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STATUTORY INSTRUMENTS

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**2000 No. 1161**

**IMMIGRATION**

**The Immigration (Leave to Enter and Remain) Order 2000**

*Made* - - - - - *19th April 2000*

*Coming into force*

*Articles 1 to 12, 14 and  
15(1) in accordance with  
article 1(2)*

*Articles 13 and 15(2)* *30th July 2000*

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House in accordance with sections 3A(13) and 3B(6) of the Immigration Act 1971<sup>(1)</sup>;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 3A(1), (2), (3), (4), (6) and (10) and 3B(2)(a) and (c) and (3)(a) of the Immigration Act 1971, hereby makes the following Order:

**Modifications etc. (not altering text)**

- C1** Order extended (with modifications) (1.2.2004 as notified in the Gazettes) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003](#) (S.I. 2003/2818), arts. 1(2), 11(1)(d), [Sch. 2](#)

**PART I**

**GENERAL**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Immigration (Leave to Enter and Remain) Order 2000.

(2) Articles 1 to 12, 14 and 15(1) of this Order shall come into force on 28th April 2000 or, if later, on the day after the day on which it is made and articles 13 and 15(2) shall come into force on 30th July 2000.

(3) In this Order—

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(1) 1971 c. 77, sections 3A and 3B are inserted by sections 1 and 2 of the Immigration and Asylum Act 1999 (1999 c. 33).

*Status: Point in time view as at 23/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000. (See end of Document for details)*

“the Act” means the Immigration Act 1971;

[<sup>F1</sup>“ADS Agreement with China” means the Memorandum of Understanding on visa and related issues concerning tourist groups from the People’s Republic of China to the United Kingdom as an approved destination, signed on 21st January 2005;]

[<sup>F2</sup>“biometric immigration document” means a document recording biometric information;]

“control port” means a port in which a control area is designated under paragraph 26(3) of Schedule 2 to the Act;

[<sup>F3</sup>“convention travel document” means a travel document issued pursuant to Article 28 of the Refugee Convention, except where that travel document was issued by the United Kingdom Government;]

[<sup>F4</sup>“decision-maker” means—

- (a) the Secretary of State;
- (b) an immigration officer;]

<sup>F5</sup> ...

[<sup>F6</sup>“Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol;]

[<sup>F7</sup>“representative” means a person who appears to the decision-maker—

- (a) to be the representative of the person referred to in article 8ZA(1); and
- (b) not to be prohibited from acting as a representative by section 84 of the Immigration and Asylum Act 1999;]

“responsible third party” means a person appearing to an immigration officer to be:

- (a) in charge of a group of people arriving in the United Kingdom together or intending to arrive in the United Kingdom together;
- (b) a tour operator;
- (c) the owner or agent of a ship, aircraft, train, hydrofoil or hovercraft;
- (d) the person responsible for the management of a control port or his agent; or
- (e) an official at a British Diplomatic Mission or at a British Consular Post or at the office of any person outside the United Kingdom and Islands who has been authorised by the Secretary of State to accept applications for entry clearance;

“tour operator” means a person who, otherwise than occasionally, organises and provides holidays to the public or a section of it; and

“visit visa” means an entry clearance granted for the purpose of entry to the United Kingdom as a visitor under the immigration rules.

#### Textual Amendments

- F1** Words in art. 1(3) inserted (1.4.2005) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2005 \(S.I. 2005/1159\)](#), arts. 1, **3**
- F2** Words in art. 1(3) inserted (18.3.2015) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2015 \(S.I. 2015/434\)](#), arts. 1(1), **2(2)(b)**
- F3** Words in art. 1(3) inserted (27.2.2004) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2004 \(S.I. 2004/475\)](#), arts. 1, **3(a)**
- F4** Words in art. 1(3) inserted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, **3(a)**

