



Visitors to the UK

22nd January 2008

The Home Office proposes to make several changes to the Immigration Rules regarding visitors to the UK. Visitors include people who come to the UK as tourists, on business trips, for short-term studies and to visit families. In December 2007, a consultation paper was issued on Visitors. The deadline for responses is 10 March 2008 and the consultation paper is available at: www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/visitorsconsultationpaper/

Background information

The consultation paper sets out various facts and figures as background information.

Excluding European Economic Area (EEA) nationals, 12.9 million people entered the UK in 2006. Around 5,750,000 of these were visitors for non-business reasons. 1,690,000 were business visitors. Only a small proportion of visitors stay for more than 3 months. Statistics collected for 2003 and 2005 suggest that only a little over 1% of visitors stay for more than 3 months. Currently, visitors to the UK are usually granted entry for the maximum 6 months period. The UK tourist industry is valued at more than £85 billion per year, and employs around 1.4 million people. In 2006, tourists spent £15.4 billion in the UK.

The consultation paper

The consultation paper sets out various proposals relating to different types of visitor to the UK. It also gives some information on certain types of visitor in respect of whom no new proposals are being made; or for whom proposals may be made in the future.

Generally, the proposals are to divide the existing visitor category and establish several new categories of visitor in the Immigration Rules. These different categories would be treated differently for the purposes of the rules:

- some may be given permission to come to the UK for shorter periods than the six months that is usual for visitors at the moment
- the definition of 'family visitor', the only group of visitors who currently have a right of appeal against refusal of a visit visa may be changed and family visitors may lose appeal rights;
- family visitors may need to be sponsored by a family member in the UK, with the possibility of the family member putting down a bond, and the UK-based family member may forfeit that bond if the visitor overstays

The specific proposals made are outlined under separate headings below. The consultation paper includes a straightforward questionnaire by which people can set out their views.

Proposals for tourist visitors

The Home Office is considering the following proposals for tourists:

- reducing the maximum period of time given for a tourist to visit the UK; possibly to one, two or three months
- introducing a group tourist category in the Immigration Rules (currently a group tourist category does exist under unique arrangements between the UK and China)
- introducing a category in the Immigration Rules specific to visits for particular sporting and cultural events

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Information sheets provide general information only.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not.

Proposals for business visitors

The Home Office is considering the following proposals for business visitors:

- introducing a specific business visitor category in the Immigration Rules (or business and special visitors)
- bringing various existing categories in the Immigration Rules within the scope of a new business and special visitors category; including doctors or dentists coming to the UK to undertake clinical attachments, film crews or those coming for private medical treatment

Short-term student visitors

In September 2007, new provisions were introduced into the Immigration Rules for this group – see paragraph 56 of the Immigration Rules. The Home Office proposes no changes to this.

Proposals for family visitors

The Home Office is considering the following proposals for family visitors:

- introducing a specific category in the Immigration Rules for family visitors
- requiring that family visitors are formally sponsored (i.e. a person in the UK, who is to be visited, sponsors the application of his or her family member to come to the UK)
- restricting who could sponsor a family visitor to British citizens or those with indefinite leave to remain
- introducing penalties to be imposed upon a sponsor if a family visitor overstayed (i.e. did not leave the UK before the end of the period granted for them to visit); penalties could include requiring sponsors to pay a financial security (or bond) for the family member to visit, which would be forfeited if that person overstayed
- restricting or removing the right of appeal to the Asylum and Immigration Tribunal (AIT) against a decision to refuse permission for a family member to visit

General comment

There are a variety of proposals set out in this consultation paper. However, only a general comment is provided here.

The apparent intention to add new categories under the Immigration Rules is in sharp contrast to the explanations Government has offered for the need to introduce a Points Based System for economic migration. The Government has consistently stated that a key advantage under the Points Based System is that it will be simpler for all concerned to reduce a variety of specific immigration categories for different types of economic migrant to 5 categories (called tiers). With visitors, however, it seems the intention is to move in the opposite direction.

At present, there appears to be a real possibility that some categories of visitor could be restricted to very short periods in the UK. For families, in particular, there is a real possibility that visits may be precluded by requirements upon a sponsor in the UK to:

- have a particular status
- provide particular documentary evidence
- provide a financial security (or bond)

The question of financial securities (bonds) is a particularly vexed one. Some people would rather pay a bond than their family member not be able to visit at all. However, the fear is that if bonds are introduced they will be imposed in cases where now the visitor would be allowed to come without a bond being paid and that those who are not allowed to visit now will still not be allowed to come to the UK.