

2023 No. 346

IMMIGRATION

The Immigration (Offshore Worker Notification and Exemption from Control (Amendment)) Regulations 2023

<i>Made</i> - - - -	<i>21st March 2023</i>
<i>Laid before Parliament</i>	<i>22nd March 2023</i>
<i>Coming into force</i> - -	<i>12th April 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(2) and 11B(1), (2) and (4) of the Immigration Act 1971(a).

Citation and Commencement

1.—(1) These Regulations may be cited as the Immigration (Offshore Worker Notification and Exemption from Control (Amendment)) Regulations 2023 and come into force on 12th April 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Offshore Worker Notification Requirement

2.—(1) Unless paragraph 2 applies, an offshore worker must notify the Secretary of State of the date on which each of the following occurs—

- (a) the offshore worker arrives in the United Kingdom, and
- (b) the offshore worker leaves the United Kingdom.

(2) Where the offshore worker has a sponsor, the sponsor must make the notification to the Secretary of State.

(3) A sponsor who must make a notification by virtue of paragraph (2) need only notify the Secretary of State of the date on which—

- (a) the offshore worker first arrives in the United Kingdom at the beginning of the job for which they are being sponsored, and
- (b) the offshore worker leaves the United Kingdom at the end of the job for which they are being sponsored.

(4) The notification must be made—

- (a) in relation to arrival in the United Kingdom, no earlier than the day the offshore worker arrives in the United Kingdom and no later than 10 working days beginning on the day after arrival;

(a) 1971 c. 77. Section 8(2) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c. 61). Section 11B was inserted by section 43 of the Nationality and Borders Act 2022 (c. 36).

- (b) in relation to leaving the United Kingdom, no earlier than the day on which the offshore worker leaves the United Kingdom and no later than 10 working days beginning on the day after the offshore worker has left the United Kingdom.

(5) The notification must be made —

- (a) by a sponsor, in the manner specified by the Secretary of State within the immigration skills arrangements^(a);
- (b) by an offshore worker, in writing to the Secretary of State.

Compliance by offshore worker

3. Where an offshore worker fails to comply with any requirement of regulation 2, the Secretary of State may—

- (a) cancel or vary that offshore worker’s leave to enter or remain in the United Kingdom;
- (b) refuse any future application by that offshore worker for leave to enter or remain in the United Kingdom.

Amendment to the Immigration (Exemption from Control) Order 1972

4.—(1) The Immigration (Exemption from Control) Order 1972^(b) is amended as follows.

(2) In Article 5—

(a) after paragraph (1)(e) insert—

“(f) any person working on a foreign fishing boat authorised to fish in accordance with a sea fishing licence granted under section 17 of the Fisheries Act 2020^(c) where that work is being undertaken pursuant to an international agreement or arrangement to which the United Kingdom is a party”;

(b) in paragraph (2), for “and (e)” substitute “, (e) and (f)”;

(c) after paragraph (3) insert—

“(4) In paragraph (1)(f), “foreign fishing boat” and “sea fishing licence” have the same meaning as in section 52 of the Fisheries Act 2020.”.

Robert Jenrick
Minister of State
Home Office

21st March 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the giving of notifications by offshore workers (or their sponsors) to the Secretary of State on their arrival to the United Kingdom and when leaving the United Kingdom. Section 11A of the Immigration Act 1971 (c. 77) (“the 1971 Act”) sets out the definition of “offshore workers”.

Regulation 2 sets out the requirement for an offshore worker or, if they have one, their sponsor to notify the Secretary of State of their arrival and when they leave the United Kingdom, and the timescales and method for doing so.

Guidance and other documents which make up the immigration skills arrangements between the Secretary of State and sponsors are available at: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and->

(a) “Immigration skills arrangements” are defined in section 11B(6)(c) of the Immigration Act 1971.
(b) S.I. 1972/1613, amended by S.I. 1982/1649; there are other amending instruments but none is relevant.
(c) 2020 c. 22.

educators. Written notifications can be made by emailing offshoreworkernotificationsinbox@homeoffice.gov.uk or by any other method set out by the Secretary of State in guidance published on gov.uk. Hard copies of any guidance can be requested free of charge by writing to the Economic Migration Policy Unit, Home Office, 2 Marsham Street, London, SW1P 4DF, United Kingdom.

Regulation 3 sets out the consequences where an offshore worker fails to comply with the notification requirements. Section 11B(3) of the 1971 Act sets out the consequences where the sponsor fails to comply with the requirements.

These Regulations also amend the Immigration (Exemption from Control) Order 1972 (S.I. 1972/1613) made under section 8(2) of the 1971 Act. The effect is to exempt certain persons from the requirement to obtain leave to enter the United Kingdom. The exemption applies to those working on foreign fishing vessels which are licensed to fish in the United Kingdom's territorial sea or Exclusive Economic Zone under section 17 of the Fisheries Act 2020, where the work is done pursuant to an international agreement or arrangement to which the UK is a party. The exemption does not apply in relation to any person on whom there is a deportation order in force, who has previously entered the United Kingdom unlawfully and has not subsequently been given leave to enter or remain in the United Kingdom, or to a person who is required by an immigration officer to submit to examination in accordance with Schedule 2 to the 1971 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2023/346>

ISBN 978-0-34-824635-3



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