



GOVERNMENT RESPONSE TO THE CONSULTATION ON VISITORS

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FOREWORD BY LIAM BYRNE MP

MINISTER OF STATE FOR BORDERS AND IMMIGRATION (HOME OFFICE) AND MINISTER OF STATE WITH RESPONSIBILITY FOR REVENUE PROTECTION AT THE BORDER (HM TREASURY)



In 2008 we are making the biggest changes to our immigration and border security system for forty five years. Our policy will deliver strong borders, a selective migration system and an expectation that newcomers earn the right to stay. Our ambition is simple: that migration policy maximises benefits for Britain and we manage local impacts.

Amongst these changes, perhaps the most important is the replacement of around eighty different routes into Britain with a points system based on the strategy which has worked so well for so long in Australia. Alongside this change, we propose to overhaul our policy for spouse visas, and so it makes sense for us to change now our policy for policing short term visits to the United Kingdom.

Our ambition is for the United Kingdom to remain an open and attractive place to do business and to visit and spend time as a tourist. But at the same time we are determined to deliver a system of border security which is amongst the most secure in the world.

In this document we set out our proposals for the reform of the short term visit routes to the United Kingdom. Our proposals for a change of policy follow changes already in place to strengthen security. By January this year we had introduced the requirement

for all visa applicants to provide their fingerprints, several months ahead of schedule and over the course of 2008 we will present Parliament with proposals for extending our visa regime around the world.

We know that many people have a stake in us getting this policy right. We therefore issued a consultation document at the end of last year. But in addition I personally led a series of consultation events around the country and was accompanied by a delegation of community leaders and businessmen to India to review first hand some of the issues in one of our most important overseas markets.

At the heart of the document we publish today are three key changes:

- A new sponsored family visitor category with licensed sponsors vouching for their family members' visits – but with liability for on the spot £5,000 fines or a 14 year jail sentence for those who break the rules. We will pressure test our new approach with trials in early 2009;
- New proposals for tourist visas, including group travel and special events visas; and
- A distinct, clear category for business and special visitors.

In addition to these changes, this document outlines our commitment to:

- Preserve the existing route for overseas domestic workers with a further review in two years time once we have properly road-tested our anti-trafficking strategy; and
- Retain appeal rights for sponsored family visitors but subject to some streamlining.

Many people have had a role in helping us produce today's strategy. Today we set out our timetable for change. Before changes are made we will publish blueprints to make sure we have the details right. Meanwhile, I want to express my thanks to everyone who has helped us get today's strategy in shape.

A handwritten signature in black ink that reads "Liam Byrne". The signature is written in a cursive style and is underlined with a single horizontal stroke.

SUMMARY

1.1. In ‘Securing the UK Border’, published in March 2007, we said we would modernise our visa system for short-term visits – to sit alongside our points system for longer-term economic migration and for those coming to study, and our reform of spouse visas.

1.2. The visitor consultation, published in December 2007, proposed three principal categories of visitor – tourist, business, and sponsored family. Our chief proposals were:

- Whether to reduce the maximum length of leave to all tourists from six to three months;
- A system of licensed sponsors for visitors travelling to see family in the UK;
- Changes to help sponsors guarantee their obligations to ensure that their family member will leave the UK at the end of their stay; and
- Whether to reform appeal rights for family visitors.

1.3. In total, 604 consultation responses were received during the consultation period which ran from 18 December 2007 to 10 March 2008. The majority of responses we received (54 per cent) were from individual members of the public.

1.4. Uniquely, we included as part of our consultation process, engagement with UK communities at home, and foreign communities abroad. The Minister for Borders and Immigration led both, visiting India with a delegation in February, and holding consultation events across the country.



1.5. This document sets out the results of the consultation and the Government’s proposals for reform. In essence:

- we propose a new family of visa products for short-term visits reflecting better the different motives for coming to the UK in the 21st century and our demand for much stronger border security;
- updated proposals for enhancing tourist visas, including group travel and special events visas;
- a distinct, clear category for business and special visitors; and
- a new sponsored family visitor category with licensed sponsors vouching for their family members’ visits – but with liability for on the spot £5,000 fines or a 14 year jail sentence for those who break the rules.

TOURIST VISITORS

THREE MONTH TOURIST VISA

2.1. Most tourists only want a visa for three months. On the other hand, there are persuasive arguments around the economic benefit of tourism to the UK, an industry which is worth over £85 billion per year. In 2006, people from overseas spent £15.4 billion in the UK, with the tourism industry alone directly employing 1.4 million people, so it is vital that our policy for tourists supports this valuable industry.

2.2. We have listened carefully to the comments we received. Our conclusion is that the maximum leave for tourists should remain at six months, but there will continue to be some circumstances when leave for less than this maximum period could be granted, where UKBA entry clearance officers should have discretion to issue visas for, say three months. We shall, however, keep our approach to this under review as we develop the capacity to count foreign nationals in and out of the country and gather better information on the length of time that tourists stay in the UK.

