
STATUTORY INSTRUMENTS

2015 No. 1866

IMMIGRATION

The Immigration (Exemption from Control) (Amendment) Order 2015

Made - - - - *4th November 2015*
Laid before Parliament *6th November 2015*
Coming into force - - *28th November 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 8(2) of the Immigration Act 1971⁽¹⁾.

Citation and commencement

1. This Order may be cited as the Immigration (Exemption from Control) (Amendment) Order 2015 and comes into force on 28th November 2015.

Amendment to the Immigration (Exemption from Control) Order 1972

2. In the Immigration (Exemption from Control) Order 1972⁽²⁾, after article 6⁽³⁾ insert—

“7.—(1) Subject to paragraphs (2) and (3), a dependant of a member of the relevant visiting force is exempt from any provision of the Act relating to those who are not British citizens except any provision relating to deportation.

(2) Paragraph (1) does not confer any exemption on a dependant who fails to meet the suitability requirements under Appendix Armed Forces of the immigration rules.

(3) Paragraph (1) does not confer any exemption on a dependant who has failed to provide evidence that the member is able to maintain and accommodate the dependant without recourse to public funds for the duration of their stay in the United Kingdom as a dependant.

(4) In this article—

⁽¹⁾ 1971 c.77. Section 8(2) was amended by paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c.61).

⁽²⁾ S.I. 1972/1613.

⁽³⁾ Article 6 was inserted by the Immigration (Exemption from Control) (Amendment) Order 1982, S.I. 1982/1649.

“dependant” in relation to a member of the relevant visiting force, means a person who is included on a member’s official order issued by the Government of the United States of America, and is —

- (a) a spouse of the member; or
- (b) a child of the member, if the child is—
 - (i) under 21 years old on the date the child enters the United Kingdom accompanying the member or for the purpose of joining the member; and
 - (ii) wholly or mainly maintained by the member.

“member” has the same meaning as in section 12(1) of the Visiting Forces Act 1952(4);

“official order” means a movement order or other official document issued by the Government of the United States of America confirming (a) the identity of the member and (b) that those individuals listed as dependants of the member, are eligible to accompany or join the member in the United Kingdom;

“relevant visiting force” means any body, contingent or detachment of the United States Armed Forces for the time being present in the United Kingdom on the invitation of Her Majesty’s Government in the United Kingdom.”.

4th November 2015

James Brokenshire
Minister of State
Home Office

(4) 1952 c.67. Section 12(1) was amended by paragraph 14(1) of Schedule 15 to the Criminal Justice Act 1988 (c.33).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Exemption from Control) Order 1972 (S.I 1972/1613) made under section 8(2) of the Immigration Act 1971 (c. 77) (“the 1971 Act”). The effect is to exempt eligible dependants of members of the United States visiting forces posted in the United Kingdom from any provision of the 1971 Act relating to those who are not British citizens (except any provision relating to deportation). This is subject to the dependant meeting the suitability criteria under Appendix Armed Forces of the Immigration Rules and providing evidence that the member is able to maintain and accommodate the dependant without recourse to public funds.