

**EXPLANATORY MEMORANDUM TO
THE IMMIGRATION (LEAVE TO REMAIN) (PRESCRIBED FORMS AND
PROCEDURES) (AMENDMENT) REGULATIONS 2007**

2007 No. 1122

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

2. Description

2.1 These Regulations replace the existing application form to be used in connection with applications for limited leave to remain in the United Kingdom as a participant in the Science and Engineering Graduates Scheme with a new application form to be used in connection with applications for limited leave to remain in the United Kingdom as a participant in the International Graduates Scheme. In doing so these Regulations amend the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2007.

2.2 It has been necessary to make these amendments to reflect changes in the Immigration Rules.

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

3.1 None.

4. Legislative Background

4.1 Section 31A of the Immigration Act 1971 (the “1971 Act”) enables the Secretary of State by Regulations to prescribe forms and procedures for applications for leave to enter or remain in the United Kingdom.

4.2 Forms and procedures were first prescribed in the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2003 (the “2003 Regulations”). The 2003 Regulations were replaced by the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2005 (the “2005 Regulations”). The 2005 Regulations were replaced by the Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2006 (the “2006 Regulations”). The 2006 Regulations were replaced by the Immigration (Leave to Remain)(Prescribed Forms and Procedures) Regulations 2007 (the “2007 Regulations”).

4.3 These Regulations amend the 2007 Regulations.

4.4 Changes to the Immigration Rules sometimes necessitate changes to the application forms to elicit further or different information. Under section 31A of the 1971 Act changes to the application forms are to be done by way of Regulations.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The replacement of form FLR(SEGS) with form FLR(IGS) reflects the change in the Immigration Rules on 1 May whereby the existing Science and Engineering Graduates Scheme (SEGS) is being replaced by the International Graduates Scheme (IGS) .

7.2 These Regulations contain a transitional provision. This is so that applicants who apply on the FLR (SEGS) application form during the period when the transitional provision is in force will be deemed not to have made an invalid application. For a period of 21 days after these Regulations are brought into force, applicants may apply using either the old application form (prescribed by the 2007 Regulations), or the new application form (prescribed by these Regulations). After that date all applicants should apply using the new application form.

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.

8.2 The impact on the public sector is expected to be none.

9. Contact

John Evans at the Immigration and Nationality Directorate of the Home Office (Tel: 020 8196 3743 or email:John.Evans@ind.homeoffice.gsi.gov.uk) can answer any queries regarding this Instrument.