EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (DESIGNATION OF TRAVEL BANS) (AMENDMENT) ORDER 2011

2011 No. 547

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

2. Purpose of the instrument

2.1 The Immigration (Designation of Travel Bans) (Amendment) Order 2011 amends the Immigration (Designation of Travel Bans) Order 2000 by adding to Part 1 of the Schedule to the 2000 Order United Nations Security Council Resolution 1970 (2011) of 26th February 2011 about Libya ("UNSCR 1970(2011)". The effect is to impose travel bans on Muammar Al –Qadhafi, his family and certain Libyan Government officials and thereby to implement the UK's obligations under paragraph 15 of UNSCR 1970(2011).

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

3.1 UNSCR 1970 (2011) was made on 26th February 2011. This Order was made on 27th February 2011 to come into force at the start of 28th February 2011 in order to immediately implement the United Kingdom's obligations under the Resolution. Accordingly, the Order was not laid before Parliament before coming into force. Rather, it will be laid without delay in accordance with section 8B(8) of the Immigration Act 1971.

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 or European Union restrictive travel measures which have been designated by Order.

4.2 The United Kingdom complies with United Nations Security Council Resolutions or instruments of the Council of the European Union that impose restrictive travel measures by including them in the Immigration (Designation of Travel Bans) Order 2000 ("the 2000 Order"). This Order is made under Section 8B of the Immigration Act 1971 and came into force on 10th October 2000. The effect of including 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 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.

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 subject to negative resolution 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. In this instance the United Nations Security Council has passed Resolution 1970 (2011) of 26th February 2011 about Libya requiring Member States of the United Nations to restrict Muammar Al –Qadhafi, his family and certain Libyan Government officials entry to or transit through their territory except in very limited circumstances. Now this instrument is designated in UK legislation by means of the Immigration (Designation of Travel Bans) Order 2000, these individuals are excluded persons and must be refused entry to or transit through the United Kingdom on the basis of the travel ban except where the limited grounds set out in paragraph 16 of UNSCR 1970(2011) apply.

- Consolidation

7.2 In light of the timeframe in which the Order was made consolidation was not considered appropriate.

8. Consultation outcome

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

9. Guidance

9.1 This Order brings into United Kingdom law international obligations restricting entry and travel in accordance with UNSCR 1970 (2011), which provides a list (at Annex I to Resolution) 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.

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 business.

12. Monitoring & review

12.1 These changes to the United Kingdom's obligations will be monitored throughout the year.

13. Contact

Queries should be addressed to Andrew Jackson of the UK Border Agency on telephone: 0208 760 8003.