2.3. We posed the following question about tourist visitors in the consultation document:

Do you think the current maximum leave for tourist visitors should be reduced?¹

- Sixty-six per cent did not agree that the maximum length of leave should be reduced. The reasons for this included:
 - Insufficient time for tourists to spend in the UK given the time, effort and cost required to obtain a visa;
 - Substantial cost to visitors in making the trip to the UK meaning that trip might not be worth making if they were limited to three months; and

- The potentially negative effect on the UK economy.

- Twenty-seven per cent supported a reduction in length of leave. Reasons given included:
 - Three months is sufficient time to visit the UK; and
 - A reduction in leave would bring the UK in line with Schengen countries.
- Of these 77 respondents, 74 gave an opinion on their preferred length of stay:
 - Fifty-two thought that the length of leave should be reduced to three months;
 - Nine considered two months to be appropriate; and
 - Thirteen preferred one month.
- Earlier this year the Minister for Borders & Immigration, Liam Byrne, led a delegation of community leaders and businessmen to India to discuss the proposals in the consultation document. The delegation highlighted the concerns about the proposals to reduce the period of leave for visitors from six to three months.

NEW VISA PRODUCTS

Group tourist travel visa

2.4. To better support the UK tourist industry, we also proposed new visa products for tourist groups helping to promote the UK as an attractive destination, particularly for new and emerging markets. As part of our market research, we are piloting a group tourist visa in the Chinese market to allow groups applying to travel on tours with approved agents to apply for a visa valid for three months at a fee of £44. The pilot will be extended to India later this

¹ Two hundred and eighty-two respondents answered this question.

year. We will use the results from these tests to decide whether there is a market for a shorter, group visa at a lower fee than the standard visitor visa, with a view to global introduction from April 2009 if appropriate.

2.5. Our consultation posed four questions on the subject of group visas:

Do you think we should introduce a group tourist travel visa?²

- Fifty-eighty per cent agreed we should introduce the proposal.
- Twenty-eight per cent did not express a clear view in favour of or against the proposal.
- Of the 14 per cent of respondents who did not agree with the proposal, reasons given included:
 - There is no guarantee that visitors would remain with the group throughout the duration of their trip; and
 - Group travel would restrict individual freedom to travel.

If yes, for which groups should the group tourist travel visa be made available?³

- Thirty-eight per cent of respondents thought the visa should be available to visitors with pre-arranged travel to the Schengen area and the UK.
- Twenty-five per cent of respondents said that the visa should be restricted to those with pre-arranged travel to the UK only.

- Nineteen per cent of respondents thought that groups wishing to travel to the UK only at any time should benefit from the visa.
- Seven per cent of respondents thought that the visa should be available to groups wishing to travel to the Schengen area and UK at any time.

Do you think the group tourist travel visa should be time limited?⁴

- Fifty-four per cent agreed with this proposal.

If yes, how long do you think the visa should be valid for? (Two weeks, one month, two months or three months)⁵

- Fifty-six per cent thought that the visa should be limited to three months.

Events visitor

2.6. As the UK is currently, and will continue to be, host to many major sporting and cultural events we have explored visa products which could let visitors come to the UK to watch big events. Our proposals received widespread support so we will develop detailed proposals for special events visas with a limited set of entitlements and possibly a lower fee than the standard tourist visit. The criteria for a “special event” will be drawn tightly so only events of particular significance, including one-off events, will count. These could include sporting, cultural and religious events. We will work with the UK Border Agency Visitor and Arts & Entertainment Taskforces to develop this further, with a view to introduction from April 2009 if appropriate.

² Three hundred and ninety-seven respondents answered this question.

³ One hundred and sixty-nine respondents answered this question.

⁴ Three hundred and seventy-four respondents answered this question.

⁵ One hundred and eighty-six respondents answered this question.

2.7. Our consultation posed four questions on an events visitor visa, responses to which were received as follows:

Do you think a specific category of events visitor, included under the tourist category, should be created for major sporting and cultural events?⁶

- Sixty-four per cent agreed with this proposal.

If yes, what type of events do you think should qualify for inclusion in an events visitor subcategory?

- Two hundred and forty three respondents thought that major sporting events such as the Olympics and the World Cup should be included in this category; and
- One hundred and seventy-seven respondents also thought that cultural events such as the Edinburgh Festival Fringe should be included.

Do you think the events visit visa should be time limited?

- Two hundred and forty-nine respondents thought that an events visitor visa should be time limited.

If yes, how long do you think the visa should be valid for? (One month, two months or three months)⁷

- Thirty-seven per cent thought that it should be valid for one month; and
- Forty-one per cent thought the maximum length of leave should be three months.



⁶ Four hundred and twenty seven respondents answered this question.

⁷ Two hundred and fourteen respondents answered this question.

BUSINESS AND SPECIAL VISITORS

- 3.1. We welcome legitimate business travellers and are unequivocally committed to ensuring that the UK remains an attractive place to conduct business. We have therefore decided, in view of the consultation responses, to create a new visa for Business and Special Visitors. This will make it clear what business visitors can do when they visit the UK and what they cannot.
- 3.2. Speeding the passage of legitimate goods and authorised people into the UK is a key objective of the UK Border Agency and we are developing new technologies for quicker and more secure passage through our ports. Over the coming months we will develop our trusted traveller products which will help legitimate travellers cross our border quickly but securely. We are considering innovative ways of developing our highly successful IRIS automated control and this summer we will test new automated gates for British citizens which use the biometric information contained in the UK's new chipped passports. Subject to the success of these initiatives, we will roll out staffed but automated controls at a wider range of ports during 2009.

