject to immigration control for the purposes of the referral and investigation scheme.
 - (4) 1971 c. 77; section 2 was substituted by section 39 of the British Nationality Act 1981 (c. 61) and subsection (2) was subsequently amended by section 3 of the Immigration Act 2014 (c. 22).
 - (5) Section 8(3) was amended by paragraph 2 of Schedule 4 to the British Nationality Act and section 4 of the Immigration Act 1988 (c. 14).

Status: This is the original version (as it was originally made).

<i>Exempt from immigration control by virtue of..</i>	<i>...notice must be accompanied by...</i>
	The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.
Section 8(4) of the 1971 Act ⁽⁶⁾ (members of HM forces, members of Commonwealth forces undergoing training and members of visiting forces)	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid HM forces identity card.</p> <p>The party's valid identity card issued by a sending State and showing the party's date of birth, rank and number (if any), service (land, sea or air) and photograph.</p> <p>The party's current individual movement order issued by the sending State or the North Atlantic Treaty Organization certifying the party's status as a member of a force and the movement ordered.</p>
The Immigration (Exemption from Control) Order 1972 ⁽⁷⁾	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>The party's valid diplomatic identity card provided by the Foreign and Commonwealth Office.</p> <p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p>
Section 20 of the State Immunity Act 1978 ⁽⁸⁾	<p>The party's passport containing a valid exempt status vignette.</p> <p>The party's passport containing a valid endorsement of the party's exempt status given by the Secretary of State or an immigration officer.</p> <p>A letter of accreditation from the Foreign and Commonwealth Office confirming the party's exempt status.</p>

⁽⁶⁾ Subsection (4) was also amended by paragraph 2 of Schedule 4 to the British Nationality Act and by the Statute Law (Repeals) Act 1995 (c. 44).

⁽⁷⁾ S.I. 1972/1613 as amended by S.I. 1975/617, S.I. 1977/693, S.I. 1982/1649, S.I. 1985/1809, S.I. 1997/1402, S.I. 1997/2207 and S.I. 2004/3171.

⁽⁸⁾ 1978 c. 33.

Exempt from immigration control by virtue of.. ...notice must be accompanied by...

Where the party is a sovereign or other head of State, the party's passport.

(2) Instead of the evidence mentioned in paragraph (1), the notice may be accompanied by a letter from the Secretary of State confirming that the party is exempt from immigration control for the purposes of section 49 of the 2014 Act.

(3) In this paragraph—

“certificate of entitlement” has the same meaning as in section 33(1) of the 1971 Act⁽⁹⁾;

“force” and “sending State” in relation to evidence that must be provided by a party who is exempt from immigration control by virtue of section 8(4) of the 1971 Act, have the same meaning as in the agreement between the Parties to the North Atlantic Treaty⁽¹⁰⁾ regarding the status of their forces done in London on 19th June 1951⁽¹¹⁾.

Settled

3. Where a party is settled in the United Kingdom (within the meaning of section 33(2A) of the 1971 Act⁽¹²⁾), the notice must be accompanied by one of the following—

- (a) the party's passport (whether or not it is still valid) containing a valid endorsement with photograph to show that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (b) the party's passport (whether or not it is still valid) containing a valid vignette with photograph which shows that the party is allowed to enter or remain indefinitely in the United Kingdom,
- (c) a valid biometric immigration document which shows that the party is allowed to enter or remain indefinitely in the United Kingdom.

⁽⁹⁾ The definition of “certificate of entitlement” was substituted by section 10 of the Nationality, Immigration and Asylum Act 2002 (c. 41).

⁽¹⁰⁾ The Treaty establishing the North Atlantic Treaty Organization; Treaty Series No. 56 (1949); Cmd 7789.

⁽¹¹⁾ Treaty Series No. 3 (1955); Cmd 9363.

⁽¹²⁾ Subsection (2A) was inserted by section 39(6) of, and paragraph 7 of Schedule 4 to, the British Nationality Act 1981 (c. 61).