EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (PASSENGER TRANSIT VISA) (AMENDMENT) (No. 2) ORDER 2012

2012 No. 771

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 This Order amends the Immigration (Passenger Transit Visa) Order 2003 ("the 2003 Order") and comes into force on 13 March. The Order adds Syria, Libya and Egypt to the list of countries whose nationals and citizens will require a transit visa to pass through (without entering) the United Kingdom

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

3.1 None

4. Legislative Context

4.1 This Order is made under section 41 of the Immigration and Asylum Act 1999 and amends the Immigration (Passenger Transit Visa) Order 2003. The 2003 Order requires, subject to certain exemptions, citizens and nationals of countries and territories specified within it, along with holders of specified travel documents, to obtain a transit visa when passing through the United Kingdom on their way to another country or territory.

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 The Direct Airside Transit Visa (DATV) is an additional visa regime which permits certain nationals to travel via the UK on their way to another country. DATV nationals are not able to pass through UK Immigration Control or collect any luggage on a journey through the UK. The UK "Securing the Border" Strategy was published by the Home Office in March 2007 and gave a commitment to conduct a review of the transit regime operated by the United Kingdom. This review was completed in June 2010 and contained a number of recommendations for improving and simplifying the

existing regime. It recommended that DATV should be assessed as part of the global review of our visitor visa regimes.

7.2 The political and civil unrest in Syria, Libya and Egypt has led to increasing immigration and security risks to UK border security. DATVs are a significant and essential tool and part of the package of measures designed to prevent irregular immigration. Because Syrian, Libyan and Egyptian passport holders do not currently need to obtain a DATV, we have no statistics on transit numbers. However in 2009, 12,800 Syrian 58,700 Egyptian and 24,900 Libyan citizens landed in the UK and in 2010 the figures were 12,300, 69,000 and 30,500 respectively indicating a steady flow.

7.3 The changes will be of interest to Syrian, Egyptians and Libyan nationals. The current situation in North Africa and the Middle East reinforces the need to manage effectively travel to the United Kingdom, specifically reducing any border security risks.

7.4 An amendment to the 2003 Order to include Syria, Libya and Egypt was not made at the same time as adding South Sudan [The Immigration (Passenger Transit Visa) (Amendment) Order SI 2012/116] due to ongoing discussions with FCO in relation to these countries and the need to resolve some immediate security concerns relating to embassy staff in Damascus.

8. Consultation outcome

8.1 Visa regimes may be lifted or imposed depending on the level of threat to the UK. We are not required to consult with the countries concerned before making changes to our visa requirements.

9. Guidance

9.1 Information on the changes will be made available in the UK, Syria, Libya, Egypt and globally in order to alert these passport holders to the new visa requirement. This will be shared with UK Border Agency staff, passengers, and airlines through proactive media engagement, updates to websites, letters and briefing packs for airlines and internal UKBA instructions.

10. Impact

10.1 Following the introduction of the DATV, we believe there *might* be a short term economic impact in terms of loss of airfare revenue to UK carriers as the DATV may deter travellers from transiting through a UK airport. We do not believe that the impact on genuine transit passengers or airlines will be disproportionate. The impact is likely to be minimal towards Syrian, Libyan and Egyptian citizens as they already need visit visas for the UK, the USA and Canada (the two most likely destinations for transit passengers). When considered against the cost of long haul flights necessitating transiting of the UK the DATV fee of £51 is negligible.

10.2 The impact on the public sector is related to the costs involved in processing DATV applications. However there will be a number of benefits around reduced risks

of illegal immigration among the population of travellers coming from Syria, Libya and Egypt.

10.3 An Impact Assessment for Syria, Libya and Egypt is attached to this memorandum

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 As with all visitor visa regimes the imposition of the DATV requirement on Syrian, Libyan and Egyptian citizens will be continuously monitored.

12.2 Further information on monitoring and implementation review can be found in the Impact Assessment.

13. Contact

Queries should be addressed to Anne Dunne at the Home Office. Tel: 020 7035 8100 or e-mail: Anne.dunne7@homeoffice.gsi.gov.uk.