

EXPLANATORY MEMORANDUM TO
THE IMMIGRATION (DESIGNATION OF TRAVEL BANS)(AMENDMENT)
ORDER 2006

2006 No. 3277

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 This Order amends the Immigration (Designation of Travel Bans) Order 2000 by substituting the Schedule to the 2000 Order. The Schedule lists United Nations' Security Council Resolutions and European Union Common Positions or Decisions which impose restrictive travel measures against named individuals or those associated with specified groups. The 2000 Order is regularly amended to update the list of travel bans included in the Schedule.

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

3.1 This Order will be laid on 12th December 2006 and will take effect on 13th December. It is not subject to any form of Parliamentary Procedure.

Section 8B(8) of the 1971 Act states that this statutory instrument shall be laid before Parliament without delay. As the purpose of including the relevant United Nations and European Union instruments within the Order is to prevent the persons specified in those instruments from travelling it is important that the Order can come into force as soon as it is laid. Laying the Order before Parliament for any significant period of time prior to the date of coming into force would provide the persons specified in the instruments listed in the Schedule to the Order with a period of time in which to enter the UK before the restrictive travel measures come into effect.

4. **Legislative Background**

4.1 Section 8B of the Immigration Act 1971 (as inserted by Section 8 of Immigration and Asylum Act 1999) provides for the exclusion from the United Kingdom of persons subject to United Nations' or European Union restrictive travel measures which have been designated by Order.

4.2 The UK complies with UN Security Council Resolutions or instruments of the Council of the European Union that impose restrictive travel measures by including them in the Immigration (Designation of Travel Bans) Order 2000 ("the 2000 Order"). This Order is made under Section 8B(7) of the Immigration Act 1971 and came into force on 10th October 2000. The Schedule to the 2000 Order which lists the relevant UN and EU

travel bans is regularly updated. The effect of including these travel bans in the Order is that, unless subject to one of the exemptions set out in Article 3 of the 2000 Order, a person named by or described in a designated travel ban is an excluded person and must be refused leave to enter or remain in the UK, including transit through the UK. Any existing leave is automatically cancelled, and any exemption from immigration control e.g. as a diplomat, ceases.

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 not subject to any affirmative parliamentary 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 groups, whose behaviour is considered unacceptable by the international or the European community. The decision to impose a travel ban is made either by the United Nations' Security Council by means of a UN Resolution, or by an instrument of the Council of the European Union. Both require Member States of the UN or the EU to deny the individuals concerned entry to or transit through their territory except in very limited circumstances. Once such instruments are designated in UK legislation by means of the Immigration (Designation of Travel Bans) Order 2000, individuals subject to travel bans are excluded persons and refused entry or transit through the UK on the basis of the travel ban. Prior to being included in the 2000 Order such individuals can be denied access to the UK by using powers in the Immigration Rules to refuse or cancel leave on non-conducive grounds.

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