

# STATEMENT OF CHANGES IN IMMIGRATION RULES

*Presented to Parliament pursuant to section 3(2) of  
the Immigration Act 1971*

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## STATEMENT OF CHANGES IN IMMIGRATION RULES

The Home Secretary has made the changes hereinafter stated in the rules laid down by her as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 May 1994 (HC 395) as amended. The amending statements were laid before, or presented to, Parliament on 20 September 1994 (Cm 2663), 26 October 1995 (HC 797), 4 January 1996 (Cm 3073), 7 March 1996 (HC 274), 2 April 1996 (HC329), 30 August 1996 (Cm 3365), 31 October 1996 (HC 31), 27 February 1997 (HC 338), 29 May 1997 (Cm 3669), 5 June 1997 (HC 26), 30 July 1997 (HC 161), 11 May 1998 (Cm 3953), 8 October 1998 (Cm 4065), 18 November 1999 (HC 22), 28 July 2000 (HC 704), 20 September 2000 (Cm 4851), 27 August 2001 (Cm 5253), 16 April 2002 (HC 735), 27 August 2002 (Cm 5597), 7 November 2002 (HC 1301), 26 November 2002 (HC 104), 8 January 2003 (HC 180), 10 February 2003 (HC 389), 31 March 2003 (HC 538), 30 May 2003 (Cm 5829), 24 August 2003 (Cm 5949), 12 November 2003 (HC 1224), 17 December 2003 (HC 95), 12 January 2004 (HC 176), 26 February 2004 (HC 370), 31 March 2004 (HC 464), 29 April 2004 (HC523), 3 August 2004 (Cm 6297), 24 September 2004 (Cm 6339), 18 October 2004 (HC 1112), 20 December 2004 (HC 164), 11 January 2005 (HC 194), 7 February 2005 (HC 302), 22 February 2005 (HC 346), 24 March 2005 (HC 486), 15 June 2005 (HC 104), 12 July 2005 (HC 299), 24 October 2005 (HC 582), 9 November 2005 (HC 645), 21 November 2005 (HC 697), 19 December 2005 (HC 769), 23 January 2006 (HC 819), 1 March 2006 (HC 949), 30 March 2006 (HC 1016), 20 April 2006 (HC 1053), 19 July 2006 (HC 1337), 18 September 2006 (Cm 6918), 7 November 2006 (HC 1702), 11 December 2006 (HC 130), 19 March 2007 (HC 398), 3 April 2007 (Cm 7074), 4 April 2007 (Cm 7075), 7 November 2007 (HC 28), 13 November 2007 (HC 40), 19 November 2007 (HC 82), 6 February 2008 (HC 321), 17 March 2008 (HC 420), 9 June 2008 (HC 607), 10 July 2008 (HC 951), 15 July 2008 (HC 971), 4 November 2008 (HC 1113), 9 February 2009 (HC 227), 9 March 2009 (HC 314), 24 April 2009 (HC 413), 9 September 2009 (Cm 7701), 23 September 2009 (Cm 7711), 10 December 2009 (HC 120), 10 February 2010 (HC 367), 18 March 2010 (HC 439), 28 June 2010 (HC 59), 15 July 2010 (HC 96), 22 July 2010 (HC 382), 19 August 2010 (Cm 7929), 1 October 2010 (Cm 7944), 21 December 2010 (HC 698), 16 March 2011 (HC 863), 31 March 2011 (HC 908), 13 June 2011 (HC 1148), 19 July 2011 (HC 1436), 10 October 2011 (HC 1511), 7 November 2011 (HC 1622), 8 December 2011 (HC 1693), 20 December 2011 (HC 1719), 19 January 2012 (HC 1733), 15 March 2012 (HC 1888), 4 April 2012 (Cm 8337), 13 June 2012 (HC 194), 9 July 2012 (HC 514), 19 July 2012 (Cm 8423), 5 September 2012 (HC 565), 22 November 2012 (HC 760), 12 December 2012 (HC 820), 20 December 2012 (HC 847), 30 January 2013 (HC 943), 7 February 2013 (HC 967), 11 March 2013 (HC 1038), 14 March 2013 (HC 1039), 9 April 2013 (Cm 8599), 10 June 2013 (HC 244), 31 July 2013 (Cm 8690), 6 September 2013 (HC 628), 9 October 2013 (HC 686), and 8 November 2013 (HC 803).

### **Implementation**

The changes set out in this statement relating to Electronic Visa Waiver are to take effect on 1 January 2014 so an Electronic Visa Waiver Document will be valid for arrival in the UK at or after 00.01 hours, UK time, on 1 January 2014.

