



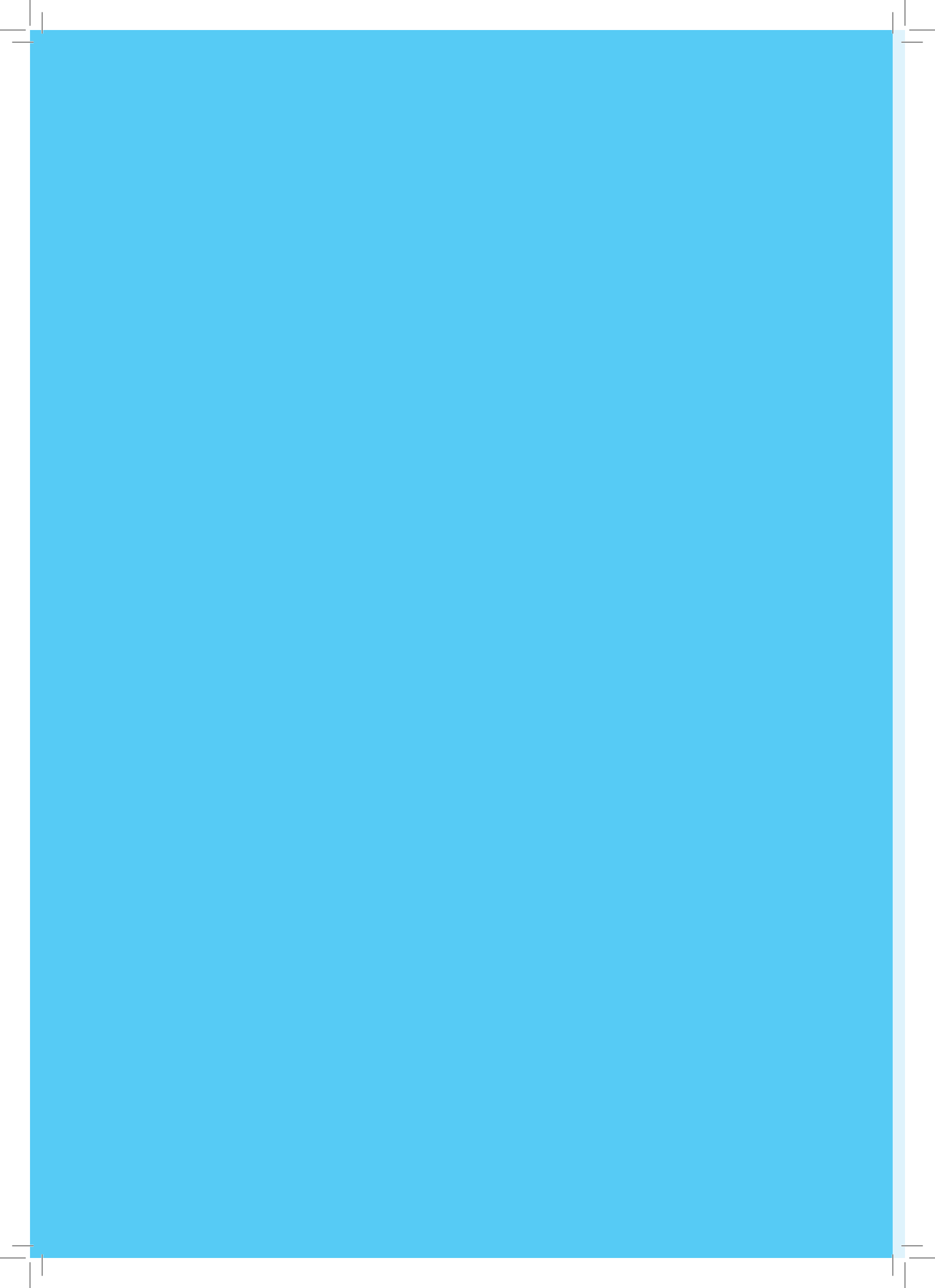
Home Office

**Border &
Immigration Agency**

VISITORS
CONSULTATION PAPER

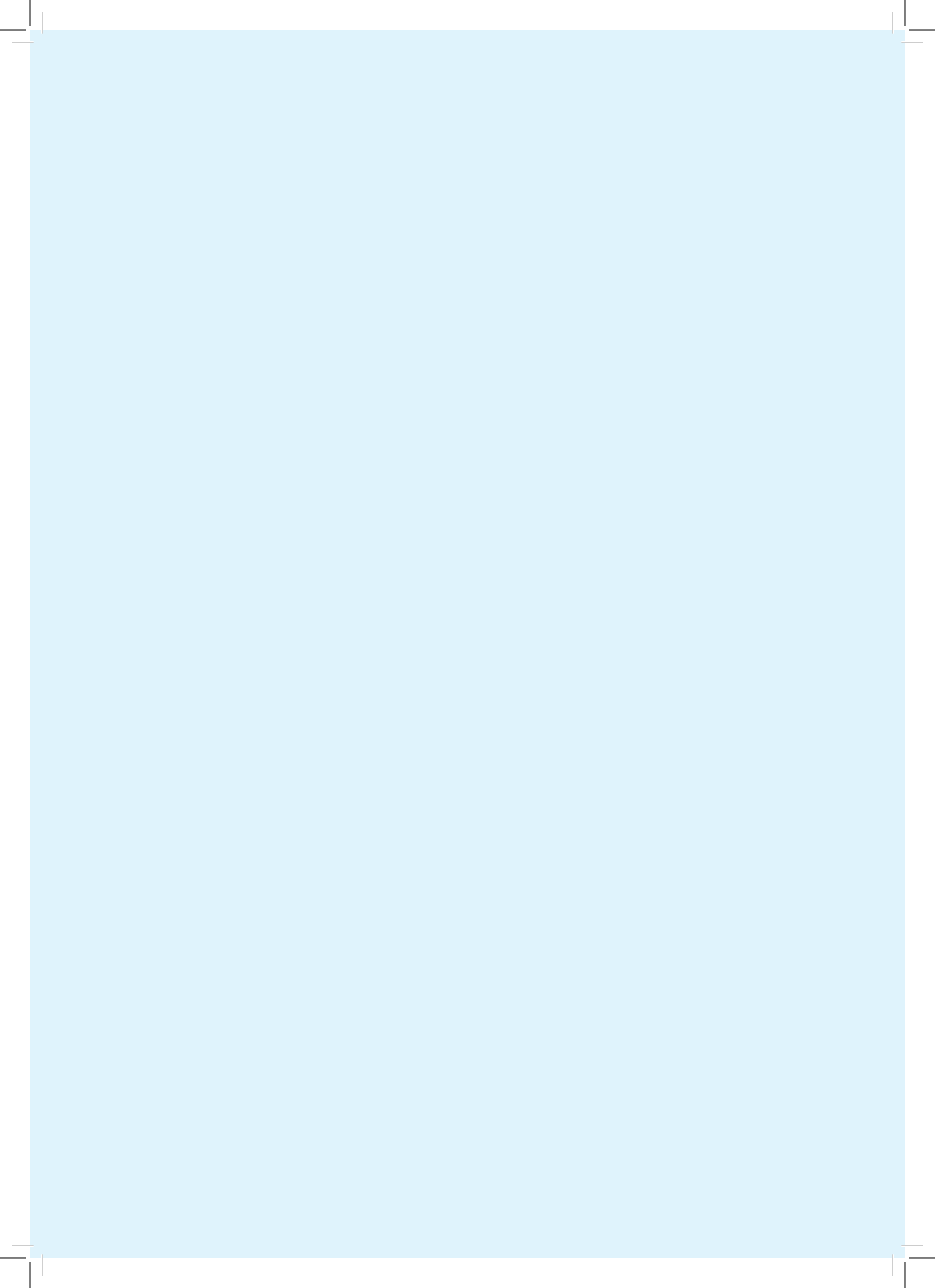
December 2007





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FOREWORD



Over the next twelve months we will be making sweeping changes to the immigration system. From 2008, an Australian style points system will ensure that only those that Britain needs can come here to work, study or train. When we set the points that migrants will need to come to Britain we want to listen to intelligent advice, not only on what is good for the economy, but on the wider impacts we know migration has on Britain – that is why we have established the Migration Advisory Committee and the Migration Impacts Forum. Three quarters of the world’s population will need to provide their biometrics before they even travel to the UK, the unified border force will ensure that our ports and airports are covered as never before and we will start counting people in and out of the UK. ID cards for foreign nationals will provide a mechanism for migrants to prove who they are, help us to safeguard access to work and benefits and deliver a system that is robust against abuse.

It is right that we take this opportunity to think again about short-term migration and how we can modernise the system for those who visit the UK – for tourism, business, short-term study or to visit family. Our aim is to make the system both more secure, but also to ensure that we maintain the UK’s position as a destination of choice for tourists. As the Foreign Secretary outlined in his first speech to Chatham House, the UK has become a global hub for business, people and culture. This consultation provides a platform for discussion on how we take forward reform of the visitor routes. My ambition is for consensus on this issue, and I will be leading a cross party delegation to India early next year to discuss how the issues around this document can help us make changes that are good for travellers and the economy whilst protecting a strong border.

A handwritten signature in black ink that reads "Liam Byrne".

