

EXPLANATORY MEMORANDUM TO
THE IMMIGRATION (DESIGNATION OF TRAVEL BANS)(AMENDMENT)
ORDER 2005

2005 No. 3310

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 This Order amends the Immigration (Designation of Travel Bans) Order 2000 by substituting the Schedule for the Schedule to the 2000 Order. The new Schedule designates the new instruments adopted by either United Nations' Security Council Resolutions or European Union Common Positions or Decisions which impose restrictive travel measures against named individuals or those associated with a specified group. The new Schedule also removes two existing instruments.

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

None.

4. **Legislative Background**

4.1 The Immigration (Designation of Travel Bans)(Amendment) Order 2005 substitutes the Schedule to the Immigration (Designation of Travel Bans) Order 2000, previously consolidated by the Immigration (Designation of Travel Bans)(Amendment No.2) Order 2003 (the 2003 Order) and amended by the Immigration (Designation of Travel Bans)(Amendment) 2004 (the 2004 Order), made under Section 8B of the Immigration Act 1971 (as inserted by Section 8 of the Immigration and Asylum Act 1999). The 2003 and the 2004 Orders are revoked and replaced by the 2005 Order.

4.2 Section 8B provides for the exclusion from the United Kingdom of persons subject to such United Nations' or European Union restrictive travel measures as have been designated by Order. Under Section 8B, unless subject to one of the exemptions set out in Article 3 of the Immigration (Designation of Travel Bans) Order 2000, an excluded person must either be refused leave to enter or remain in the United Kingdom, or have their existing leave cancelled.

5. **Extent**

5.1 The provisions of this Order apply to all parts of the UK.

6. European Convention on Human Rights

6.1 As the instrument is subject to no resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 United Nations' or European Union travel bans restrict the movement of certain individuals associated with regimes or groupings, whose behaviour is considered by either the international or European community to be unacceptable. This is achieved by requiring those Member States of the United Nations' or European Union, respectively, to exclude the individuals concerned from their territory. Section 8B of the Immigration Act 1971 was inserted by Section 8 of the Immigration and Asylum Act 1999 to provide that persons named by or under, or of a description specified in, designated instruments (being resolutions of the UN Security Council or instruments made by the Council of the EU) must be refused leave to enter or remain in the UK or have any existing leave cancelled.

8. Impact

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

9. Contact

Queries should be addressed to the Home Office's Immigration and Nationality Enquiry Bureau on telephone: 0870 606 7766 or by e-mail: indpublicenquiries@ind.homeoffice.gsi.gov.uk