BUSINESS VISITORS

- 3.3. We have been working with the business community to develop the clearest possible definition of business visitor. The aim is to remove grey areas and have a clear distinction between business travellers and those who are workers who should come to the UK under the relevant category of the Points Based System.
- 3.4. We will therefore clarify the Immigration Rules to set out what business visitors will be allowed to do – and what they cannot – whilst they are in the UK. We will clarify the grey area around entry of advisers, consultants and similar who are employed abroad by a company with a branch or client in the UK. To avoid confusion, we shall make it clear that individuals should not be conducting paid or unpaid work for the UK branch or client, whether in a supernumerary, project manager or temporary cover capacity.

Similar clarification will be made for those entering as a Business Visitor for the purpose of training in techniques and work practices in the UK.

- 3.5. The maximum length of leave for Business Visitors will be six months. As now, Business Visitors will be able to apply for multiple-entry visas valid for a number of years. However where a UKBA Officer at port suspects the holder is not a genuine Business Visitor but appears in fact to be basing themselves in the UK for employment purposes, the officer will be able to refuse entry or cancel the visa. We envisage that Academic visitors will be provided for in the newly defined business visitor route but with exceptional provision for up to 12 months' leave.

NEW CATEGORIES OF BUSINESS VISITORS

- 3.6. In May 2008 we published our Statement of Intent for Tier 5 of the Points Based System⁸, which outlined our plan to bring the current concessions for sportspersons and entertainers within the Immigration Rules as visitors. We will therefore introduce two new visitor routes for sports and entertainers visitors as follows:

SPORTS VISITOR

- 3.7. In general, sportspeople come to the UK to compete in a specific event or series of events. Many in the sporting sector argued convincingly against including those who benefit from the current concession within Tier 5 of the Points Based System. They expressed grave concerns around the effect this would have on UK's sporting traditions, and on particular events like the London Marathon. The following individuals will be able to enter the UK on a sports visitor visa for up to six months:

⁸ 'Temporary workers and Youth Mobility under the Points Based System – (Tier 5) – Statement of Intent' available at: www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs.

Sportspeople and support staff coming for specific events

3.8. Sportspeople, both amateur and professional, and their support staff, who are coming to the UK to take part in a specific event or series of events, or a specific one-off charity sporting event or exhibition match, as either an individual or member of an overseas team, will be able to enter the UK as a sports visitor provided that they are visiting or touring and are not seeking to base themselves in the UK⁹.

Amateur sportspeople joining UK amateur teams

3.9. Sportspeople who are amateurs at home, will be able to join a club in the UK as a sports visitor provided that the team is made up of wholly, or predominantly amateur players and they are not being paid by the club other than board, lodging and reasonable expenses¹⁰.

ENTERTAINER VISITOR

3.10. Similarly, in specific circumstances, entertainers have enjoyed a concession for a number of years allowing them to come to the UK without a work permit. Stakeholders in the sector argued that the Tier 5 requirements would deter organisers and migrants from holding and attending events such as important festivals and charitable concerts in the UK, placing an important feature of UK cultural life in jeopardy.

3.11. The following entertainers will therefore be able to enter the UK on an entertainer visitor visa for up to six months:

- Professional entertainers coming to the UK to take part in a music competition;

- Amateur entertainers, as either an individual or member of a group, such as an orchestra, travelling to the UK for a specific engagement; and

- Professional entertainers coming to take part in a charity concert or show where the organiser is not making a profit and no fee is paid to the entertainer.

3.12. Professional and amateur entertainers coming to the UK to perform at a 'permit-free festival' will also enter the UK on an entertainer visitor visa.

3.13. Sikh religious entertainers who currently enter the UK under the entertainers' concession will not be covered by the entertainer visitor category, but will enter the UK under the religious worker sub-category of Tier 5 of the Points Based System. Further information on this route can be found in the Tier 5 Statement of Intent¹¹.

3.14. We posed five questions about business visitors in the consultation document:

Do you think a specific category of business and special visitors should be created?¹²

- Seventy per cent agreed that a specific category should be created.

If we have a business and special visitor category, what do you think the maximum length of time a business visitor should be able to stay in the UK should be? (One month, two months, three months, six months, up to 12 months)¹³

⁹ This category will replace the current concessions for 'sportspeople coming for specific events', 'persons coming for charity events, exhibition matches etc' and 'polo grooms, personal coaches etc'.

¹⁰ This category will replace 'amateurs joining amateur teams'.

¹¹ 'Temporary workers and Youth Mobility under the Points Based System – (Tier 5) – Statement of Intent' available at: www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsddocs.

¹² Four hundred and six respondents answered this question.

¹³ Two hundred and sixty-four respondents answered this question.

- Forty-four per cent thought that 12 months was the most appropriate period;
- Twenty per cent thought six months should be the maximum;
- Fourteen per cent thought business visitors should be able to travel to the UK for three months; and
- Thirteen per cent thought the limit should be one or two months.