Liam Byrne MP
Minister of State for Borders and Immigration

HOW TO RESPOND

The aim of this consultation paper is to seek a range of views to inform some changes to the visitor categories.

The consultation period for responding to this document ends on 10 March 2008. We will publish the results of the initial consultation within three months of the deadline for responses.

Regulatory impact and race equality impact assessment will be prepared to support the later stages of the consultation process.

A pro forma is available in electronic format on the Border and Immigration Agency website:

www.bia.homeoffice.gov.uk

Responses should be sent electronically to:

visitorconsultation@homeoffice.gsi.gov.uk

Responses can also be sent by post to:

Visitor Consultation Responses
Border and Immigration Agency
11th Floor
Apollo House
36 Wellesley Road
Croydon
Surrey
CR0 3RR

You should contact the address above if you require a copy of this consultation paper in any other format, e.g. Braille, large font or audio.

Individual responses will not be acknowledged unless specifically requested.

RESPONSES: CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government and related agencies. Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that under the FOIA there is a Statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with the obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, by itself, be regarded as binding on the Department.

Please ensure that you mark your response clearly if you wish it, and your name, to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA – in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

CONTEXT

- 1.1 In 2006, 12.9 million non-EEA travellers entered the UK – 58% as tourists or business visitors. These visitors contributed significantly to the UK tourist industry which is worth over £85 billion per year.
- 1.2 As the global economy develops, so does a growth in global travel. This presents both an opportunity and a challenge. The opportunity is to make sure our economy continues to benefit from globalisation – by Britain remaining a destination of choice for legitimate visitors. The challenge is to make sure this is achieved in a way that guards against those who may seek to abuse the hospitality of the UK by overstaying or working illegally.
- 1.3 People wishing to come to the UK for a holiday; to visit family; to transact business; or for some other defined purpose such as private medical treatment, do so as visitors.
- 1.4 Regardless of the reason for their visit, all visitors have to meet the entry requirements at paragraph 41 of the Immigration Rules (the Rules), the main points being:
 - they are seeking entry to the UK for a limited period;
 - they do not intend to work or study¹ whilst in the UK; and
 - they intend to leave the UK at the end of their stay.

The full entry requirements for visitors are at Annex A.

- 1.5 Common to each type of visitor is that they are not, or should not be, seeking to base themselves permanently in the UK.
- 1.6 As highlighted in ‘Securing the UK Border’, published in March 2007, the current Rules for visitors have developed piecemeal over time. Some might consider they do not distinguish effectively between the different purposes of

visitors. Rethinking from first principles, the aim is for a simpler, clearer system for visitors and their status and entitlements, which helps promote travel to the UK but is robust against abuse. The question is how this simplicity and clarity is best achieved.

- 1.7 ‘Securing the UK Border’ proposed four main visitor categories:
 - Tourist;
 - Business;
 - Short-term student; and
 - Sponsored family.
- 1.8 ‘Securing the UK Border’ also set out the Border and Immigration Agency’s intention to establish a Visitor Taskforce, comprising of representatives from the travel and tourism industries, to advise us on improvements to the visa customer journey and the role this plays in attracting and welcoming legitimate visitors to Britain. The Taskforce was established in June 2007 and will take a view on the proposed changes to the visitor routes which are the subject of this consultation.
- 1.9 This consultation is an opportunity for ideas, comments and discussion on these propositions and where and how the visitor routes need to be changed.

¹ The exception to this is the short-term student visitor, discussed in detail further in the document.

If yes, do you think the maximum leave for tourist visitors should be reduced to one month, two months or three months? Please select one option.

One month	<input type="checkbox"/>	Three months	<input type="checkbox"/>
Two months	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

NEW VISA PRODUCTS

- 2.5 'Securing the UK Border' outlined our intention to explore other specific, time-limited categories of tourist visitor.
- 2.6 Under the Approved Destination Status (ADS) Agreement between the UK and China, Chinese nationals can obtain a group visit visa for the UK provided that the travel is organised by an approved tour operator. Individuals must satisfy the usual entry requirements, plus meet the requirements at paragraph 56G of the Rules, the main points being that:
- they are genuinely seeking entry as a visitor for a limited period of no more than 30 days; and
 - they intend to enter, travel and leave the UK as part of a tourist group.
- 2.7 We believe that the success of this programme could usefully be extended to other categories of tourists. There may be significant numbers of tourists groups from visa national countries who travel throughout the Schengen area² on a single Schengen visa but who do not include the UK in their trip due to the additional cost and effort of obtaining separate entry clearance.
- 2.8 To encourage *group travel* to the UK, a specific tourist visa could be introduced. This visa could be competitively priced and time limited, for example 30 days similar to the ADS scheme, and available only to groups who hold a visa for the Schengen area when applying for entry clearance to the UK.