- F5** Words in art. 1(3) omitted (18.3.2015) by virtue of The Immigration (Leave to Enter and Remain) (Amendment) Order 2015 (S.I. 2015/434), arts. 1(1), **2(2)(a)**
- F6** Words in art. 1(3) inserted (27.2.2004) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2004 (S.I. 2004/475), arts. 1, **3(b)**
- F7** Words in art. 1(3) inserted (12.7.2013) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2013 (S.I. 2013/1749), arts. 1, **3(b)**

**Commencement Information**

- I1** Art. 1 in force at 28.4.2000, see **art. 1(2)**

## PART II

### ENTRY CLEARANCE AS LEAVE TO ENTER

#### Entry clearance as Leave to Enter

2. Subject to article 6(3), an entry clearance which complies with the requirements of article 3 shall have effect as leave to enter the United Kingdom to the extent specified in article 4, but subject to the conditions referred to in article 5.

**Commencement Information**

- I2** Art. 2 in force at 28.4.2000, see **art. 1(2)**

#### Requirements

3.—<sup>[F8]</sup>(1) Subject to paragraph (4), an entry clearance shall only have effect as leave to enter if it complies with the requirements of this article.]

(2) The entry clearance must specify the purpose for which the holder wishes to enter the United Kingdom.

(3) The entry clearance must be endorsed with:

- (a) the conditions to which it is subject; or
- (b) a statement that it is to have effect as indefinite leave to enter the United Kingdom.

<sup>[F9]</sup>(4) Subject to paragraph (5), an entry clearance shall not have effect as leave to enter if it is endorsed on a convention travel document.

(5) An entry clearance endorsed on a convention travel document before 27th February 2004 shall have effect as leave to enter.]

**Textual Amendments**

- F8** Art. 3(1) substituted (27.2.2004) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2004 (S.I. 2004/475), arts. 1, **4(a)**
- F9** Art. 3(4)(5) inserted (27.2.2004) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2004 (S.I. 2004/475), arts. 1, **4(b)**

**Commencement Information**

- I3** Art. 3 in force at 28.4.2000, see **art. 1(2)**

*Status: Point in time view as at 23/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000. (See end of Document for details)*

## Extent to which Entry Clearance is to be Leave to Enter

4.—(1) A visit visa [<sup>F10</sup>(other than a visit visa granted pursuant to the ADS Agreement with China [<sup>F11</sup>, or a visit visa for private medical treatment or for entry as an academic visitor]) unless endorsed with a statement that it is to have effect as a single-entry visa]<sup>F12</sup>... shall have effect as leave to enter the United Kingdom on an unlimited number of occasions [<sup>F13</sup>during its period of validity], in accordance with paragraph (2).

(2) On each occasion the holder arrives in the United Kingdom, he shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom for a limited period beginning on the date of arrival, being:

- (a) six months if six months or more remain of the visa's period of validity; or
- (b) the visa's remaining period of validity, if less than six months.

[<sup>F14</sup>(2A) A visit visa granted pursuant to the ADS Agreement with China endorsed with a statement that it is to have effect as a dual-entry visa, shall have effect as leave to enter the United Kingdom on two occasions during its period of validity, in accordance with paragraph (2B).

(2B) On arrival in the United Kingdom on each occasion, the holder shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom for a limited period, being the period beginning on the date on which the holder arrives in the United Kingdom and ending on the date of expiry of the entry clearance.]

[<sup>F15</sup>(2C) A visit visa granted for private medical treatment or for entry as an academic visitor, unless endorsed with a statement that it is to have effect as a single-entry visa, shall have effect as leave to enter the United Kingdom on an unlimited number of occasions during its period of validity in accordance with paragraph (2D).

(2D) On arrival in the United Kingdom on each occasion, the holder shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom for a limited period beginning on the date of arrival, being—

- (a) where the visit visa is granted for private medical treatment—
  - (i) 11 months if 11 months remain of the visa's period of validity, or
  - (ii) the visa's remaining period of validity, if less than 11 months, and
- (b) where the visit visa is granted for entry as an academic visitor—
  - (i) 12 months if 12 months remain of the visa's period of validity, or
  - (ii) the visa's remaining period of validity, if less than 12 months.]