The changes set out in this statement relating to Appendix Armed Forces, Tier 1 (Graduate Entrepreneur) and the visa requirements for holders of documents issued by the Holy See are to take effect from 30 December 2013.

### **Review**

Before the end of each review period, the Secretary of State undertakes to review all of the relevant Immigration Rules including any Relevant Rule amended or added by these changes. The Secretary of State will set out the conclusions of the review in a report and publish the report.

The report must in particular:

- (a) consider each of the Relevant Rules and whether or not each Relevant Rule achieves its objectives and is still appropriate; and
- (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

“Review period” means:

- (a) the period of five years beginning on 6 April 2012, and
- (b) subject to the paragraph below, each successive period of five years.

If a report under this provision is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.

“Relevant Rule” means an immigration rule which imposes a net burden (or cost) on business or civil society organisations.

### **Statement of rules changes**

1. Delete paragraph A280 (d)(iii) and substitute “(iii) Except, from 1 December 2013, the provisions in paragraph A280(d)(i) continue to apply to persons who were granted entry clearance, limited leave to enter or remain under Part 8 before 1 December 2013, and where it is a requirement of Part 8, that leave to enter or remain is extant”.
2. After paragraph A320 insert:  

“B320(1). Subject to sub-paragraph (2), paragraphs 320 (except sub-paragraphs (3), (7B),(10) and (11)) and 322 (except sub-paragraphs (2) and (3)) do not apply to an application for entry clearance, leave to enter or leave to remain under Appendix Armed Forces.  
(2) As well as the sub-paragraphs mentioned above, sub-paragraph (13) of paragraph 320 also applies to applications for entry clearance, leave to enter or leave to remain under Part 9 or 10 of Appendix Armed Forces. ”
3. At the end of paragraph 321(iii) insert:  

“(except where this sub-paragraph applies in respect of an entry clearance issued under Appendix Armed Forces it is to be read as if for “paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19)” it said “paragraph 8(a), (b), (c) or (g) and paragraph 9(d)””
4. At the end of paragraph 321A(4A) insert:  

“(except where this sub-paragraph applies in respect of leave to enter or remain granted under Appendix Armed Forces it is to be read as if for paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19)” it said “paragraph 8(a), (b), (c) or (g) and paragraph 9(d)””
5. At the end of paragraph 323(i) insert:  

“(except where this paragraph applies in respect of a person granted leave under Appendix Armed Forces “paragraph 322(2)-(5A) above” is to read as if it said “paragraph 322(2) and (3) above and paragraph 8(e) and (g) of Appendix Armed Forces””
6. In sub-paragraph 1(a) of Appendix 1 (Visa requirements for the United Kingdom):  
  - (a) for “Oman (except those referred to in sub-paragraph 2(j) of this Appendix)”, substitute “Oman (except those referred to in sub-paragraphs 2(j) and (u) of this Appendix)”;

(b) for “Qatar (except those referred to in sub-paragraph 2(k) of this Appendix)”, substitute “Qatar (except those referred to in sub-paragraphs 2(k) and (u) of this Appendix)”;

(c) for “United Arab Emirates (except those referred to in sub-paragraph 2(l) of this Appendix”, substitute “United Arab Emirates (except those referred to in sub-paragraphs 2(l) and (u) of this Appendix)”;

7. In Appendix 1, after paragraph 2(t) insert:

“(u) those passport holders of Oman, Qatar or the United Arab Emirates who hold and use an Electronic Visa Waiver (“EVW”) Document in accordance with paragraphs 3 to 9. Where the passport holder does not hold and use an EVW Document in accordance with paragraphs 3 to 9, the passport holder is a visa national and requires entry clearance.

(v) persons who hold Service, Temporary Service and Diplomatic passports issued by the Holy See.

***Exception where the applicant holds an Electronic Visa Waiver Document (Oman, Qatar and United Arab Emirates passport holders only)***

3. To obtain an Electronic Visa Waiver (“EVW”) Document, a person (the “holder”) or their agent must provide the required biographic and travel information at the Visa4UK website established by the United Kingdom Government at <http://www.visa4uk.fco.gov.uk/home/evw>. The EVW Document must also specify:

- (a) the flight, train or ship on which the holder intends to arrive in the United Kingdom, including the port of departure and arrival, and the scheduled date and time of departure and arrival, unless (b) or (c) applies;
- (b) where the holder is seeking to arrive in the UK by entering a control zone in France or Belgium or supplementary control zone in France, the train or ship on which the holder intends to arrive in the United Kingdom, including:
  - (i) the railway station or port where the holder enters the control zone or supplementary control zone and from which the holder intends to depart for the United Kingdom, and
  - (ii) the railway station or port at which the holder intends to leave the train or ship after arrival in the United Kingdom, and
  - (iii) the scheduled date and time of departure from, and of arrival at, the specified railway stations or ports; or
- (c) where the holder intends to cross the land border from the Republic of Ireland to the United Kingdom by train, car or any other means, the place at which it is intended to cross and the intended date and time of arrival in the United Kingdom.