2.9 DO YOU THINK WE SHOULD INTRODUCE A GROUP TOURIST TRAVEL VISA?

Yes	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
No	<input type="checkbox"/>		

If no, why not?

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² Agreement between some countries in the EU that abolished internal border controls. Border controls and checks have been removed within the Schengen area states, and the Schengen visa allows for tourists and visitors to access all countries in the area. The UK is not part of this agreement.

If yes, for which groups should the group tourist travel visa be made available? Please select one option below.

- Groups with pre-arranged travel to visit the UK only
- Groups with pre-arranged travel to the Schengen area and UK only
- All groups wishing to travel at any time (i.e. not pre-arranged) to the UK only
- All groups wishing to travel at any time (i.e. not pre-arranged) to the UK only
- Don't know

Other (please state)

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2.10 DO YOU THINK THE GROUP TOURIST TRAVEL VISA SHOULD BE TIME LIMITED?

- Yes
- Don't know
- No

If no, why not?

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If yes, how long do you think the visa should be valid for? Please select one option.

Two weeks	<input type="checkbox"/>	Three months	<input type="checkbox"/>
One month	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
Two months	<input type="checkbox"/>		

2.11 We believe that there is a need to develop a visa product to promote and support major sporting and cultural events in the UK such as the 2012 Olympiad and Games. Tourism throughout the UK could be boosted by a generic *events visitor*

visa, enabling people to travel to the UK to watch specific major events. Such visas could be: branded to the event; time limited; and discounted as appropriate.

2.12 DO YOU THINK A SPECIFIC CATEGORY OF EVENTS VISITOR, INCLUDED UNDER THE TOURIST CATEGORY, SHOULD BE CREATED FOR MAJOR SPORTING AND CULTURAL EVENTS?

Yes	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
No	<input type="checkbox"/>		

If no, why not?

If yes, what type of events do you think should qualify for inclusion in an events visitor subcategory? Please select all that apply.

Major sporting events (for example Olympics, the World Cup)	<input type="checkbox"/>
Local/regional sporting events (for example, non-international football clubs)	<input type="checkbox"/>
Local/regional music or arts festivals (for example, village/town folk festivals)	<input type="checkbox"/>
Cultural events (for example, Edinburgh Festival Fringe)	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>

2.13 DO YOU THINK THE EVENTS VISIT VISA SHOULD BE TIME LIMITED?

Yes	<input type="checkbox"/>	Don't know	<input type="checkbox"/>
No	<input type="checkbox"/>		

If no, why not?

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If yes, how long do you think the visa should be valid for? Please select one option.

One month	<input type="checkbox"/>	Three months	<input type="checkbox"/>
Two months	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

3.8 In addition to typical business visitors, there is a list of people who fall outside the strict limits of the Rules, primarily because they are providing a service in the UK. The list of exceptions includes tour group couriers, advisers, consultants, trainers and people coming to install or repair equipment, as long as they are employed abroad.

3.9 Individuals who meet the entry clearance requirements can be granted a maximum stay in the UK of 6 months, the same as currently applies to ordinary visitors. Changes to the entitlements for business visitors will not affect the long-term visa valid for 2, 5 or 10 years.

3.10 We want to continue to enable legitimate business visitors to come to the UK but at the same time need to guard against the route being used for disguised employment in the UK that will be more appropriately provided for under the new points based system. The first question is whether simple, transparent and robust visitor arrangements would be better facilitated by a specific category of *business visitor*. The second question is whether, as with tourists, six months maximum stay in the UK is actually needed.

3.11 IF WE HAVE A BUSINESS AND SPECIAL VISITOR CATEGORY, WHAT DO YOU THINK THE MAXIMUM LENGTH OF TIME A BUSINESS VISITOR SHOULD BE ALLOWED TO STAY IN THE UK SHOULD BE? PLEASE SELECT ONE OPTION.

One month	<input type="checkbox"/>	Six months	<input type="checkbox"/>
Two months	<input type="checkbox"/>	Up to twelve months	<input type="checkbox"/>
Three months	<input type="checkbox"/>	Don't know	<input type="checkbox"/>

3.12. WHAT ACTIVITIES DO YOU THINK BUSINESS VISITORS SHOULD BE ABLE TO UNDERTAKE WHILST IN THE UK? ALL VIEWS ARE WELCOME

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3.13. WHAT OPTIONS SHOULD BE AVAILABLE TO MAKE TRAVEL MORE FLEXIBLE FOR BUSINESS VISITORS? PLEASE SELECT ALL THAT APPLY.

- Longer – term multiple entry visa
- Expedited clearance through our Registered Traveller scheme
- Other – please indicate
- Don't know

3.14 There are a number of existing routes to the UK with similarities to business visitors that could be brought within the definition.

