
STATUTORY INSTRUMENTS

2003 No. 1185

IMMIGRATION

The Immigration (Passenger Transit Visa) Order 2003

<i>Made</i>	- - - -	<i>30th April 2003</i>
<i>Laid before Parliament</i>		<i>1st May 2003</i>
<i>Coming into force</i>	- -	<i>2nd May 2003</i>

In exercise of the powers conferred upon him by section 41 of the Immigration and Asylum Act 1999⁽¹⁾ the Secretary of State hereby makes the following Order:

Citation, commencement and interpretation

1. This order may be cited as the Immigration (Passenger Transit Visa) Order 2003 and shall come into force on 2nd May 2003.

2.—(1) Subject to paragraph (4), in this Order a “transit passenger” means a person to whom paragraph (2) or (3) applies and who on arrival in the United Kingdom passes through to another country or territory without entering the United Kingdom.

(2) This paragraph applies to a person who is a citizen or national of a country or territory listed in Schedule 1 to this Order.

(3) This paragraph applies to a person holding a travel document issued by:

- (a) the purported “Turkish Republic of Northern Cyprus”;
- (b) the former Socialist Republic of Yugoslavia;
- (c) the former Federal Republic of Yugoslavia; or
- (d) the former Zaire.

(4) A person to whom paragraph (2) or (3) applies will not be a transit passenger if he:

- (a) has the right of abode in the United Kingdom under the Immigration Act 1971⁽²⁾;
- (b) is a national of an EEA State; or
- (c) in the case of a national or citizen of the People’s Republic of China, holds a passport issued by either the Hong Kong Special Administrative Region or the Macao Special Administrative Region.

(1) 1999 c. 33.
(2) 1971 c. 77.

(5) In paragraph (4) “EEA State” means a country which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(3) as adjusted by the Protocol signed at Brussels on 17th March 1993(4).

Requirement for a transit passenger to hold a transit visa

3. A transit passenger is required to hold a transit visa.

Method of application for a transit visa

4. An application for a transit visa may be made to any British High Commission, Embassy or Consulate which accepts such applications.

Revocations

5. The Orders(5) specified in Schedule 2 to this Order are hereby revoked.

Home Office
30th April 2003

Beverley Hughes
Minister of State

(3) OJ L1, 3.1.94, p. 3.

(4) OJ L1, 3.1.94, p. 571.

(5) The Orders in question were made under section 1A of the Immigration (Carriers Liability) Act 1987 (c. 24); section 1A was inserted by section 12(1) and (3) of the Asylum and Immigration Act 1993 (c. 23) and was repealed by Schedule 16 to the Immigration and Asylum Act 1999 (“the 1999 Act”). Notwithstanding this repeal the Orders continued to have effect as if made under section 41 of the 1999 Act by virtue of section 17(2)(b) of the Interpretation Act 1978 (c. 30).

SCHEDULE 1

Article 2

COUNTRIES OR TERRITORIES WHOSE
NATIONALS OR CITIZENS NEED TRANSIT VISAS

Afghanistan
Colombia
Democratic Republic of the Congo
Ecuador
Eritrea
Ethiopia
Ghana
Iran
Iraq
Libya
Nigeria
People's Democratic Republic of Algeria
People's Republic of China
Republic of Croatia
Serbia and Montenegro
Slovak Republic
Somalia
Sri Lanka
Turkey
Uganda
Zimbabwe

SCHEDULE 2

Article 5

REVOCATIONS

<i>(1)</i> <i>Orders revoked</i>	<i>(2)</i> <i>References</i>
The Immigration (Transit Visa) Order 1993	S.I. 1993/1678
The Immigration (Transit Visa) (Amendment) Order 1998	S.I. 1998/55
The Immigration (Transit Visa) (Amendment No. 2) Order 1998	S.I. 1998/1014
The Immigration (Transit Visa) (Amendment) Order 2000	S.I. 2000/1381
The Immigration (Transit Visa) (Amendment) Order 2002	S.I. 2002/825

Status: This is the original version (as it was originally made).

<i>(1)</i> <i>Orders revoked</i>	<i>(2)</i> <i>References</i>
The Immigration (Transit Visa) (Amendment No. 2) Order 2002	S.I. 2002/2758

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 41 of the Immigration and Asylum Act 1999 and requires transit passengers to hold a transit visa (article 3). A transit passenger is a person who on arrival in the United Kingdom passes through to another country or territory without entering the United Kingdom (article 2(1)) and is either a citizen or national of one of the countries listed in Schedule 1 (article 2(2)) or holds a travel document issued by the purported “Turkish Republic of Northern Cyprus”, the former Federal Republic of Yugoslavia, the former Socialist Republic of Yugoslavia or the former Zaire (article 2(3)). However, a person will not be a transit passenger in accordance with article 2(2) or (3) if that person has a right of abode under the Immigration Act 1971, is an EEA national or, in the case of a national or citizen of the People’s Republic of China, holds a passport issued by either the Hong Kong Special Administrative Region or the Macao Special Administrative Region (article 2(4)). The Order also makes provision regarding the making of an application (article 4).

In addition, the Order revokes the Orders listed in Schedule 2 (article 5). The contents of those Orders are reflected in this Order which makes equivalent provision, with the following modifications. The Schedule of countries whose citizens or nationals require a transit visa if they travel through the United Kingdom in transit to another country is expanded to include the People’s Democratic Republic of Algeria. Additionally, the categories of person who hold travel documents issued by specified countries and territories and who require a transit visa as a result is expanded to include the former Federal Republic of Yugoslavia and the former Zaire.