What activities do you think business visitors should be able to undertake whilst in the UK?¹⁴

- These are best classified as ‘business activities’, such as attending meetings and conducting site visits, and ‘promotional activities’, such as marketing and conferences.

What options should be available to make travel more flexible for business visitors?

- Two hundred and seventy-nine respondents thought that longer-term multiple entry visas should be available to business visitors; and
- A further 172 respondents support expedited clearance at port through our Registered Traveller Scheme.
- During a community event led by the Minister, in response to the proposals contained in the consultation, one attendee remarked that *‘the visa process should be quicker – Indian businesses are willing to pay for this’*.

What activities should be included within the list of permissible activities for business visitors?¹⁵

- There was support for each of these activities to be included as activities that could be undertaken by business visitors:
 - Film crews on location shoots;
 - Clinical attachments;
 - Doctors taking the PLAB;
 - Dental observers; and
 - Permit-free performers.

SPECIAL VISITORS

3.15. There are a number of special visitor categories that have been introduced into the Immigration Rules when a need was identified (Annex A). These will be brought together under the special visitor category.

- Visitors for private medical treatment – six months plus extensions;
- Marriage visitors – six months;
- Parent of a child at school – 12 months; and
- Child visitors – six months.

¹⁴ One hundred and sixty-three respondents answered this question.

¹⁵ For numbers of respondents supporting each activity, please refer to Annex B.

3.16. We asked two questions about special visitors in the consultation document, and received responses as follows:

Do you think that within the business and special visitor category there should be a specific sub-category of special visitors to bring together the current special visitor route?¹⁶

- Fifty per cent of respondents were unsure about whether a special visitor category was needed; and
- Thirty-five per cent supported the proposal.

Do you think that we should include academic visitors under the special visitor route?¹⁷

- Ninety-seven per cent supported the proposal to bring the current concession for academic visitors within the Immigration Rules as special visitors.

¹⁶ Three hundred and thirty-nine respondents answered this question.

¹⁷ One hundred and ten respondents answered this question.

OVERSEAS DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS

- 4.1. As a Government, we have made it clear that low skilled migration will only be provided for in Tier 3 of the new Points Based System should there be clear evidence of a specific and temporary labour shortage that cannot be met from the domestic or EU labour force. We are being advised on these issues by the new Migration Advisory Committee, but while restrictions on Bulgarian and Romanian access to the labour market apply, there will be no further low skilled migration from outside Europe.
- 4.2. In our consultation paper, we set out the current arrangements for overseas domestic workers who accompany their employer to the UK, recognising stakeholder concerns that such workers may be the target of employer abuse and exploitation. We explained that research and analysis was being conducted into the route, following which we would consult further on future arrangements.
- 4.3. We are committed to ensuring that future arrangements concerning overseas domestic workers minimise any risk of abuse or exploitation. In addition, the current route will be preserved and then reviewed as appropriate after the first two years' operation of the reformed immigration system and when we will have properly road tested our anti-trafficking strategy. The results of the research and analysis will inform the development of any future arrangements and we will work closely with stakeholders to develop a package of reform.

SPONSORED FAMILY VISITORS

5.1. Under today's system, family visitors wishing to visit members of their family in the UK for short periods seek entry as general visitors. This means there is a lack of clarity about what must be submitted to support an application. Creating a specific route for sponsored family visitors – specifying the documents an applicant must provide in support of their application and creating a new role for a sponsor to support a family visitor – could help solve this. Decision-making, too, could be improved, to make sure we can easily identify family visitors when they make an application, and shift the emphasis towards a UK sponsor who we will ask to play a bigger role in ensuring and guaranteeing to us that their family members play by the rules.

5.2. Creating a new sponsored family visitor route will have a significant impact on those who wish to visit their family members who are resident in the UK. While family members will still be able to come to the UK as tourists, we believe that applying under the new Sponsored Family Visitor category, with a licensed sponsor vouching for their family visitor, will provide more assurance that a genuine application will be processed and approved quickly.

5.3. We realise that such wide-reaching changes will need to be thoroughly tested before we attempt to implement them. The proposals we set out today will require changes to legislation and to the Immigration Rules. We will therefore publish a statement of intent some months before we implement any changes at the end of 2009 and we will road-test elements of these proposals through trials in early 2009.

5.4. Our policy however will be as follows:

- First, we will introduce the opportunity for British citizens and those with indefinite leave to remain in the UK to become licensed sponsors who will vouch for their family visitor and who we are able to a) vet and b) take action against if the person they sponsor breaches the Immigration Rules. Sponsors will need to accept and sign up to a liability to a



sanction as part of the process of sponsoring a relative to visit the UK. Before accepting a sponsor we will make thorough checks as to who they are, including financial, criminal record and immigration checks, and we will link the issue of sponsor licences with the roll-out of national identity cards for British citizens and ID cards for foreign nationals.

- Second, and crucially, we will take action against sponsors who do not comply with their duties to ensure the person they sponsor goes home when they should. For those who fail to ensure that their family visitor complies with the conditions of their leave, we propose a range of sanctions, including:
 - A sponsorship ban for a specified period – informed by practices in other countries, such as Australia;
 - Issue of a civil penalty on a sponsor informed by penalties we operate for attacking negligent employers (penalties range up to £5,000); and ultimately
 - Prosecution for assisting unlawful immigration which may lead to an unlimited fine or even a prison sentence of up to 14 years in the most serious cases involving facilitation.
- Third, we will retain today's definition of 'family member', allowing spouses, parents, children, grandparents and grandchildren, siblings, aunts, uncles and first cousins to come to the UK in this route.

