

2012 No. 1532

IMMIGRATION

The Immigration Appeals (Family Visitor) Regulations 2012

Made - - - - 13th June 2012

Laid before Parliament 18th June 2012

Coming into force - - 9th July 2012

The Secretary of State, in exercise of the powers conferred by sections 88A(1)(a), 2(a) and (c) and 112(1) and (3) of the Nationality, Immigration and Asylum Act 2002(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Immigration Appeals (Family Visitor) Regulations 2012 and shall come into force on 9th July 2012.

Class or description of person to be visited

2.—(1) A person (“P”) is of a class or description prescribed for the purposes of section 88A(1)(a) of the Nationality, Immigration and Asylum Act 2002 (entry clearance), if—

- (a) the applicant for entry clearance (“A”) is a member of the family of P; and
- (b) P’s circumstances match those specified in regulation 3.

(2) For the purposes of paragraph (1), A is a member of the family of P if A is the—

- (a) spouse, civil partner, father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother or sister;
- (b) father-in-law, mother-in-law, brother-in-law or sister-in-law;
- (c) son-in-law or daughter-in-law; or
- (d) stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister;

of P.

(3) For the purposes of paragraph (1), A is also a member of the family of P if A is the partner of P.

(4) In this regulation, A is the partner of P if—

- (a) A and P have been in a relationship that is akin to a marriage or civil partnership for at least the two years before the day on which A’s application for entry clearance was made; and

(a) 2002 c. 41, section 88A was inserted by section 29 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19) and substituted, together with sections 90 and 91, by a new section 88A inserted by section 4 of the Immigration, Asylum and Nationality Act 2006 (c.13) and section 112(3) was amended by article 5(1) and Schedule 1 of the Transfer of Functions of the Asylum and Immigration Tribunal Order 2010 (S.I. 2010/21).

- (b) such relationship is genuine and subsisting.
- (5) In this regulation—
- (a) “father-in-law of P” includes the father of P’s civil partner;
 - (b) “mother-in-law of P” includes the mother of P’s civil partner;
 - (c) “brother-in-law of P” includes the brother of P’s civil partner;
 - (d) “sister-in-law of P” includes the sister of P’s civil partner;
 - (e) “son-in-law of P” includes the son of P’s civil partner;
 - (f) “daughter-in-law of P” includes the daughter of P’s civil partner;
 - (g) “stepfather of P” includes the person who is the civil partner of A’s father (but is not A’s parent);
 - (h) “stepmother of P” includes the person who is the civil partner of A’s mother (but is not A’s parent);
 - (i) “stepson of P” includes the person who is the son of A’s civil partner (but is not A’s son);
 - (j) “stepdaughter of P” includes the person who is the daughter of A’s civil partner (but is not A’s daughter);
 - (k) “stepbrother of P” includes the person who is the son of the civil parent of A’s parent (but is not the son of either of A’s parents); and
 - (l) “stepsister of P” includes the person who is the daughter of the civil partner of A’s parent (but is not the daughter of either of A’s parents).

Circumstances of the person to be visited

3. The circumstances of P mentioned in regulation 2(1)(b) are that P—
- (a) is settled in the United Kingdom as defined in paragraph 6(a) of the immigration rules;
 - (b) has been granted asylum in the United Kingdom under paragraph 334(b) of the immigration rules; or
 - (c) has been granted humanitarian protection in the United Kingdom under paragraph 339C(c) of the immigration rules.

Transitional provision

4. These Regulations apply only to an application for entry clearance made on or after the day on which they come into force.

Home Office
13th June 2012

Damian Green
Minister of State

(a) Paragraph 6 was included in the immigration rules laid before Parliament on 23rd May 1994 (HC 395).
(b) Paragraph 334 was substituted by the statement of changes in immigration rules presented to Parliament in September 2006 (Cm 6918).
(c) Paragraph 339C was inserted by the statement of changes in immigration rules presented to Parliament in September 2006 (Cm 6918).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe a class or description of person for the purposes of section 88A(1)(a) of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”). Under section 88A(1)(a), a person may not appeal under section 82(1) of the 2002 Act against refusal of an application for entry clearance unless the application is made for the purpose of visiting a person of a description or class prescribed by regulations. Regulation 2(a) makes provision by reference to whether the applicant is a member of the family (as specified in regulation 2) of the person he or she is visiting; regulation 2(b) makes provision by reference to the circumstances of the person he or she is visiting (as specified in regulation 3).

Regulation 4 makes transitional provision to provide that the Regulations apply only to an application for entry clearance made on or after the day on which the Regulations come into force.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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