CLINICAL ATTACHMENT OR DENTAL OBSERVER POST

3.15 Overseas doctors or dentists who wish to work in the UK may undertake periods of clinical attachments or dental observation posts in order to familiarise themselves with UK working practices. These clinical attachments and dental observation posts are unpaid and do not involve treatment of patients.

3.16 Individuals must meet the requirements set out at paragraph 75G of the Rules, the main being that:

- they are a graduate from a bona fide medical or dental school;
- they can provide documentary evidence of a clinical attachment or dental observer post which:
 - will involve observation only and not treatment of patients; and
 - will be unpaid; and
- they meet the requirements of the Rules relating to visitors (paragraph 41 (iii) – (vii) at Annex A).

3.17 Such attachments feel similar to the current business visitor provision for ‘those coming for training in techniques and work practices used in the UK provided the training is confined to classroom instruction, familiarisation or observation’.

DOCTORS TAKING THE PROFESSIONAL AND LINGUISTIC ASSESSMENT BOARD (PLAB)

3.18 Before any doctor can practice medicine in the UK they must register with the General Medical Council. If a doctor has qualified overseas, they must pass the PLAB test before they are able to register. The PLAB test is in two parts, the second of which can only be taken in the UK. Individuals must meet all requirements set out in paragraph 75A of the Immigration Rules, the main points being that the applicant must:

- be a graduate of a bona fide medical school intending to sit the PLAB test;
- be able to provide documentary proof of a confirmed test date or eligibility to take the test; and
- meet the relevant rules relating to visitors (paragraph 41 (iii) – (vii)).

3.19 As such individuals are not undertaking any paid work in the UK, this could be included in the list of activities permitted by business visitors.

PERMIT FREE FESTIVALS

3.20 We currently operate a ‘permit free’ list of cultural events and festivals. Cultural events and festivals that are on the list do not have to obtain work permits for entertainers coming to the UK to perform at their event.

3.21 Currently, such festivals must satisfy the following criteria:

- They have been established for at least five years;
- They make a significant contribution to cultural life in the UK;
- They have an expected audience of at least 15,000 in the course of the event's duration; and
- At least 15 non-EEA performers have performed at the event for each of the last five years and they have invited at least 15 non-EEA performers for the current year.

3.22 One possibility is that such festivals should be accommodated in Tier 5 of the Points Based System on the basis that performers are working in the UK.

3.23 From another perspective, some organisations have commented that such festivals are qualitatively different in offering a unique opportunity to the performers, in that they are not employed directly by the festival organisers but are in effect, showcasing their portfolio to potential employers. Such performers do not receive payment from the festival organisers, and therefore, it is suggested, could be brought within the definition of business visitors.

FILM CREWS ON LOCATION SHOOTS

3.24 Currently, a film actor, producer, director or technician employed or paid by an overseas firm who is coming to the UK only for location sequences for an overseas film does not require a work permit as individuals continue to be paid by their company abroad during the location shoot.

3.25 Entry to the UK is currently granted under the entertainer concession outside the Immigration Rules. Those qualifying under this concession may be granted up to 12 months leave in the UK.

3.26 As film crews on location continue to be paid by the overseas company whilst in the UK, this concession could be brought within the definition of business visitor.

3.30 DO YOU THINK THAT WITHIN THE BUSINESS/SPECIAL VISITOR CATEGORY THERE SHOULD BE A SPECIFIC SUBCATEGORY OF SPECIAL VISITORS TO BRING TOGETHER THE CURRENT SPECIAL VISITOR ROUTES.

Yes Don't know
No

If no, why not?

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3.31 IF YES, DO YOU THINK THAT WE SHOULD INCLUDE ACADEMIC VISITORS UNDER THE SPECIAL VISITOR ROUTE?

Yes No

If no, please explain why.

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OVERSEAS DOMESTIC WORKERS

3.32 There is currently provision within the Immigration Rules for domestic workers to accompany their employer to the UK. Individuals must meet all the requirements set out at paragraph 159A of the Rules, the main points being that the applicant:

- has been employed as a domestic worker for at least one year with their employer immediately prior to the application;
- intends to travel to the UK in the company of his/her employer; and
- intends to work full time as a domestic worker when in the UK.

3.33 Overseas domestic workers are able to switch employers once they have entered the UK as there have long been concerns that they may be the target of employer abuse and exploitation.

3.34 The Border and Immigration Agency is committed to finding a solution that will provide the right level of protection to those who are exploited when they are in the UK. We are currently conducting research and analysis on this route. Once this is completed, the results will be published and we will consult separately on the future of the overseas domestic worker route.