When the EVW Document is issued it must be printed in a legible form and in English.

4. An EVW Document is only valid if issued at least 48 hours before the holder departs on a flight, train or ship to the United Kingdom or crosses the United Kingdom land border from the Republic of Ireland by train, car or any other means. An EVW Document may not be issued more than 3 months before the date of the holder’s

scheduled departure to the United Kingdom as specified on the EVW Document or, where the holder intends to cross the land border with the Republic of Ireland, before the intended date of the holder's arrival in the United Kingdom as specified on the EVW Document.

5. An EVW Document relates to one person and may only be used for one application for leave to enter the United Kingdom or, where applicable, one crossing of the land border from the Republic of Ireland. A child must have a separate EVW Document.
6. The holder must present the EVW Document to an Immigration Officer on request upon the holder's arrival in the United Kingdom or, where the holder is seeking to arrive in the United Kingdom by entering a control zone in France or Belgium or a supplementary control zone in France, upon arrival in that zone. The EVW Document must be surrendered to an Immigration Officer upon request.
7. The holder will be a visa national, and so will require entry clearance, if the biographic details on the EVW Document do not match those on the valid national passport also presented by the holder to the Immigration Officer.
8. The holder will be a visa national, and so will require entry clearance, unless:
  - (a) the holder travels on the flight, train or ship specified on the EVW Document; or
  - (b) save where paragraphs (c) or (d) apply, the holder travels on a different flight, train or ship which departs from the same port and arrives at the same United Kingdom port as specified on the EVW Document, and which departs after the departure time specified on the EVW Document but arrives in the United Kingdom no more than 8 hours after the arrival time specified on the EVW Document; or
  - (c) where the holder is seeking to arrive in the United Kingdom by entering a control zone in France or Belgium or a supplementary control zone in France, the holder travels on a different ship or train which departs from the same railway station or port and arrives in the same United Kingdom railway station or port as specified on the EVW Document, and which departs after, but no more than 8 hours after, the departure time specified on the EVW Document; or
  - (d) where the holder is seeking to arrive in the United Kingdom by crossing the land border from the Republic of Ireland, the holder crosses the border at the time specified on the EVW Document or no more than 8 hours after the time specified on the EVW Document.
9. For the purposes of paragraphs 3, 6 and 8, "control zone" means a control zone defined by Article 2(1) and Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993 (SI 1993/1813) and Article 2 of the Nationality Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (SI 2003/2818), and "supplementary control zone" means a supplementary control zone defined by Article 2(1) and Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993 (SI 1993/1813)."
8. In Appendix A, in the second row of Table 10, in paragraph (a), delete "within the 12 months immediately before the date of the endorsement,"
9. In Appendix A, in the second row of Table 10, in paragraph (a)(i), after "If the applicant has a General Endorsement (see paragraph 69 below)," insert "within the 12 months immediately before the date of the endorsement,"

10. In Appendix A, in the second row of Table 10, in paragraph (a)(ii), after “If the applicant has a MBA Endorsement (see paragraph 69 below),” insert “within the 12 months immediately before the date of the endorsement,”
11. In paragraph 20(a)(ii) of Appendix Armed Forces, after “of these Rules” insert “or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged.”.
12. In paragraph 42(a)(ii) of Appendix Armed Forces, after “of these Rules” insert “or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged.”.
13. In paragraph 43 of Appendix Armed Forces, delete sub-paragraph (i) (financial requirements) and substitute:

“(i) either:

  - (a) meets the financial requirement in Part 12 of this Appendix; or
  - (b) in a case in which sub-paragraph (b)(i)(aa), (b)(i)(dd) or (b)(ii) of paragraph 42 applies will be:
    - (i) accommodated adequately by the parent or parents the applicant will be joining without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and
    - (ii) maintained adequately by that parent or those parents without recourse to public funds; ”.
14. In paragraph 47 of Appendix Armed Forces, delete sub-paragraph (j) and substitute:

“(i) either:

  - (a) meets the financial requirement in Part 12 of this Appendix; or
  - (b) in a case in which sub-paragraph (b)(i)(aa), (b)(i)(dd) or (b)(ii) of paragraph 42 applies (and including the application of sub-paragraph b(ii) as modified by sub-paragraph (i) above) will be:
    - (i) accommodated adequately by the parent or parents the applicant is seeking to remain with without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and
    - (ii) maintained adequately by that parent or those parents without recourse to public funds. ”
15. In paragraph 61(c) of Appendix Armed Forces, after “ paragraph 57 or 59” insert “or the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to members of armed forces who are not exempt from immigration control.”