(3) In the case of [<sup>F16</sup>any form of entry clearance to which this paragraph applies], it shall have effect as leave to enter the United Kingdom on one occasion during its period of validity; and, on arrival in the United Kingdom, the holder shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom:

- (a) in the case of an entry clearance which is endorsed with a statement that it is to have effect as indefinite leave to enter the United Kingdom, for an indefinite period; or
- (b) in the case of an entry clearance which is endorsed with conditions, for a limited period, being the period beginning on the date on which the holder arrives in the United Kingdom and ending on the date of expiry of the entry clearance.

[<sup>F17</sup>(3A) Paragraph (3) applies to –

- (a) a visit visa (other than a visit visa granted pursuant to the ADS Agreement with China) endorsed with a statement that it is to have effect as a single entry visa;
- (b) a visit visa granted pursuant to the ADS Agreement with China unless endorsed with a statement to the effect that it is to have effect as a dual entry visa; and

(c) any other form of entry clearance [<sup>F18</sup>except those to which paragraph (3B) applies].]

[<sup>F19</sup>(3B) A short term biometric entry clearance shall have effect as leave to enter the United Kingdom on one occasion during its period of validity; and, on arrival in the United Kingdom, the holder shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom—

- (a) in the case of an entry clearance which is endorsed with an indefinite period of leave, for an indefinite period; or
- (b) in the case of an entry clearance which is endorsed with conditions, for a limited period, being the period beginning on the date on which the holder arrives in the United Kingdom and ending on the date of the expiry of the holder’s period of leave.]

(4) In this article “period of validity” means the period beginning on the day on which the entry clearance becomes effective and ending on the day on which it expires.

[<sup>F20</sup>(5) In this article—

- (a) “period of leave” means the intended period of leave which—
  - (i) in the case of an indefinite intended period of leave, is endorsed on the person’s short term biometric entry clearance; or
  - (ii) in the case of a limited period of leave, is stated in the written decision which accompanies the person’s short term biometric entry clearance,

and such a period of leave will only have effect on the person’s arrival in the United Kingdom in accordance with paragraph (3B) and subject to the powers of variation, cancellation and refusal of leave under this Order, the Immigration Acts and the immigration rules; and

- (b) “short term biometric entry clearance” means an entry clearance document which—
  - (i) is issued to a person who has made a successful application for a biometric immigration document from outside the United Kingdom, in order that the person may travel to the United Kingdom to obtain that biometric immigration document; and
  - (ii) has a period of validity ending before the expiry of the period of leave that the holder’s biometric immigration document will evidence.]

#### Textual Amendments

- F10** Words in art. 4(1) inserted (1.4.2005) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2005 \(S.I. 2005/1159\)](#), arts. 1, **4(2)**
- F11** Words in art. 4(1) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(2)(a)(i)**
- F12** Words in art. 4(1) omitted (23.11.2016) by virtue of [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(2)(a)(ii)**
- F13** Words in art. 4(1) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(2)(a)(iii)**
- F14** Art. 4(2A)(2B) inserted (1.4.2005) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2005 \(S.I. 2005/1159\)](#), arts. 1, **4(3)**
- F15** Art. 4(2C)(2D) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(2)(b)**
- F16** Words in art. 4(3) substituted (1.4.2005) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2005 \(S.I. 2005/1159\)](#), arts. 1, **4(4)**
- F17** Art. 4(3A) inserted (1.4.2005) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2005 \(S.I. 2005/1159\)](#), arts. 1, **4(5)**

*Status: Point in time view as at 23/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000. (See end of Document for details)*

- F18** Words in art. 4(3A)(c) inserted (18.3.2015) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2015 (S.I. 2015/434), arts. 1(1), **2(3)(a)**
- F19** Art. 4(3B) inserted (18.3.2015) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2015 (S.I. 2015/434), arts. 1(1), **2(3)(b)**
- F20** Art. 4(5) inserted (18.3.2015) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2015 (S.I. 2015/434), arts. 1(1), **2(3)(c)**

