

EXPLANATORY MEMORANDUM TO
THE IMMIGRATION (EXEMPTION FROM CONTROL) (AMENDMENT) ORDER
2015

2015 No. 1866

1. Introduction

- 1.1 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 This Order amends the Immigration (Exemption from Control) Order 1972 made under section 8(2) of the Immigration Act 1971 (“the 1971 Act”). The effect is to exempt eligible dependants of members of the United States Armed Forces assigned to duty in the United Kingdom, subject to suitability criteria and the requirement that the dependant is maintained and accommodated by the member, from any provisions of the 1971 Act relating to those who are not British Citizens (except any provision relating to deportation).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters of special interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Section 8 of the 1971 Act exempts certain classes of individuals from immigration control and sub-section (2) gives the Secretary of State the power to exempt other individuals or class of individuals from immigration control by negative order. Several classes of individuals have been exempted via the Immigration (Exemption from Control) Order 1972 (as amended). The Immigration (Exemption from Control) (Amendment) Order 2015 amends the Immigration (Exemption from Control) Order 1972 so to give effect to an arrangement reached between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on immigration matters relating to the entry and stay for eligible dependants of visiting armed forces personnel assigned to duty in the respective countries. This arrangement provides that the United Kingdom will exempt eligible dependants of United States Armed Forces personnel posted to the United Kingdom, from immigration control.

5. Extent and Territorial Application

- 5.1 This instrument applies to the whole of the United Kingdom.

6. European Convention on Human Rights

- 6.1 As this instrument 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 In accordance with the arrangement referred to in paragraph 4.1 above, this instrument exempts eligible dependants of United States armed forces personnel posted to the United Kingdom, from immigration control, for the duration of the sponsor's posting.

Consolidation

- 7.2 Not applicable.

8. Consultation outcome

- 8.1 Not applicable.

9. Guidance

- 9.1 Guidance will be updated and placed on the GOV.UK website.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
10.2 There is no impact on the public sector.
10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The decision to exempt this cohort of individuals from immigration control will be reviewed within six months of the commencement of this Order and thereafter at least once every twenty-four months.

13. Contact

- 13.1 Ann Williams at the armed forces policy team (Home Office) Telephone: 020 7035 4235 or email: armedforcespolicy@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.