SHORT TERM STUDENT VISITORS

4.1 A new category of ‘student visitor’ was introduced on 1 September 2007 at paragraph 56 of the Immigration Rules. The student visitor category route covers:

- short term students who wish to study in the UK for six months or less; and
- visitors who wish to undertake a short course or period of study which can be completed within the period of their leave (currently six months).

4.2 As well as meeting the entry requirements for visitors set out at Annex A, student visitors must be accepted for a course or period of study that is to be provided by an organisation included on the Register of Education and Training Providers. Unlike those who enter the UK as ‘students’, student visitors are not able to:

- take part-time (20 hours) or full-time holiday employment;
- undertake a work placement or internship, paid or unpaid, as part of their course; or
- extend their stay in the UK.

4.3 This category was successfully implemented following earlier discussion and agreement with education stakeholders. As such, we pose no questions about it on this consultation.

SPONSORED FAMILY VISITORS

- 5.1 As with tourists and business visitors, family visitors seek entry to the UK under the general provisions for visitors at Annex A. However, family visitors have a full right of appeal if their entry clearance is refused.
- 5.2 Applicants must demonstrate that they are legitimate visitors coming to the UK to stay with family. The lack of standardised documents required with an application can make it difficult for genuine applicants to evidence family ties, for the family members in the UK to show that they can maintain and accommodate their visitor and for the entry clearance officer to identify genuine applicants.
- 5.3 ‘Securing the Border’ proposed that a *sponsored family visitor* route would be explored. The sponsorship concept is now widely accepted, as a result of the Points Based System, as a way in which sponsors, such as employers and institutions, can demonstrate greater responsibility for identifying, and securing entry for, those people that they wish to enter the UK. Transferring the same concept to the sponsored family visitor route could ensure that genuine family visitors find it easier to come to the UK.

5.4 DO YOU THINK A SEPARATE CATEGORY FOR THOSE WISHING TO VISIT FAMILY IN THE UK SHOULD BE CREATED?

- Yes Don't know
- No

If no, why not?

- 5.5 The aim of a sponsored family visitor route would be to simplify the process for applicants applying for entry clearance abroad by enabling the entry clearance officer to verify relationships to family in the UK and by making the sponsor an integral part of the process.
- 5.6 At present, there is a role for the ‘sponsor’ of a family visitor to supply documents supporting an entry clearance application. However, the level of detail required varies. Sponsors are not able to act as guarantor that the applicant will
- comply with the terms of their visa and will leave the UK at the end of their stay.
- 5.7 A sponsored family visitor route could clarify the documents that an applicant must provide in order for their application to be successful. The documents that a sponsor would be required to submit could be a specified number of wage slips or bank statements together with a statement of intent regarding the maintenance and subsistence of the family member.

5.8 DO YOU THINK FAMILY VISITS SHOULD BE SPONSORED?

Yes Don't know
No

If no, why not?

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5.9 DO YOU THINK THAT THE DOCUMENTS REQUIRED FOR A FAMILY VISITOR VISA SHOULD BE CLARIFIED?

Yes Don't know
No

If no, why not?

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5.10 WHAT DOCUMENTS DO YOU THINK SHOULD BE SUBMITTED IN SUPPORT OF A FAMILY VISITOR APPLICATION? PLEASE SELECT ALL THOSE THAT APPLY.

- | | | | |
|-------------------|--------------------------|-------------------------------------|--------------------------|
| Wage slips | <input type="checkbox"/> | Statement of intent for sponsorship | <input type="checkbox"/> |
| Bank statement | <input type="checkbox"/> | Birth certificates | <input type="checkbox"/> |
| Proof of address | <input type="checkbox"/> | Marriage certificates | <input type="checkbox"/> |
| Proof of identity | <input type="checkbox"/> | | |

Other (please state)

5.11 Currently, family member is defined in the Immigration Appeals (Family Visitor) Regulations 2003 as [an applicant's]:

- spouse;
- parent;
- child;
- grandparent;
- grandchild;
- sibling;
- aunt or uncle; or
- first cousin.

5.12 In putting the sponsor at the heart of the application process, we would need to clarify the family members that they would be able to sponsor. In particular, we would want to make sure that the relationship could be easily verified which could be easier for close family, and limited to grandparents and aunts and uncles only. We would also want to make sure that it is clear who would be able to sponsor a family visit. This could be limited to British Citizens settled in the UK, to those who have indefinite leave to remain or include those who are in the UK in a category that leads to settlement.

5.13 WHO DO YOU THINK SHOULD BE DEFINED AS A FAMILY MEMBER, AND, IF SPONSORSHIP IS INTRODUCED, DO YOU THINK THEY SHOULD BE ABLE TO SPONSOR A FAMILY VISITOR? ALL SPONSORING FAMILY MEMBERS WILL BE REQUIRED TO BE AGED 18 AND OVER. PLEASE SELECT ALL THAT APPLY.

