

2016 No. 948

IMMIGRATION

The Immigration (Variation of Leave) Order 2016

Made - - - - *21st September 2016*

Coming into force - - *6th October 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 3(3)(a) and 4(1) of the Immigration Act 1971(a).

Citation and commencement

1. This Order may be cited as the Immigration (Variation of Leave) Order 2016 and comes into force on 6th October 2016.

Interpretation

2. In this Order—

“competent authority” means a person who is a competent authority of the United Kingdom for the purposes of the Trafficking Convention;

“overseas domestic worker” means a person who, under the immigration rules, has leave to enter the United Kingdom as—

- (a) a domestic worker in a private household, or
- (b) a private servant in a diplomatic household;

“Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (agreed at Warsaw on 16 May 2005)(b);

“victim of modern slavery” means a victim of—

- (a) trafficking in human beings, which has the same meaning as provided in article 4 of the Trafficking Convention; or
- (b) slavery, servitude, or forced or compulsory labour, which have the same meanings as they have for the purposes of article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (agreed by the Council of Europe at Rome on 4 November 1950)(c).

Variation of limited leave to enter the United Kingdom

3. Where—

(a) 1971 c. 77. Section 4(1) was amended by paragraph 45 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33).
(b) CETS No.197.
(c) CETS No.005.

- (a) a competent authority has determined or determines that there are reasonable grounds to believe that an overseas domestic worker (“P”) is a victim of modern slavery, and
- (b) P’s leave would otherwise expire before the competent authority notifies P of its conclusive decision as to whether P is a victim of modern slavery,

then P’s leave is extended until the end of the twenty-eighth day after the date on which the competent authority sends P notice in writing of its conclusive decision as to whether P is a victim of modern slavery.

Home Office
21st September 2016

Robert Goodwill
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that where a competent authority determines that it has reasonable grounds to believe that a person who has been granted limited leave to enter the United Kingdom as an overseas domestic worker, or a private servant in a diplomatic household, is a victim of modern slavery, the person’s leave is extended until 28 days after the competent authority notifies the person of its conclusive decision as to whether or not the person is such a victim.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

© Crown copyright 2016

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.25

UK2016092223 09/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/948>

ISBN 978-0-11-114998-0



9 780111 149980