

2007 No. 1122

IMMIGRATION

The Immigration (Leave to Remain) (Prescribed Forms and Procedures) (Amendment) Regulations 2007

Made - - - - - 28th March 2007

Laid before Parliament 3rd April 2007

Coming into force - - 1st May 2007

The Secretary of State, in exercise of the powers conferred by section 31A of the Immigration Act 1971(a), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Immigration (Leave to Remain) (Prescribed Forms and Procedures) (Amendment) Regulations 2007 and, subject to paragraph (3), shall come into force on 1st May 2007.

(2) In these Regulations, the “2007 Regulations” means the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2007(b).

(3) An application made before 22nd May 2007 in the form set out in Schedule 6 to the 2007 Regulations shall be deemed to have been made in the form set out in the Schedule to these Regulations.

Amendment

2.—(1) The 2007 Regulations are amended as follows.

(2) In regulation 8, for “Science and Engineering Graduates Scheme” substitute “International Graduates Scheme”.

(3) For the form set out in Schedule 6, substitute the form set out in the Schedule to these Regulations.

Home Office
28th March 2007

Liam Byrne
Minister of State

(a) 1971 c. 77. Section 31A was inserted by section 165 of the Immigration and Asylum Act 1999 (c.33) and amended by section 121 of the Nationality, Immigration and Asylum Act 2002 (c.41). Section 31A has been prospectively repealed by the Immigration, Asylum and Nationality Act 2006 (c.13), but the repeal is not yet in force.
(b) S.I. 2007/882.

SECTION 5 - PERSONAL HISTORY(continued)

- 5.7 Have you or any dependants included in this application ever engaged in any other activities which might indicate that you may not be considered to be persons of good character? Yes No

If you have answered **yes** to question 5.2, 5.3, 5.4, 5.5, 5.6 or 5.7 above please give further details in the space provided below. If you need more space, continue on a separate sheet.

REHABILITATION OF OFFENDERS ACT 1974

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' or ignored after a 'rehabilitation period'. The length of the rehabilitation period depends on the sentence given. For a custodial (prison) sentence the rehabilitation period is decided by the original sentence, not the time served. Prison sentences of more than two and a half years can never become spent and should always be disclosed. Further information on rehabilitation periods can be found at Nacro's Resettlement Plus Helpline on **020 7840 6464** or by obtaining a free copy of their leaflet on **020 7840 6427**.

DEFINITIONS

For the purposes of answering questions 5.3 to 5.7, the following information provides guidance on actions which may constitute war crimes, crimes against humanity, genocide, or terrorist activities.

This guidance is not exhaustive. The full definitions of war crimes, crimes against humanity and genocide can be found in Schedule 8 of the International Criminal Court Act 2001 at www.opsi.gov.uk/acts/acts2001/20010017.htm or purchased from The Stationery Office (telephone **0870 600 5522**). It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately on behalf of yourself and any dependants included in the application.

War crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Terrorist activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purposes of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned in terrorism

An organisation is concerned in terrorism if it commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism (including the unlawful glorification of terrorism); or is otherwise concerned in terrorism.

SECTION 6 - DOCUMENTS AND PHOTOGRAPHS

For your application to be valid and complete, you must provide the documents and photographs listed in this section which are relevant to your application. Tick the boxes next to the relevant items to show the documents and photographs you are providing. Attach the photographs to the spaces in sections 1 and 2 as instructed there.

- Two recent passport-size photographs of yourself** with your name written on the back of each photograph. Please see the separate guidance notes for information on what types of photograph are acceptable.
- Two recent passport-size photographs of each dependant** included in section 2 and applying for an extension of stay in the UK with you, with their name written on the back of the photographs.
- Your current passport or travel document.** If you last entered the UK on a previous passport or travel document, please also provide this document if you have it.
- Current passport(s) or travel document(s)** for each dependant included in section 2 and applying for an extension of stay in the UK with you. If they last entered the UK on previous passport(s) or travel document(s), please also provide these documents if you have them.
- Your police registration certificate** if you have been asked to register with the police.
- The police registration certificate(s)** for each dependant included in section 2 and applying for an extension of stay in the UK with you if they have been asked to register with the police.
- Evidence of your qualification.** Documents showing that you have been awarded a qualification at the required level and by a relevant UK institution (if you were awarded your degree before 1 May 2007, the qualification must be on the relevant list of eligible courses). If you have graduated, you must provide your original degree certificate. If you are awaiting graduation, you must provide a signed letter from your personal tutor confirming that you have been awarded a degree at the required level from a UK institution of higher or further education and are awaiting graduation.
- Consent from sponsor.** If you have answered **yes** to question 4.5, a document confirming that your sponsor or former sponsoring authority consents to your remaining in the UK under IGS.
- Employment.** Documents showing that you intend to seek and take employment in the UK.
- Evidence of your finances.** Bank statements, building society savings book(s), pay slips or other formal documents as evidence that you have the finances to maintain and accommodate yourself and any dependants without recourse to public funds. If a parent, relative or friend is supporting you, the evidence should be a letter from him/her confirming this, together with formal documents showing their financial situation (see **Note 4**).

Note 4 The documents showing the finances available to you and/or to the person supporting you should cover at least the last 3 months. We do not accept internet or cashpoint statements as evidence of finances.

SECTION 7 - DECLARATION

You must now read the declaration below and sign it. This must be signed by you (the applicant) and not by a representative or other person acting on your behalf.

I hereby apply for an extension of stay in the UK for myself and any dependants listed in this form. The information I have given in this form is complete and is true to the best of my knowledge. I also declare that the photographs submitted with this form are a true likeness of myself and any dependants included in the application, as named on the back of each photograph.

I confirm that if, before this application is decided, there is a material change in my circumstances or new information relevant to this application becomes available, I will inform the Home Office.

I understand that all information provided by me to the Home Office will be treated in confidence but that it may be disclosed to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to enable them to perform their functions.

I understand that documents provided in support of this application will be checked for authenticity. False documents will be retained and may result in my application being refused and my case being referred to the Border and Immigration Agency and other relevant authorities for the purposes of my prosecution and subsequent removal from the United Kingdom.

I understand that the Home Office may also use the information provided by me for training purposes.

I am aware that it is an offence under the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999 and the Nationality, Immigration and Asylum Act 2002, to make to a person acting in execution of any of those Acts a statement or representation which I know to be false or do not believe to be true, or to obtain or to seek to obtain leave to remain in the United Kingdom by means which include deception.

Signed

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2007. The Science and Engineering Graduates Scheme in the immigration rules is being replaced by the International Graduates Scheme. As a result, the form prescribed for people applying under the Science and Engineering Graduates Scheme is being replaced with a new application form for people applying under the International Graduates Scheme.

2007 No. 1122

IMMIGRATION

**The Immigration (Leave to Remain) (Prescribed Forms
and Procedures) (Amendment) Regulations 2007**

£3.00

© Crown copyright 2007

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.
E0587 04/2007 170587 19585