EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (EXEMPTION FROM CONTROL) (AMENDMENT) ORDER 2025

2025 No. 663

1. Introduction

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

2. Declaration

2.1 Seema Malhotra, Minister for Migration and Citizenship at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 John Brocklehurst, Deputy Director for Visa Policy at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Laura Curran at the Home Office, email: laura.curran@homeoffice.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will partially exempt a subset of Taipei Representative Office ("TRO") staff posted to London and Edinburgh from UK immigration control, along with their qualifying family members. This will allow the UK to reciprocate, to the extent possible, the treatment offered to UK officials in Taiwan. The exemption will not confer the wider privileges and immunities normally reserved for accredited diplomats.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the UK.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the UK.

5. Policy Context

What is being done and why?

5.1 The UK's longstanding position on Taiwan has not changed. The UK does not have diplomatic relations with Taiwan but a strong, unofficial relationship. The TRO in the UK supports this unofficial relationship.

5.2 This instrument reflects a change that will reduce the administrative burden faced by HMG and staff working at the TRO and provides operational equivalence to how UK

officials are treated in Taiwan. It does not otherwise change the status of the TRO or affect the nature of the UK's unofficial relationship with Taiwan.

5.3 This instrument will partially exempt a subset of TRO staff from UK immigration control. It will not grant wider privileges and immunities associated with diplomats posted to the UK. The TRO and its impacted workers will still be subject to other UK laws, including HMRC regulations.

i) The exemption in the instrument will be limited to certain staff employed by the TRO in the UK in a representative function

What was the previous policy, how is this different?

5.4 Officials posted to the TRO from overseas needed to apply for a temporary workers visa or skilled workers visa in order to operate in the UK.

5.5 This instrument grants partial exemption from immigration control to a subset of TRO workers and their qualifying family members. Those officials posted to the TRO from overseas that are not exempted from immigration control by this instrument will need to apply for a temporary workers visa or skilled workers visa in order to operate in the UK.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 8 of the Immigration Act 1971 allows the Secretary of State, by order, to exempt any person or class of persons, either unconditionally or subject to such conditions as may be imposed by or under the order, from all or any of the provisions of the Act relating to those who are not British citizens (i.e., to exempt them from immigration control). The Immigration (Exemption from Control) Order 1972 ("the 1972 Order") is made under this section and is being amended in order to exempt an identified subset of TRO workers from immigration control. Provisions of the Immigration Act 1971 relating to deportation will still apply.

Why was this approach taken to change the law?

6.2 This is the only possible approach to provide exemption from immigration control without changing primary legislation.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office and the Foreign, Commonwealth and Development Office have worked together on this change and there is a consensus that the approach aligns with HMG's stance on relations with Taiwan.

8. Applicable Guidance

8.1 The guidance on "Exemption from immigration control (Non armed forces)" will be updated and placed on the GOV.UK website once the change takes effect on 17 July.[1] The Guidance is being published when the change takes effect to mitigate the high risk of users referring to the wrong version.

[1] https://www.gov.uk/government/publications/exempt-exm/exempt-exm

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as it has no, or no significant, impact on business, charity or voluntary bodies or the public sector, because the instrument relates to immigration exemption policy in relation to a limited group of individuals.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this relates to immigration exemption policy in relation to a limited group of individuals with no direct impact on businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this relates to immigration exemption policy in relation to a limited cohort of representatives of the TRO.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Monitoring will be conducted internally by the Home Office.

10.2 The Order does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").