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**EXPLANATORY MEMORANDUM TO  
THE STATEMENT OF CHANGES IN IMMIGRATION RULES  
PRESENTED TO PARLIAMENT ON 9 DECEMBER 2013 (HC 887)**

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 changes to the arrangements for holders of Oman, Qatar, the United Arab Emirates passports and documents issued by the Holy See (set out in Appendix 1 to the Immigration Rules) are being made as part of the Home Office's commitment to keep existing short-stay visa regimes under constant review to ensure the UK has the right visa regimes in the right places.
  - 2.2 The changes also make minor technical amendments to the Immigration Rules arising from the inclusion of a new Appendix Armed Forces (see statement of changes presented to Parliament on 8 November 2013) and a minor change relating to Tier 1 (Graduate Entrepreneur) applicants endorsed by UK Trade and Investment.
3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**
  - 3.1 The Committee is invited to note that this Statement of Changes is accompanied by amended guidance which is being published on the Home Office website at [www.ukba.homeoffice.gov.uk/](http://www.ukba.homeoffice.gov.uk/) on the same date as these rules are laid before Parliament, namely 9 December 2013.
4. **Legislative Context**
  - 4.1 The Immigration Rules, as laid before Parliament by the Home Secretary, constitute a statement of practice to be followed in the administration of the Immigration Act 1971 for regulating entry into, and stay of persons in, the United Kingdom.
  - 4.2 This Statement of Changes in Immigration Rules will be incorporated into a consolidated version of the Immigration Rules, which can be found under the 'Policy and Law' page at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk/), where there are also copies of all the Statements of Changes in Immigration Rules issued since May 2003.
  - 4.3 Changes relating to Electronic Visa Waiver shall take effect on 1 January 2014 so an Electronic Visa Waiver Document will be valid for arrival in the UK at or after 00.01 hours, UK time, on 1 January 2014.
  - 4.4 Changes relating to the visa requirements for holders of documents issued by the Holy See will take effect from 30 December 2013.
  - 4.5 Changes relating to the Appendix Armed Forces and Tier 1 (Graduate Entrepreneur) will also take effect from 30 December 2013.
  - 4.6 The Statement of Changes in the Immigration Rules introduces the following changes:
  - 4.7 Passport holders of Oman, Qatar and the United Arab Emirates will be able to obtain an 'Electronic Visa Waiver (EVW)' Document in advance of travel to the UK.

Holders of an EVW Document used and held in accordance with the specified requirements will not require a short-stay visa for travel to the United Kingdom.

- 4.8 A person who holds a Service, Temporary Service or Diplomatic passport issued by the Holy See will no longer require a visa to visit the United Kingdom.
- 4.9 The changes also make minor consequential amendments to the Immigration Rules arising from the inclusion of a new Appendix Armed Forces (see statement of changes presented to Parliament on 8 November 2013) and a minor change relating to Tier 1 (Graduate Entrepreneur) applicants endorsed by UK Trade and Investment.

## **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 this Statement of Changes in the Immigration Rules is subject to a negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy Background**

- 7.1 The Government keeps visa regimes under constant review to ensure that the UK has the right visa requirements set in the right places, aligned to risk.

### ***Electronic Visa Waiver***

- 7.2 The Government agreed that a new, straightforward and fee-free alternative to a visa can be provided for short term visitors from Oman, Qatar and the United Arab Emirates. Passport holders of these three countries will, from 1 January 2014, be able to travel to the UK visa-free if they have obtained an Electronic Visa Waiver (EVW) Document online at least 48 hours in advance of travel to the United Kingdom, and present the document to an Immigration Officer on arrival upon request. This simple online form means there is no fee, there will be no requirement to give biometrics or attend a visa application centre. Guidance will be published on the Home Office website. Some visitors may still prefer a long-term multi-entry visit visa and the facility to obtain these visas will remain in these countries.
- 7.3 To obtain an EVW Document, a person (or their agent) must provide their travel information and the required biographic information at the Visa4UK website at least 48 hours before travel. They must then print the document and carry it with them on their journey to the UK. When seeking entry to the UK, they present the EVW Document alongside their passport to an Immigration Officer upon request. As with a visa, the biographic details on the EVW Document must match with the EVW holder's passport.
- 7.4 The EVW Document will relate to a specific journey to the UK. However, to allow for transport delays, an EVW holder may still travel on a later flight, train or ship as long as it departs from the same port and arrives in the same UK port no later than 8 hours after the arrival time specified on the EVW Document. The situation is slightly different where a passenger seeks to enter the UK through a control zone or supplementary control zone in France or Belgium (e.g. at Paris Gare du Nord station). In this case, that different train or ship must arrive in the same UK port and depart

from the same port no later than 8 hours after the departure time specified on the EVW Document. Where a person crosses the land border from Ireland, an EVW holder must cross into the UK no later than 8 hours after the time of arrival specified on the EVW Document.