- Fourth, the maximum length of leave in this category will also remain at six months, but as with other visitor categories, UKBA will have the ability to grant leave in line with the visitors requested length of stay.
- Fifth, only British citizens and those with indefinite leave to remain in the UK will be able to act as sponsor to a family visitor.
- Sixth, we will retain appeal rights for this category, but there will be some changes to current procedures as part of the simplification and reform of our immigration laws, as set out in the consultation paper *'The path to citizenship: next steps in reforming the immigration system'*, published in February this year.

5.5. We believe that applying a civil penalty regime for sponsors, closely modelled on the regime for employers of illegal workers we implemented earlier this year, could provide a swift and effective means of tackling those who do not ensure that their family members comply with the terms of their visit. We envisage the maximum level of penalty would be £5,000, but we will take into account an individual sponsor's ability to pay before issuing a penalty. As a safeguard to make sure that sponsors are issued with an appropriate level of penalty, they would be provided with an opportunity to object to the department and to appeal to the county courts to reconsider the issue or level of a penalty where they can provide evidence to show that a civil penalty has been issued incorrectly. Our eBorders system will provide the technology to show that a family member has left the country within the validity of their visa.

5.6. We posed eight questions in the consultation document on sponsored family visitors and the responses received, which have shaped these proposals, are as follows:

Do you think that a separate category for those wishing to visit family in the UK should be created?¹⁸

- Seventy per cent of respondents agreed with this approach; and
- Twenty-four per cent were against a separate category.

Do you think family visits should be sponsored?¹⁹

- Sixty-seven per cent of respondents agreed; and
- Twenty-four per cent of respondents did not agree with this approach.

Do you think that the documents required for a family visitor should be clarified? What documents do you think should be submitted in support of a family visitor application?²⁰

- Seventy-four per cent of respondents agreed that clarification is needed; and
- Thirteen per cent of respondents disagreed with the proposals.
- There was varying support for each of the options provided: proof of identity, proof of address, statement of intent for sponsorship, bank statements, wage slips, marriage certificates, and birth certificates²¹.

Who do you think should be defined as a family member?²²

If sponsorship is introduced, do you think they should be able to sponsor a family visitor?

- The majority of respondents felt that any persons defined as a family member should be able to sponsor a family visitor.

¹⁸ Four hundred and twenty-two respondents answered this question

¹⁹ Three hundred and fifty-two respondents answered this question

²⁰ Three hundred and eighty-five respondents answered this question

²¹ For numbers of respondents supporting each option, please refer to Annex B.

²² Three hundred and twenty-eight respondents answered this question.

- There was wide support for all of the options identified as potential family members for the purposes of a sponsored family visitor: spouse, parent, child, grandparent, sibling, grandchild, aunt or uncle, and first cousin²³.

What immigration status do you think a person should hold in order to sponsor a family member?²⁴

- Fifty-nine per cent of agreed with the proposal that sponsorship be limited to persons with a certain immigration status.
- Of the 31 per cent of respondents who did not agree with the proposal, reasons given included:
 - It is discriminatory to give preference to sponsoring a family member;
 - Seeing family is a right that all have; and
 - Immigration status is not the correct tool to determine a person's ability to sponsor a family member.

How do you think a sponsor should ensure that their sponsored family member complies with the conditions of their visa?²⁵

- There was varying support for the proposals in the consultation: general statement of intent, financial security, and written statement in the presence of a solicitor²⁶.

- During a community event led by the Minister, in response to the proposals contained in the consultation, one attendee remarked that *'we are ready to give any guarantee that you want for our family to come and visit us'*.

Do you think that a person should face a penalty if their family member fails to comply with the conditions of their visa?²⁷

- Sixty-four per cent of respondents agreed that a sponsor should face a penalty if their family member fails to comply with the conditions of their visa, including restrictions on future ability to sponsor visitors, and financial penalty.
- Twenty-eight per cent of respondents disagreed with this approach.

Do you think that the current appeal rights for family visitors should be revised?²⁸

- Thirty-nine per cent of respondents agreed with this proposal;
- Thirty-four per cent were unsure; and
- Twenty-six per cent of respondents did not agree with the approach. There was varying support for the options which included introducing wider rights of appeal, replacing appeals with administrative review, financial contribution from the applicant, and introducing more limited rights of appeal²⁹.
- During a community event led by the Minister, in response to the proposals contained in the consultation, a number of attendees stated that the appeals system should not be reformed.

²³ As for footnote 21.

²⁴ Three hundred and eighty-one respondents answered this question.

²⁵ Three hundred and fifty-one respondents answered this question.

²⁶ For numbers of respondents supporting each option, please refer to Annex B.

²⁷ Three hundred and ninety-four respondents answered this question.

²⁸ Three hundred and seventy respondents answered this question.

²⁹ For numbers of respondents supporting each option, please refer to Annex B.