#### Modifications etc. (not altering text)

- C2** Art. 4 modified (30.7.2000) by S.I. 1993/1813, art. 7, **Sch. 4 para. 3(a)(b)** (as inserted by The Channel Tunnel (International Arrangements) (Amendment No. 2) Order 2000 (S.I. 2000/1775), arts. 1, **2(3)**)
- C3** Art. 4 modified (25.5.2001) by S.I. 1993/1813, **Sch. 4 para. 4(a)(b)** (as substituted by The Channel Tunnel (International Arrangements) (Amendment No. 3) Order 2001 (S.I. 2001/1544), arts. 1(2), 7)

#### Commencement Information

- I4** Art. 4 in force at 28.4.2000, see **art. 1(2)**

### Conditions

**5.** An entry clearance shall have effect as leave to enter subject to any conditions, being conditions of a kind that may be imposed on leave to enter given under section 3 of the Act, to which the entry clearance is subject and which are endorsed on it.

#### Commencement Information

- I5** Art. 5 in force at 28.4.2000, see **art. 1(2)**

### Incidental, supplementary and consequential provisions

**6.—(1)** Where an immigration officer exercises his power to cancel leave to enter under paragraph 2A(8) of Schedule 2 to the Act<sup>(2)</sup> or article 13(7) below in respect of an entry clearance which has effect as leave to enter, the entry clearance shall cease to have effect.

(2) If the holder of an entry clearance—

- (a) arrives in the United Kingdom before the day on which it becomes effective; or
- (b) seeks to enter the United Kingdom for a purpose other than the purpose specified in the entry clearance,

an immigration officer may cancel the entry clearance.

(3) If the holder of an entry clearance which does not, at the time, have effect as leave to enter the United Kingdom seeks leave to enter the United Kingdom at any time before his departure for, or in the course of his journey to, the United Kingdom and is refused leave to enter under article 7, the entry clearance shall not have effect as leave to enter.

#### Modifications etc. (not altering text)

- C4** Art. 6 modified (30.7.2000) by S.I. 1993/1813, art. 7, **Sch. 4 para. 3(c)** (as inserted by The Channel Tunnel (International Arrangements) (Amendment No. 2) Order 2000 (S.I. 2000/1775), arts. 1, **2(3)**)
- C5** Art. 6 modified (25.5.2001) by S.I. 1993/1813, **Sch. 4 para. 4(c)** (as substituted by The Channel Tunnel (International Arrangements) (Amendment No. 3) Order 2001 (S.I. 2001/1544), arts. 1(2), 7)

(2) Paragraph 2A is inserted into Schedule 2 to the Act by paragraph 57 of Schedule 14 to the Immigration and Asylum Act 1999.

**Commencement Information**

**I6** Art. 6 in force at 28.4.2000, see [art. 1\(2\)](#)

## PART III

### FORM AND MANNER OF GIVING AND REFUSING LEAVE TO ENTER

#### Grant and refusal of leave to enter before arrival in the United Kingdom

7.—(1) An immigration officer, whether or not in the United Kingdom, may give or refuse a person leave to enter the United Kingdom at any time before his departure for, or in the course of his journey to, the United Kingdom.

(2) In order to determine whether or not to give leave to enter under this article (and, if so, for what period and subject to what conditions), an immigration officer may seek such information, and the production of such documents or copy documents, as an immigration officer would be entitled to obtain in an examination under paragraph 2 or 2A of Schedule 2 to the Act.

(3) An immigration officer may also require the person seeking leave to supply an up to date medical report.

(4) Failure by a person seeking leave to supply any information, documents, copy documents or medical report requested by an immigration officer under this article shall be a ground, in itself, for refusal of leave.

