EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (DESIGNATION OF TRAVEL BANS) (AMENDMENT) ORDER 2015

2015 No. 388

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) Order 2015 (the "2015 Amendment Order") amends the Immigration (Designation of Travel Bans) Order 2000 (the "2000 Order") by adding several UN Resolutions and EU Decisions to the list of European Union Council Decisions and United Nations Security Resolutions listed in the Schedule to the 2000 Order. The Schedule lists United Nations' Security Council Resolutions and European Union Council Decisions and 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 and 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. 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 (for example, 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 affirmative or 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. 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. By amending the 2000 Order the UK is able to give fullest effect in law to the UN and EU travel bans. Once those 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. A person's leave to enter or remain in the United Kingdom is automatically cancelled when he becomes an excluded person. Where a person, subject to immigration control, has not yet been designated under the 2000 Order, the Immigration Rules allow for that person 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 2015 Amendment Order adds to the list of UN Resolutions contained in Part 1 of that Schedule, entries in respect of Afghanistan, Al Qaida, Central African Republic, Democratic Republic of the Congo, Democratic People's Republic of Korea, Liberia, Libya and Yemen and adds to the list of EU Council Decisions contained in Part 2 of that Schedule entries in respect of Afghanistan, Belarus, Cote d'Ivoire, Democratic Republic of the Congo, Republic of Guinea, Iran, Democratic People's Republic of Korea, Libya, Republic of Moldova, Somalia, Syria, Ukraine, Yemen and Zimbabwe.

- **Consolidation**

7.3 Amendments to the 2000 Order are consolidated at intervals. The last consolidation came into force on 21 July 2014. Accordingly this Order substitutes a new Schedule into the 2000 Order.

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 UN Resolutions and EU Council Decisions and Common Positions. The UN and EU provide 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 Home Office.

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 Warren Fowls of the Home Office on telephone: 020 7035 8153.