TIMETABLE FOR IMPLEMENTATION

6.1. We will publish more detailed statements of intent ahead of any changes we make to the Immigration Rules and any necessary legislative changes. The timetable for action is as follows:

Date	Action
September 2008	publish statement of intent on changes to the Business Visitor arrangements
Third quarter 2008	implement changes to Business Visitor Rules
By end of 2008	begin Sponsored Family Visitor pilots
Late 2008 – early 2009	Citizenship, Immigration and Borders Bill introduced to Parliament
After April 2009	possible introduction of events visa and / or expansion of group visa products
July 2009	publish statement of intent on Sponsored Family Visitor arrangements
Before end of 2009	implement Sponsored Family Visitor Rules changes

ANNEX A

SPECIAL VISITOR ROUTES

This annex provides further information of the requirements of a number of special visitor categories, introduced into the Immigration Rules when a need was identified.

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

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.

The transit visa regime is currently under separate review.

ANNEX B

RESPONSES TO THE CONSULTATION: EXECUTIVE SUMMARY

In total, 604 consultation responses were received during the consultation period (18 December 2007 – 10 March 2008). The majority of responses – 327 (54%) – came from individual members of the public. Notably, 90 (15% of all respondents) were doctors or other medical staff from overseas and 44 (7%) were students and academics. A further 32 responses (5%) from organisations represented a variety of sports and activities and another 16 (3%) were from organisations involved in festivals and other arts or cultural events. One-fifth of all respondents (21% - 124) did not provide background information or could not be identified as an individual respondent or as being from a particular organisation or sector.

In addition to inviting responses to the consultation document, the Minister for Borders & Immigration, Liam Byrne, proactively engaged with UK communities at home, and foreign communities abroad by:

- leading a cross-party delegation of community leaders and businessmen to India to discuss the policy proposals on sponsored family visitors with people who use the system;
- holding community events across the UK to discuss how the system can be improved for people here who have family abroad;
- meeting with MPs to discuss proposals for tourists and sponsored family visitors in order to develop a system that allows genuine applicants to get the right decision first time; and
- meeting with Trade Unions to discuss how best to ensure that overseas domestic workers are protected from abuse and exploitation.

Three petitions were also received in response to this consultation: one from Sarah Teather MP with 636 signatures, one from Shree Swaminarayan Temple, Willesden with 1,589 responses, and one from Shree Kutch Satsang Swaminarayan Temple, South East London, with 104 responses. These petitions will be considered alongside the consultation analysis. Key findings from the consultation are outlined

below. Please note that the response base differs between questions, as not all respondents answered all questions. Questions on the length of visitor visas and family sponsorship attracted the greatest number of responses whilst questions on business visas were less likely to be answered.

TOURIST VISITORS

There was confusion amongst respondents about whether reducing the length of a tourist visa would apply to family visitors. Such confusion may have arisen due to press coverage around the time of the launch of the consultation. The consultation sought views on whether the length of leave for tourists should be reduced from six to three months. This proposal was, in fact, not extended to sponsored family visitors. In order to ensure findings accurately reflected the questions asked, we therefore removed from the analysis those 217 responses which mistakenly referred to the tourist visa as applying to or impacting on their family members intending to visit them in the UK. The majority of these respondents disagreed with the proposal to reduce maximum tourist leave because of the impacts they thought would be on family visitors. These individuals would not be classed as tourists, but come under the separate category of family visitor visa discussed later in the report. We retained in the analysis those responses that referred to tourist visitors as those coming to the UK for holiday/travel, where the primary purpose was not to visit family.

Of the 282 respondents who correctly understood the proposal, 186 (66%) disagreed with the reduction in the current maximum leave for tourist visitors. Seventy-seven (27%) were supportive of a reduction, whilst 19 (7%) did not express a clear view for or against the proposal. The chief concerns amongst those who disagreed with the proposal focused on:

- insufficient time for tourists to spend in the UK given the time, effort and cost required to obtain visas (93 respondents);
- the substantial cost to visitors of making trips to the UK meaning that it may not be worthwhile

to make a trip for just three months (46 respondents);

- the potentially negative effect on the UK economy and the income brought into the UK by visitors (47 respondents); and
- suggestions for tourist leave to come in line with other countries; other European countries, the USA, Australia and Canada were given as examples (12 respondents).

Of the 77 (27%) respondents who agreed with the proposal, 74 indicated their preference for a time limit; 52 of these preferred a three-month visa period, whilst nine considered two months as appropriate and 13 considered one month as appropriate. Eleven respondents commented on their agreement with the proposal, with eight agreeing that three months was sufficient time to tour the UK.

GROUP TOURIST TRAVEL VISA

There was support for the introduction of a group tourist travel visa from 230 (58%) of the 397 respondents who answered this question, whilst 111 (28%) stated they did not know. Fifty-six (14%) did not support the proposal to introduce a group tourist travel visa, and 41 of these elaborated further on their opinions. The key points mentioned were:

- visitors should be treated individually (10 respondents);
- there was no guarantee that visitors would stay in groups throughout their trip and that such groups restricted individual freedom to travel (15 respondents);
- the proposal would not prevent illegal immigration (8 respondents); and
- eight respondents suggested additional points, outlined in the full report.

