EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (DESIGNATION OF TRAVEL BANS) (AMENDMENT No. 3) ORDER 2012

2012 No. 3010

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of Instrument

2.1 The Immigration (Designation of Travel Bans) (Amendment No. 3) Order 2012 (the "2012 Amendment Order") amends the Immigration (Designation of Travel Bans) Order 2000 (the "2000 Order") by updating the list of European Union Council Decisions in the existing Schedule to the 2000 Order. The Schedule lists United Nations' Security Council Resolutions and European Union Council Decisions or Common Positions which impose restrictive travel measures against named individuals.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Section 8B of the Immigration Act 1971 (as inserted by Section 8 of Immigration and Asylum Act 1999) provides for the exclusion from the United Kingdom of persons subject to United Nations (UN) or European Union (EU) restrictive travel measures which have been designated by Order.

4.2 The United Kingdom complies with UN Security Council Resolutions or instruments of the Council of the European Union that impose restrictive travel measures by including them in the 2000 Order. This Order is made under Section 8B of the Immigration Act 1971 and came into force on 10 October 2000. The Schedule to the 2000 Order, which lists the relevant UN and EU travel bans, is updated at intervals to take account of changes to the various travel restrictions, including the lists of designated persons. The effect of including these travel bans in the 2000 Order is that, unless subject to one of the exemptions set out in Article 3 of the 2000 Order, a person named by or under or described in a designated travel ban is an excluded person and must be refused leave to enter or remain in the United Kingdom, including transit through the United Kingdom. Any existing leave is automatically cancelled and any exemption from immigration control e.g. as a diplomat, ceases. This does not affect British citizens' right of entry into the United Kingdom.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is not subject to any parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 United Nations or European Union travel bans restrict the movement of certain individuals associated with regimes or groups, whose behaviour is considered unacceptable by Member States. The decision to impose a travel ban is made either by the United Nations' Security Council by means of a UN Resolution or by an instrument of the Council of the European Union. Both require Member States of the UN or the EU to restrict named individuals' entry to or transit through their territory except in very limited circumstances. Once such instruments are designated in UK legislation by means of the 2000 Order, individuals subject to those travel bans are excluded persons and must be refused entry to or transit through the United Kingdom on the basis of the travel ban. In addition, provisions in the Immigration Rules enable a person not yet designated under the 2000 Order to be refused entry to the UK, or to have a visa revoked, on the basis that his exclusion from the United Kingdom is conducive to the public good.

7.2 The 2012 Amendment Order updates the list of EU Council Decisions on Belarus, Guinea-Bissau, Iran, Moldova, Somalia and Syria in Part 2 of the Schedule to the 2000 Order.

- **Consolidation**

7.3 Amendments to the 2000 Order are consolidated at intervals. The last consolidation came into force on 3 July 2012.

8. Consultation Outcome

8.1 The Order is giving effect to the United Kingdom's legal obligations under international law. Consultation is not required.

9. Guidance

9.1 This Order gives effect in UK law to international obligations restricting entry and travel in accordance with EU Council Decisions and Common Positions. The EU provides lists of those affected.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is negligible being only operational activity in the UK Border Agency and Border Force.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring and Review

12.1 Changes to the United Kingdom's obligations under United Nations and European Union travel bans will be monitored throughout the year.

13. Contact

Queries should be addressed to Kevin Egan of the UK Border Agency on telephone: (020) 8760 8227.