EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (NOTICES) (AMENDMENT) REGULATIONS 2013

2013 No. 793

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 These Regulations amend the Immigration (Notices) Regulations 2003 to ensure that notices can be served to file in accordance with regulation 7 electronically and without the need for a signed document.

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

3.1 None.

4. Legislative Context

4.1 The Immigration (Notices) Regulations 2003 make provisions for serving notice of an appealable immigration decision. Regulation 7 sets out how notices must be served and provides for deemed service in a case where a person's whereabouts are not known, where no address has been provided or where an address is defective, false or no longer in use and there appears to be no representative. Under those circumstances regulation 7 allows for notice to be placed on file.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales, Scotland and Northern Ireland.

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

7.1 The changes within the Regulations are administrative and non controversial. The implementation of the next stage of the 'Integrated Casework System' will introduce an end to end electronic application and caseworking process for persons

applying under Tier 4 of the Points Based System. This means that many caseworking processes will be carried out and stored electronically. This will create efficiency savings and reduce the need for paper files.

7.2 Under regulation 7 of the current Regulations, deemed notice requires case decisions to be served to file on paper and with a physical signature. Under the Integrated Casework System these decisions will be served to file and stored electronically. To facilitate this, we are amending the Immigration (Notices) Regulations 2003 so that notices can be served to file in accordance with regulation 7 electronically and without the need for a signed paper document.

8. Consultation outcome

8.1 The amendments are administrative within the Home Office and as such consultation on these regulations was not necessary.

9. Guidance

9.1 This amendment will not affect applicants so no guidance is required.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Government has no specific targets in this area as the changes reflect organisational changes that are the within the remit of local authorities.

13. Contact

Thomas Houghton at the Home Office (tel. 0114 207 2299 or e-mail: thomas.houghton2@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.