Of 169 respondents who answered the question, the largest single group – 64 (38%) – were most likely to

support a group tourist travel visa for visitors to the Schengen³⁰ area and the UK on pre-arranged trips whilst 43 (25%) wanted to see the visa available only for pre-arranged travel to the UK. The remaining 36% supported other options, and details of these are provided in the full report.

A little over half (202, 54%) of the 374 respondents who answered the question on whether the group visitor visa should be time-limited supported this proposal. When asked how long the group tourist travel visa should be valid for, a three month period was the most frequently suggested option for the length of a group tourist travel visa, supported by 104 (56%) of the 186 respondents who answered this question.

EVENTS VISITOR

Of 362 respondents who answered the question, 249 (69%) supported the creation of a time-limited events visitor category. When asked what type of events should qualify for inclusion in an events visitor subcategory, support was particularly high for major sporting events (243 respondents) and cultural events (177 respondents).

Of the 249 who agreed that an event visa should be time-limited, 214 answered the question on what the period of validity should be. These respondents were split on whether such a visa should last for one month – 80 respondents (37%) – or three – 88 respondents (41%). The remaining respondents suggested other options which are detailed in the full report.

BUSINESS VISITOR

A business visitor category was supported by a majority of respondents – 286 (70%) of the 406 respondents who answered the question.

When asked about the maximum amount of time a business visitor should be allowed to stay in the UK, of the 264 who answered this question, the largest

³⁰ The 15 Schengen countries are: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Italy, Greece, Luxembourg, Netherlands, Norway, Portugal, Spain and Sweden.

proportion – 117 (44%) – preferred a twelve-month visa period whilst 52 (20%) thought six months should be the maximum. The full report outlines the views of the remaining respondents who suggested other options.

When asked what options should be available to make travel more flexible for business visitors, respondents felt strongly that travel would be made easier for business visas by a longer term multiple entry visa; this was supported by 279 respondents with a further 172 supporting expedited clearance.

Amongst the 163 respondents who commented on the activities business visitors should be able to undertake whilst in the UK, there was greatest support for business related activities and trade – 99 respondents.

There was support, to varying degrees, for all the suggested activities to be included in a list of activities permitted for business visitors such as film crews (231 respondents); clinical attachments (229) PLAB³¹ doctors (225); dental observers³² (210) and permit-free performers (205).

SPECIAL VISITOR

There was some doubt about the creation of a special visitor category. Of the 339 respondents who answered the question, 171 (50%) stated they did not know whether a specific subcategory for special visitors should be created and 119 (35%) supported this category.

Of 110 respondents who answered the question on whether academic visitors should be included in the special visitors category, 107 supported the inclusion of academic visitors.

FAMILY VISITOR VISA AND FAMILY SPONSORSHIP

A family visitor visa category was supported by a majority of respondents – 294 (70%) of the 422 who answered this question; 101 (24%) disagreed.

The concept of sponsorship was clearly misunderstood by some, who felt it necessarily implied payment/provision of financial support. Some respondents referred to a payment or ‘bond’ being put down as part of the sponsorship process – although this proposal was not explicit in the consultation document, but was suggested in press coverage around the time that the consultation took place. The consultation sought views on how UK sponsors should ensure that their family member would comply with the conditions of their visa – by signing a general statement of intent outlining their responsibilities, a written statement signed in the presence of a solicitor or by submitting a financial security. Eighty (19%) of the 439 respondents who answered the question disagreed with the proposal that family visits should be sponsored and referred to bonds or financial sponsorship in the reasons for their response. Five of the 439 agreed with the proposal, but also mentioned bonds along with two respondents who said they did not know about the proposal.

In order to ensure findings accurately reflected the questions asked, we therefore removed from the analysis to this question those 87 responses which mistakenly referred to a bond or payment as automatically being a part of sponsorship, as this was not the case. This question sought views on sponsorship processes in general, not the actual means by which sponsorship would occur. Responses were retained in the analysis regarding sponsorship processes in general, to reflect the actual question asked.

Of the 352 respondents who did not refer to bonds or financial payment as part of sponsorship, the majority, 236 (67%) were in favour of family sponsorship, whilst 84 (24%) disagreed. Thirty-two (9%) did not know. Eighty-one of those who disagreed with the proposals commented further on their responses; the following themes emerged:

³¹ The Doctors coming to the United Kingdom to take the professional and linguistic assessments board (PLAB) test.

³² Those wishing to enter the United Kingdom to undertake dental observation post.

- visitors should be financially responsible for their own trip (not in relation to a bond payment) or the financial status of the host should apply only when the family visitor was unable to provide evidence of his/her own financial standing (25 respondents);
- family visits should be sponsored but these cases should be dealt with on a case-by-case basis (20 respondents);
- sponsoring of family visits would exacerbate family separation (13 respondents);
- the current system was sufficient, or there were questions over what benefits the new system would have (12 respondents); and
- 28 respondents suggested additional points, outlined in the full report.

Regardless of whether or not respondents perceived sponsorship to imply financial payment, respondents were most likely to agree that immediate family members should be able to sponsor visitors; for example, 318 respondents thought that spouses should be able to sponsor a family visitor and 310 respondents felt that parents should be able to sponsor. There was less support for more distant relations becoming sponsors, for example only 225 agreed an aunt or uncle should sponsor and 198 agreed that first cousins should sponsor.