**Commencement Information**

**I7** Art. 7 in force at 28.4.2000, see [art. 1\(2\)](#)

#### [<sup>F21</sup>Oral grant or refusal of leave

8.—(1) A notice giving or refusing leave to enter the United Kingdom to a person to whom this article applies may, instead of being given in writing as required by section 4(1) of the Act, be given orally, including by means of a telephone.

(2) This article applies to a person seeking leave to enter the United Kingdom as—

- (a) a visitor for a period not exceeding six months,
- (b) a short-term student for a period not exceeding six months, or
- (c) a parent of a Tier 4 (child) student for a period not exceeding six months,

under the immigration rules and subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules as they apply to persons to whom this article applies).]

**Textual Amendments**

**F21** Art. 8 substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), 2(3)

**[<sup>F22</sup>Grant, refusal or variation of leave by notice in writing**

**8ZA.**—(1) A notice in writing—

- (a) giving leave to enter or remain in the United Kingdom;
- (b) refusing leave to enter or remain in the United Kingdom;
- (c) refusing to vary a person's leave to enter or remain in the United Kingdom; or
- (d) varying a person's leave to enter or remain in the United Kingdom,

may be given to the person affected as required by section 4(1) of the Act as follows.

(2) The notice may be—

- (a) given by hand;
- (b) sent by fax;
- (c) sent by postal service to a postal address provided for correspondence by the person or the person's representative;
- (d) sent electronically to an e-mail address provided for correspondence by the person or the person's representative;
- (e) sent by document exchange to a document exchange number or address; or
- (f) sent by courier.

(3) Where no postal or e-mail address for correspondence has been provided, the notice may be sent—

(a) by postal service to—

- (i) the last-known or usual place of abode, place of study or place of business of the person; or
- (ii) the last-known or usual place of business of the person's representative; or

(b) electronically to—

- (i) the last-known e-mail address for the person (including at the person's last-known place of study or place of business); or
- (ii) the last-known e-mail address of the person's representative.

(4) Where attempts to give notice in accordance with paragraphs (2) and (3) are not possible or have failed, when the decision-maker records the reasons for this and places the notice on file the notice shall be deemed to have been given.

(5) Where a notice is deemed to have been given in accordance with paragraph (4) and then subsequently the person is located, the person shall as soon as is practicable be given a copy of the notice and details of when and how it was given.

(6) A notice given under this article may, in the case of a person who is under 18 years of age and does not have a representative, be given to the parent, guardian or another adult who for the time being takes responsibility for the child.

**Textual Amendments**

**F22** Arts. 8-8ZC substituted for art. 8 (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 4



## Presumptions about receipt of notice

**8ZB.**—(1) Where a notice is sent in accordance with article 8ZA, it shall be deemed to have been given to the person affected, unless the contrary is proved—

- (a) where the notice is sent by postal service—
  - (i) on the second day after it was sent by postal service in which delivery or receipt is recorded if sent to a place within the United Kingdom;
  - (ii) on the 28th day after it was posted if sent to a place outside the United Kingdom;
- (b) where the notice is sent by fax, e-mail, document exchange or courier, on the day it was sent.

(2) For the purposes of paragraph (1)(a) the period is to be calculated excluding the day on which the notice is posted.

(3) For the purposes of paragraph (1)(a)(i) the period is to be calculated excluding any day which is not a business day.

(4) In paragraph (3) “business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(3) in the part of the United Kingdom to which the notice is sent.

### Textual Amendments

**F22** Arts. 8-8ZC substituted for art. 8 (12.7.2013) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2013 (S.I. 2013/1749), arts. 1, 4

## Notice not given

**8ZC.** No notice under article 8(1) or 8ZA(1)(a) shall be given where a person is given leave to enter the United Kingdom by passing through an automated gate in accordance with article 8A.]

### Textual Amendments

**F22** Arts. 8-8ZC substituted for art. 8 (12.7.2013) by The Immigration (Leave to Enter and Remain) (Amendment) Order 2013 (S.I. 2013/1749), arts. 1, 4

## [<sup>F23</sup>Automatic grant of leave

**8A.**—(1) An immigration officer may authorise a person to be a person who may obtain leave to enter the United Kingdom by passing through an automated gate.