### ***Documents issued by the Holy See (Vatican City)***

- 7.5 Holders of non-national travel documents currently require a visa before travel to the United Kingdom. This rule encapsulates holders of Holy See Service and Temporary Service passports issued by the Holy See. The Government has assessed the procedures for issuance of these documents and their security to be robust enough to merit an exemption from the visit visa requirement. Nationals, citizens and diplomatic passport holders of the Vatican City are already exempt from the visa requirement.

### ***Appendix Armed Forces***

- 7.6 Minor technical amendments are being made to the Immigration Rules arising from the inclusion of a new Appendix Armed Forces (see statement of changes presented to Parliament on 8 November 2013). These are consequential changes to the general grounds for refusal, clarification that the 4 year limit on the duration of leave granted to members of armed forces who are not exempt from immigration control includes leave granted under the concession which previously applied to these applicants, and clarification that former members of HM Forces who have been granted limited leave under the current concession to allow for a recovery period following medical discharge are able to sponsor a partner or child. A further amendment replaces the income threshold with a maintenance and accommodation requirement in respect of a child applicant where neither parent is themselves subject to the income threshold e.g. because both parents are serving or have leave on discharge from HM Forces.

### ***Tier 1 (Graduate Entrepreneur)***

- 7.7. Tier 1 of the Points-Based System caters for high value migrants who are likely to boost economic growth. The Tier 1 (Graduate Entrepreneur) category caters for graduates who have been identified by Higher Education Institutions or UK Trade and Investment to establish one or more businesses in the UK.
- 7.8 Applicants in this category must have been awarded a degree within the last 12 months. A change is being made to relax this requirement for applicants endorsed by UK Trade and Investment, allowing them to have graduated at any time before they apply. This change is being made owing to the timing of UK Trade and Investment's endorsing programme and because overseas graduates may take longer to reach a decision to establish their business in the UK.

## **8. Consultation**

- 8.1 The Governments of Oman, Qatar, the United Arab Emirates and the Vatican City (Holy See) are aware of the changes being introduced.

## **9. Guidance**

- 9.1 Information on all the changes set out in this Statement of Changes will be made available to migrants, sponsors and Home Office staff, through updates to websites and guidance.

9.2 Guidance on the Electronic Visa Waiver scheme will be available on both the Home Office and Visa4UK websites.

## **10. Impact**

10.1 The Home Office considered the impacts of its recommendations when carrying out its assessment of where the United Kingdom has visit visa regimes.

10.2 Notwithstanding the cumulative impact which changes in the Immigration Rules may have, there is limited impact on United Kingdom business, charities, the public sector or voluntary bodies arising from the specific changes contained in this Statement of Changes such that an impact assessment is unnecessary.

## **11. Regulating small business**

11.1 The legislation does not apply to small businesses.

## **12. Monitoring and review**

12.1 The review clauses at the beginning of this Statement of Changes require the Secretary of State to review the operation and effect of all of the relevant Immigration Rules, including any Rules amended or added by the changes in this Statement and lay a report before Parliament within five years of 6 April 2012 and within every five years after that. Following each review the Secretary of State will decide whether the relevant Immigration Rules should remain as they are, be revoked or be amended. A further Statement of Changes would be needed to revoke or amend the relevant Rules.

## **13. Contact**

13.1 Queries should be directed to the Home Office's customer contact centre on 0870 606 7766, or as per the Contact page on the Home Office website at [www.ukba.homeoffice.gov.uk/contact/](http://www.ukba.homeoffice.gov.uk/contact/).

13.2 Specific written queries relating to this Statement of Changes should be directed to [StatementofChanges@homeoffice.gsi.gov.uk](mailto:StatementofChanges@homeoffice.gsi.gov.uk). Please note that this mailbox is only for Parliamentary use and specific technical queries regarding the drafting of this Statement of Changes. It is not a contact point for general enquiries. Queries to this e-mail address from outside Parliament about other immigration issues, including how these changes affect applications, will not receive a response.

13.3 A copy of this Statement of Changes can be found on the Home Office website at [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/).