Two-hundred and thirty-one respondents commented on the immigration status of potential sponsors. Few respondents (just 21) thought sponsorship of visitors should be limited to UK nationals only. Similarly just ten respondents felt that those on short-term visits (under three months) should be able to sponsor visitors. There was more support for sponsorship by foreign nationals with Indefinite Leave to Remain in the UK (185 respondents) and those visas of over twelve months (158 respondents).

Just under two-thirds – 254 (64%) – of the 394 respondents who answered the question agreed with

penalties for sponsors if a family member did not keep to the terms of a visa, while 112 (28%) disagreed with the proposal. When asked about the penalty a sponsor should face, 211 respondents preferred a restriction on future sponsorship over a financial penalty, while the latter was preferred by 168. Thirty-nine respondents who disagreed with the imposition of a penalty suggested that visitors should be responsible for themselves and that a sponsor could not be held responsible for the actions of their visitor.

ANNEX C

INITIAL IMPACT ASSESSMENT

This initial impact assessment sets out the key impacts associated with changes to the visitor rules for short-term migrant visitors to the UK. It is not possible at this stage to quantify the costs and benefits of the proposals as they are at any early stage of policy development. More detailed impact assessments, including an Equality Impact Assessment, will be published as each of the specific proposals is rolled out over time and as more evidence is gathered on the numbers affected and how they are affected.

The analysis below therefore concentrates on setting out: firstly, the categories of visitor that will be affected, and, secondly, what the scope of key costs and benefits will be.

TOURIST VISITORS

Tourists

There will be no significant change to the rules or length of leave granted to short-term tourists.

Group Visitors

There may be a reduction in cost and complexity of applying to visit the UK as an organised group, for example through a reduction in visa price or more efficient processing. There will, however, be no change in the length of leave granted. The reduction in cost and complexity of group visa applications should facilitate demand to travel to the UK for groups of visitors on organised trips, and therefore have positive impacts on the UK economy, in particular for the tourism industry and for carriers.

Events Visitors

There will be a new category of visit visa for those coming to the UK for major events, such as the Olympics and music festivals. There is likely to be a reduction in the complexity and cost of these visas, although the proposals will be developed over time to ensure an effective service whilst maintaining adequate control and protecting the UK border. The

reduction in cost and complexity of visa applications for major events should facilitate demand to travel to the UK for visitors coming to the UK for major events, and therefore have positive impacts on the UK economy, in particular for the tourism industry and for carriers.

BUSINESS AND SPECIAL VISITORS

Business Visitors

There will be no significant change to the rules or length of leave granted to business visitors.

Special Visitors

There will be no significant change to the rules or length of leave granted to special visitors, such as “entertainers” and “sportspeople”.

OVERSEAS DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS

There will be no significant change to the rules or length of leave granted to overseas domestic workers in private households at least for the next two years.

SPONSORED FAMILY VISITORS

There will be significant changes to the rules affecting visitors that want to come to the UK to visit their family. This will affect those in the UK that want their family to visit them, and those overseas wishing to visit their family in the UK. However, they will still be able to apply to come to the UK as tourist visitors.

Individuals in the UK that want their family to visit from overseas on a Sponsored Family Visitor Visa will be required to apply for and pay for a sponsor licence. This will impose costs on UK individuals applying for a sponsor licence. There may be a reduction in demand for travel to the UK as a family visitor due to the increased costs for the family member in the UK. In addition, applicants may be refused, with a further impact on demand to travel to the UK for their family members.

Individuals that wish to travel to the UK will have to face increased time costs to ensure they have an approved sponsor before they travel to the UK as a sponsored family visitor. This may also reduce demand to travel to the UK to visit a family member.

The combined impacts may reduce demand to come to the UK to visit family members, with potential impacts on the UK economy as it adjusts to changing levels of demand. These adjustment costs will be faced mainly by the tourism industry and carriers, although there may be a general reduction in consumption in the UK by those deterred that would have stayed and consumed in the UK for up to six months.

In addition, a new set of sanctions will be implemented that need to be administered and enforced. Sponsors that fail to comply with their duties could be banned from being a sponsor for a specified period, issued with a civil penalty, or prosecuted and even imprisoned for a criminal offence. Whilst it is unlikely that a significant increase in resources will be required to enforce these sanctions, there will be some impact on UKBA resources. There may also be a reduction in the demand to become a sponsor as a result of the greater risks of sanctions.

There may, however, be benefits associated with coming to the UK as a sponsored family visitor, as there will be greater certainty of having applications approved where applicants have an approved family sponsor. It is possible that family visitors could be displaced into the tourist category where they will not face the same requirements. However, this may prevent certain family visitors from visiting the UK if they fail their application for a tourist visitor visa, and they would not have a right of appeal. There would therefore be a greater deal of uncertainty.

WIDER IMPACTS

The full Impact Assessment will include more detailed analysis of wider costs, including assessments of whether there are significant impacts on Competition, Small Firms, Legal Aid, Equality, Human Rights, and other assessments required within the Impact Assessment framework.

