



10 February 2015

## HOME OFFICE VISITOR SIMPLIFICATION CONSULTATION RESPONSE

Thank you for your feedback on the draft visitor Immigration Rules and Guidance, and for contributing to the workshop discussions.

We will be laying the new Immigration Rules for Visitors before Parliament on 26 February 2015 alongside other routine changes to the Rules and these will come into effect in April. We will confirm the commencement date in the next few weeks.

We will be phasing in changes to the IT systems. From April, customers will not see any difference in the way they apply for a visit visa, but from late summer they will be issued with new visit visa endorsements that align with the streamlined visitor routes. We will make the transitional arrangements clear on our website and in communications to staff. We would be happy to explain this in more detail in the lead up to the implementation date.

A summary of the main themes which came up in your feedback together with our response is below.

### 1. Policy

#### **Types of visitor**

You generally supported the move to rationalise the number of visitor categories and allow more flexibility around permitted activities, and believe this will help reduce confusion for applicants and caseworkers. Based on your feedback we have renamed the 'generic' visitor category to visitor (standard). We have also included more information in the Visitor Rules to clarify types of visit and that the different durations of stay are exceptions to the usual six months. Finally, we have restructured the sections of the Rules covering eligibility to reflect the visit types and any exceptions.

Our guidance will make clear that those entering under the visitor (standard) category can carry out permitted activities which were not originally declared on their visit application form. However we still expect a visitor to explain their purpose of visit, and provide additional information on this where requested by our officers.

Our decision to rebrand the student visitor route (including the extended student visitor route) into a new short-term study route that sits outside of the Visitor Rules was supported and viewed as being more intuitive, but we also recognise that we need to

ensure there is clear communication on those who are entering for 30 days recreational study under the visitor routes.

### **Prohibited activities**

You did not think the draft definitions of employment and work would be clearly understood by an applicant. We have clarified the types of work that are prohibited for visitors and how these relate to the permitted activities and other immigration routes. We have also made explicit that regardless of the activity the visitor is carrying out, they must not be filling a role in the UK.

We believe our definition of prohibited work for visitors should provide the overall guide as to whether an activity is permitted for visitors or not, but if there is doubt, we are happy to clarify it further. We will be providing training to operational teams on the Rules to ensure there is common understanding, in particular on the prohibited activities which you flagged as an area of concern.

### **Permitted activities**

You generally supported the greater clarity around permitted activities and many of you liked the use of headings to structure the list. We have made some amendments to this section based on your feedback, for example removing religious activities from the business heading. We examined whether we should define generic terms such as “consulting, trouble-shooting and fact-finding”, but thought this would be more limiting and could constrain genuine business activities.

Some of you questioned whether the list of permitted activities is exhaustive. It is but we do recognise that the needs of global business changes over time, and the policy team therefore remains open to considering any future requests to introduce new activities.

There was some concern that the draft Rules had unintentionally tightened the activities for overseas clients seconded to UK export companies, specifically the direct role they can undertake for the UK company, and repeat visits they can make where the contract may be for longer than six months. We have revised the drafting to retain the current scope. We considered whether to extend the provision to family members based on your feedback but are not able to extend this provision beyond family members being able to make visits to the UK. If individuals wished to settle in the UK as part of a family unit, they would need to consider alternative routes of entry.

Many of you called for greater flexibility within our immigration system to support globalised business practice, where managers and teams are expected to be globally mobile and deliver projects in multiple jurisdictions. We are considering this further.

You suggested that the permitted paid engagement visitor category needed to make clear that photographers and make-up artists can enter under this route, and some further clarification of intra-corporate activities which we have taken on board.

We are grateful for the information provided on potential gaps in the current list of permitted activities. We have agreed to expand the list to include the following:

- incidental volunteering for up to 30 days at a registered UK charity;
- employees of an overseas training company delivering global training to employees of a multinational company based in the UK;

- allowing training in specialist UK work practices and techniques to be delivered by non-corporate organisations (e.g. reference laboratories);
- expanding the current provision for overseas lawyers to advise UK clients on litigation and international transactions to include lawyers who are not employed by an overseas multinational company.

## **2. Thematic sets of Immigration Rules**

You supported the move to single, thematic sets of Rules and believe this is more intuitive and generally easier to find all the relevant information relating to a route. In particular the new structure was felt to be much clearer for non-expert users. You expressed some concern that including cross-cutting requirements, e.g. suitability requirements, in each thematic set of Rules could lead to inconsistencies and discrepancies. We will ensure there is a clear process for teams to follow when amending cross-cutting requirements but have no plans to change the structure of the Rules as having all relevant information relating to a route in one place is important.

Many of you said there was too much cross-referencing between the different parts. We have revised our structure to reduce this, though some cross-referencing remains (comparable to the current Rules).

There was mixed feedback on the use of the term “suitability” and the inclusion of these Rules near the start (in part V3). We think this structure makes clearer how the Rules apply to all applicants. We have, however, separated the curtailment Rules so that the structure is more in line with the overall customer journey.

### **Format**

While you found the overall format (parts and sections) clear, many of you were concerned that the numbering would be more difficult to use. While we believe it is important to retain a ‘V’ to make it clear that these are Visitor Rules only, we have changed the format to make it easier to read across, and made the numbering within appendices much simpler. You suggested including hyperlinks between sections of the Rules, and where definitions are mentioned, and we will work with our web teams to see if this is possible.

### **Drafting**

You generally thought it was in plain English and easy to read. Based on your feedback, we are working with digital teams to ensure the Rules as presented on gov.uk are as accessible as possible. You also provided many helpful drafting changes which we have taken on board.

Some of you felt that the terminology used in places, such as “visit visa” instead of “entry clearance” had departed from statutory terminology used in the Immigration Act 1971 and that forms of permission must be as prescribed in the 1971 Act. We have discussed this further and believe our use of the term “visit visa”, which references the 1971 Act, is legally sound.

## **3. Guidance**

You generally found the way the information is grouped useful and relatively intuitive. In particular the quick links to locate areas within the document were helpful. We will

continue developing the guidance to ensure that the way it is published is easy to use and navigate.

Many of you thought the new format and drafting was much clearer. For example, you thought the references to the types of supporting documents we would expect to see were helpful. Some of you were worried that these will become requirements. We feel it is more consistent to suggest where a case might require greater scrutiny and that this would not in itself create a requirement. We will ensure that our training makes clear to decision makers that these are not mandatory and revise our draft to be very clear where documents are mandatory.

### **Ease of finding the information you are looking for**

You generally agreed that having a single set of guidance would be simpler than having to go through modernised guidance, entry clearance guidance and individual policy guidance for the various types of visa. You liked the table reference in section one but would like fewer clicks to take you to the relevant guidance. We will continue to refine and improve the way we draft our guidance to make it easier for all users.

### **4. Other**

You highlighted that transitional provisions must be put in place for those with long-term multi-entry visit visas – we are taking this forward. You support work that is being done to roll out a more digital, intuitive application process for visitors.

Thank you again for your feedback. We would like to keep an open dialogue on how the new Rules and Guidance are working and welcome your continued feedback.

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