- (2) Such an authorisation may—
  - (a) only authorise a person to obtain leave to enter the United Kingdom as one of the categories of person under the immigration rules mentioned in paragraph (5);
  - (b) set out the conditions of use for an automated gate;
  - (c) list the automated gates for which the authorisation is valid;
  - (d) remain in force for up to 24 months; and
  - (e) be varied or withdrawn at any time, with or without notice being given to the person.
- (3) [<sup>F24</sup>This paragraph applies to a person who] passes through an automated gate—

(3) S.I.1984/2040.

*Status: Point in time view as at 23/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000. (See end of Document for details)*

- (a) having been authorised under paragraph (1) as a person who may obtain leave to enter the United Kingdom by passing through an automated gate;
- (b) in accordance with the conditions of use for an automated gate;
- (c) which is an automated gate for which the authorisation is valid; and
- (d) while the authorisation remains in force.

F25  
...

[  
F26(3A) A person to whom paragraph (3) applies shall be given leave to enter the United Kingdom for—

- (a) six months in the case of a person falling within a category mentioned in paragraph (5)(a) or (c), or
- (b) 48 hours in the case of a person falling within the category mentioned in paragraph (5)(b).]

(4) Such leave shall be subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules [F27 as they apply to the category of person under the immigration rules for which the person has been authorised under paragraph (1)]).

[F28(5) The categories of person under the immigration rules mentioned in this paragraph are—

- (a) a visitor (standard);
- (b) a transit visitor;
- (c) a parent of a Tier 4 (child) student.]]

#### Textual Amendments

- F23** Art. 8A inserted (25.3.2010) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2010 \(S.I. 2010/957\)](#), arts. 1, 4
- F24** Words in art. 8A(3) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(a)(i)** (with art. 3)
- F25** Words in art. 8A(3)(d) omitted (23.11.2016) by virtue of [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(a)(ii)** (with art. 3)
- F26** Art. 8A(3A) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(b)** (with art. 3)
- F27** Words in art. 8A(4) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(c)** (with art. 3)
- F28** Art. 8A(5) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(d)** (with art. 3)

#### Grant or refusal of leave by notice to a responsible third party

9.—(1) Leave to enter may be given or refused to a person by means of a notice given (in such form and manner as permitted by the Act or this Order for a notice giving or refusing leave to enter) to a responsible third party acting on his behalf.

(2) A notice under paragraph (1) may refer to a person to whom leave is being granted or refused either by name or by reference to a description or category of persons which includes him.

#### Commencement Information

- I8** Art. 9 in force at 28.4.2000, see [art. 1\(2\)](#)

## Notice of refusal of leave

**10.**—(1) Where a notice refusing leave to enter to a person is given under [<sup>F29</sup>article 8(1)] or 9, an immigration officer shall as soon as practicable give to him a notice in writing stating that he has been refused leave to enter the United Kingdom and stating the reasons for the refusal.

(2) Where an immigration officer serves a notice under the Immigration (Appeals) Notices Regulations 1984<sup>(3)</sup> or under regulations made under paragraph 1 of Schedule 4 to the Immigration and Asylum Act 1999 in respect of the refusal, he shall not be required to serve a notice under paragraph (1).

(3) Any notice required by paragraph (1) to be given to any person may be [<sup>F30</sup>given in accordance with article 8ZA].

### Textual Amendments

**F29** Words in [art. 10\(1\)](#) substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, [5\(a\)](#)

**F30** Words in [art. 10\(3\)](#) substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, [5\(b\)](#)

### Commencement Information

**I9** Art. 10 in force at 28.4.2000, see [art. 1\(2\)](#)

## Burden of proof

**11.** Where any question arises under the Immigration Acts as to whether a person has leave to enter the United Kingdom and he alleges that he has such leave by virtue of a notice given under [<sup>F31</sup>article 8(1)] or 9, [<sup>F32</sup>or by virtue of article 8A,] the onus shall lie upon him to show the manner and date of his entry into the United Kingdom.