	Defined as a family member (if aged 18 and over)? (Please tick if yes)	Allowed to sponsor a visitor (if aged 18 and over)? (Please tick if yes)
Spouse	<input type="checkbox"/>	<input type="checkbox"/>
Parent	<input type="checkbox"/>	<input type="checkbox"/>
Child	<input type="checkbox"/>	<input type="checkbox"/>
Grandparent	<input type="checkbox"/>	<input type="checkbox"/>
Grandchild	<input type="checkbox"/>	<input type="checkbox"/>
Sibling	<input type="checkbox"/>	<input type="checkbox"/>
Aunt or uncle	<input type="checkbox"/>	<input type="checkbox"/>
First cousin	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>

5.14 SPONSORS WILL BE LIMITED TO THOSE AGED 18 YEARS AND OVER. DO YOU THINK SPONSORS SHOULD ALSO BE LIMITED TO THOSE WITH A PARTICULAR IMMIGRATION STATUS?

Yes Don't know

No

If no, why not?

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**If yes, what immigration status do you think a person should hold in order to sponsor a family member?
Please select all that apply.**

- | | | | |
|---|--------------------------|---|--------------------------|
| British citizenship only | <input type="checkbox"/> | Foreign nationals holding a work permit to remain temporarily in the UK for less than 12 months | <input type="checkbox"/> |
| EU/EEA nationals residing in the UK | <input type="checkbox"/> | Students | <input type="checkbox"/> |
| Foreign nationals with indefinite leave to remain in the UK (leading to citizenship) | <input type="checkbox"/> | Visitors remaining in the UK for under three months | <input type="checkbox"/> |
| Foreign nationals holding a work permit to remain temporarily in the UK for more than 12 months | <input type="checkbox"/> | All persons, regardless of immigration status | <input type="checkbox"/> |

5.15 Sponsors could be expected to ensure that their family visitor complies with the conditions of their visa. In particular, they could be expected to give assurances that the family member would not work illegally, would not use the National Health Service for non-emergency medical treatment and would leave the UK at the end of their stay.

5.16 The next step could be to explore how sponsors could be expected to provide this assurance. Options, which are used in other countries, could include providing a general statement of intent as outlined above that covered all of the responsibilities of the sponsor, a written statement that had been signed in the presence of a solicitor or submitting a financial security.

5.17 The idea of requiring financial securities for visitors coming to the UK has been considered before. It was first raised in a consultation paper published in 1999 as a way to meet concerns of members of the ethnic community that genuine family members were having their applications refused because entry clearance officers were not satisfied that they would leave at the end of their visit. There has been significant progress in our understanding of the role of sponsors through the development of the Points Based System, on the benefits of involving and empowering sponsors, and crucially of making them more responsible. That learning could inform how we manage family visit sponsors and provide the necessary level of control.

5.18 HOW DO YOU THINK A SPONSOR SHOULD ENSURE THAT THEIR SPONSORED FAMILY MEMBER COMPLIES WITH THE CONDITIONS OF THEIR VISA? PLEASE SELECT ALL THAT APPLY.

- | | | | |
|--|--------------------------|--------------------|--------------------------|
| General statement of intent outlining responsibilities | <input type="checkbox"/> | Financial security | <input type="checkbox"/> |
| Written statement in present of a solicitor | <input type="checkbox"/> | | |

Other (please state)

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5.19 If a sponsor is required to provide an assurance, then we need to be clear about the consequences for the sponsor should the visitor fail to comply. The options we might consider,(as used in other

countries such as Australia), could include loss of a financial security, if one was submitted, or restrictions on the ability to sponsor a future application.

5.20 DO YOU THINK A SPONSOR SHOULD FACE A PENALTY IF THEIR FAMILY MEMBER FAILS TO COMPLY WITH THE CONDITIONS OF THEIR VISA?

Yes

Don't know

No

If no, why not?

If yes, what do you think these penalties should be? Please select all that apply.

Financial penalty

Restrictions on
future ability to
sponsor visitors

Other (please state)

5.25 IF YES, HOW DO YOU THINK RIGHTS OF APPEAL SHOULD BE REVISED? PLEASE SELECT ALL THAT APPLY.

Introducing more limited rights of appeal

Replacing appeals with an administrative review

Introducing wider rights of appeal

Financial contribution from visa applicant towards the appeal

Other (please state)

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ANNEX A

CURRENT ENTRY REQUIREMENTS FOR VISITORS

The current entry requirements for visitors are set out in paragraph 41 of the Immigration Rules. A person seeking leave to enter the UK as a visitor must show that he:

- (i) is genuinely seeking entry as a visitor for a limited period as stated by him, not exceeding 6 months; and
- (ii) intends to leave the United Kingdom at the end of the period of the visit as stated by him; and
- (iii) does not intend to take employment in the United Kingdom; and
- (iv) does not intend to produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public; and
- (v) does not intend to *undertake a course of study*; and
- (vi) will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends; and
- (vii) can meet the cost of the return or onward journey; and
- (viii) is not a child under the age of 18.