**12.**—(1) This article applies where—

- (a) an immigration officer has commenced examination of a person ('the applicant') under paragraph 2(1)(c) of Schedule 2 to the Act (examination to determine whether or not leave to enter should be given);
- (b) that examination has been adjourned, or the applicant has been required (under paragraph 2(3) of Schedule 2 to the Act) to submit to a further examination, whilst further inquiries are made (including, where the applicant has made an asylum claim, as to the Secretary of State's decision on that claim); and
- (c) upon the completion of those inquiries, an immigration officer considers he is in a position to decide whether or not to give or refuse leave to enter without interviewing the applicant further.

(2) Where this article applies, any notice giving or refusing leave to enter which is on any date thereafter sent by post to the applicant (or is communicated to him in such form or manner as is permitted by this Order) shall be regarded, for the purposes of the Act, as having been given within the period of 24 hours specified in paragraph 6(1) of Schedule 2 to the Act<sup>(4)</sup> (period within which notice giving or refusing leave to enter must be given after completion of examination).

<sup>(3)</sup> S.I.1984/2040.

<sup>(4)</sup> Paragraph 6 is amended in relevant respects by section 39(6) of and paragraph 2 of Schedule 4 to, the British Nationality Act 1981 (1981 c. 61) and section 10 of the Immigration Act 1988.

*Status: Point in time view as at 23/11/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000. (See end of Document for details)*

#### Textual Amendments

- F31** Words in art. 11 substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 6
- F32** Words in art. 11 inserted (25.3.2010) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2010 \(S.I. 2010/957\)](#), arts. 1, 5

#### Commencement Information

- I10** Art. 11 in force at 28.4.2000, see [art. 1\(2\)](#)
- I11** Art. 12 in force at 28.4.2000, see [art. 1\(2\)](#)

## PART IV

### LEAVE WHICH DOES NOT LAPSE ON TRAVEL OUTSIDE COMMON TRAVEL AREA

- 13.**—(1) In [<sup>F33</sup>this Part] “leave” means—
- (a) leave to enter the United Kingdom (including leave to enter conferred by means of an entry clearance under article 2); and
  - (b) leave to remain in the United Kingdom.
- (2) Subject to paragraph (3), where a person has leave which is in force and which was:
- (a) conferred by means of an entry clearance (other than a visit visa) under article 2; or
  - (b) given by an immigration officer or the Secretary of State for a period exceeding six months,
- such leave shall not lapse on his going to a country or territory outside the common travel area.
- (3) Paragraph (2) shall not apply:
- (a) where a limited leave has been varied by the Secretary of State; and
  - (b) following the variation the period of leave remaining is six months or less.
- (4) Leave which does not lapse under paragraph (2) shall remain in force either indefinitely (if it is unlimited) or until the date on which it would otherwise have expired (if limited), but—
- (a) [<sup>F34</sup>subject to [<sup>F35</sup>articles 13A and 13B],] where the holder has stayed outside the United Kingdom for a continuous period of more than two years, the leave (where the leave is unlimited) or any leave then remaining (where the leave is limited) shall thereupon lapse; and
  - (b) any conditions to which the leave is subject shall be suspended for such time as the holder is outside the United Kingdom.
- (5) For the purposes of paragraphs 2 and 2A of Schedule 2 to the Act (examination by immigration officers, and medical examination), leave to remain which remains in force under this article shall be treated, upon the holder’s arrival in the United Kingdom, as leave to enter which has been granted to the holder before his arrival.
- (6) Without prejudice to the provisions of section 4(1) of the Act, where the holder of leave which remains in force under this article is outside the United Kingdom, the Secretary of State may vary that leave (including any conditions to which it is subject) in such form and manner as permitted by the Act or this Order for the giving of leave to enter.
- (7) Where a person is outside the United Kingdom and has leave which is in force by virtue of this article, that leave may be cancelled:

- (a) in the case of leave to enter, by an immigration officer; or
- (b) in the case of leave to remain, by the Secretary of State.