Visa nationals must obtain prior entry clearance before travelling to the UK.

ANNEX B

ACADEMIC VISITORS

The Academic Visitor concession currently operates outside the Immigration Rules and enables academics to come to the UK to undertake their own private research. Academic visitors must meet the current entry requirements for visitors at Annex A, but are able to stay in the UK for up to 12 months.

PROSPECTIVE STUDENTS

A prospective student who intends to study in the UK but who does not yet have complete arrangements for his/her study can enter the UK as a prospective student under paragraph 82 of the Immigration Rules. They must be able to demonstrate that:

- they have a genuine and realistic intention of undertaking a course of study within 6 months that meets the requirements for an extension of stay as a student;
- they intend to leave the UK on completion of studies or on expiry of the visa if not able to meet the requirements for extension of stay as a student; and
- they will not work or recourse to public funds.

Entry clearance is granted for a maximum stay of 6 months.

VISITORS FOR PRIVATE MEDICAL TREATMENT

Visitors coming to the UK for private medical treatment must satisfy the current entry requirements for visitors at Annex A. They must also meet the requirements at paragraph 51 of the Immigration Rules, namely that they are able to produce evidence of their medical condition and proposed treatment as required. Entry to the UK will initially be granted for a maximum of 6 months, but individuals may be granted extensions of stay beyond this.

MARRIAGE VISITORS

Visitors coming to the UK to get married must satisfy the current entry requirements for a visitor at Annex

A. They must all satisfy the requirements at paragraph 56D of the Immigration Rules, in particular that:

- they can produce satisfactory evidence for the wedding to take place during the visit.

Entry to the UK is granted for a maximum of 6 months.

PARENT OF A CHILD AT SCHOOL

Visitors coming to the UK as the parent of a child at school must satisfy the current entry requirements for visitors at Annex A. They must also meet the requirements at paragraph 56A of the Immigration Rules, in particular:

- the child is attending an independent fee paying school;
- the child is under 12 years of age;
- the parent can provide satisfactory evidence of adequate funds; and
- the parent is not seeking to make the UK their main home.

Entry to the UK is granted for a maximum of 12 months.

CHILD VISITORS

3.33 Child visitors must satisfy the current entry requirements for visitors at Annex A. They must also meet the requirements at paragraph 46A of the Immigration Rules, in particular:

- they are under 18;
- they have a parent or guardian in their home country who is responsible for their care; and
- if they are a visa national they are either accompanied by the adult named on their visa or have entry clearance as an unaccompanied child.

Entry to the UK is granted for a maximum of 6 months.

VISITORS IN TRANSIT

Visitors in transit to another country must satisfy paragraph 47 of the Immigration Rules, in particular that:

- they are in transit to a country outside the Common Travel Area;
- they are assured of entry to that country; and
- they intend and are able to leave the UK within 48 hours.

Entry to the UK is granted for a maximum of 48 hours.

3.34 The transit visa regime is currently under separate review.

ANNEX C

Typical business visitors are:

- Those coming to attend meetings or conferences;
- Those coming to arrange deals, negotiate or sign trade agreements or contracts etc;
- Those coming to undertake fact finding missions, check details or goods;
- Those coming to purchase trade goods;
- Those coming for training in techniques and work practices used in the UK provided the training is confined to classroom instruction, familiarisation or observation; and
- Sportspeople/entertainers coming for personal appearances or promotions, provided no performance or competitive sporting activity is involved.

The following groups fall outside the limits of the visitor provisions, mainly because they are supplying a service in the UK, but as a matter of administrative policy are permitted to enter as visitors:

- Those delivering goods and passengers from abroad, provided they are genuinely working an international route;
- Tour group couriers contracted to a firm outside the UK seeking entry to accompany a tour group, and who intend to leave with that tour group;
- Those coming as speakers in conferences not run as a commercial concern and as a “one-off”;
- Advisers, consultants, trainers, trouble shooters etc employed abroad by the same company to which the client firm in the UK belongs;
- Representatives of computer software companies coming to enhance, install or debug their products;
- Representatives of foreign manufacturers coming to service or repair their company’s products;
- Representatives of foreign machine manufacturers coming to install and erect machinery; and
- Monteurs – working on development of foreign made machinery.