(8) In order to determine whether or not to vary (and, if so, in what manner) or cancel leave which remains in force under this article and which is held by a person who is outside the United Kingdom, an immigration officer or, as the case may be, the Secretary of State may seek such information, and the production of such documents or copy documents, as an immigration officer would be entitled to obtain in an examination under paragraph 2 or 2A of Schedule 2 to the Act and may also require the holder of the leave to supply an up to date medical report.

(9) Failure to supply any information, documents, copy documents or medical report requested by an immigration officer or, as the case may be, the Secretary of State under this article shall be a ground, in itself, for cancellation of leave.

(10) Section 3(4) of the Act (lapsing of leave upon travelling outside the common travel area) shall have effect subject to this article.

#### Textual Amendments

- F33** Words in [art. 13\(1\)](#) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(5)(a)**
- F34** Words in [art. 13\(4\)\(a\)](#) inserted (18.3.2015) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2015 \(S.I. 2015/434\)](#), arts. 1(1), **2(4)(b)**
- F35** Words in [art. 13\(4\)\(a\)](#) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(5)(b)**

#### Commencement Information

- I12** [Art. 13](#) in force at 30.7.2000, see [art. 1\(2\)](#)

### <sup>F36</sup> Partners and children of members of HM Forces

**13A.**—(1) Any period of time spent by a person to whom this article applies accompanying their partner, or, as the case may be, parent, who is posted outside the United Kingdom as a member of Her Majesty's Forces does not count towards the period mentioned in article 13(4)(a).

(2) This article applies to a person who has leave—

- (a) as the partner or child of a member of HM Forces under Appendix Armed Forces to the immigration rules (“Appendix Armed Forces”);
- (b) as the spouse, civil partner, unmarried or same-sex partner, or child of a member of HM Forces under Part 7 of the immigration rules; or
- (c) as the spouse, civil partner, unmarried or same-sex partner, or child of a British citizen or person who is settled in the United Kingdom under Part 8 of the immigration rules where that British Citizen or, as the case may be, settled person, is a member of Her Majesty's Forces.

(3) In paragraph (1)—

- (a) the reference to a person's “partner” means—
  - (i) in relation to a person falling within paragraph (2)(a), the partner in respect of whom they have leave under Appendix Armed Forces and,
  - (ii) in relation to a person falling within paragraph (2)(b) or (2)(c), the spouse, civil partner, unmarried or same sex partner in respect of whom they have leave under Part 7 or, as the case may be, Part 8, of the immigration rules; and

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- (b) the reference to a person’s “parent” means the parent in respect of whom they have leave under Appendix Armed Forces, or, as the case may be, Part 7 or Part 8 of the immigration rules.

(4) In this article “Her Majesty’s Forces” has the same meaning as in the Armed Forces Act 2006.]

#### **Textual Amendments**

**F36** Art. 13A inserted (18.3.2015) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2015 \(S.I. 2015/434\)](#), arts. 1(1), **2(5)**

#### **[<sup>F37</sup>Partners and children of certain Crown servants etc**

**13B.**—(1) This article applies to a person who has—

- (a) limited leave—
- (i) as the partner or child of a British citizen or person who is settled in the United Kingdom under Appendix FM to the immigration rules (“Appendix FM”), or
  - (ii) outside the provision of the immigration rules on the basis of family life under article 8 of the European Convention on Human Rights (“article 8”), or

(b) indefinite leave.

(2) The period mentioned in article 13(4)(a) does not include any period during which the person is accompanying their partner or parent if—

- (a) the partner or parent is posted outside the United Kingdom in employment falling within paragraph (3); and
- (b) the partner or parent—
- (i) is a British citizen,
  - (ii) has indefinite leave, or
  - (iii) has a right of permanent residence in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972.

(3) Employment falls within this paragraph if it is—

- (a) employment in the British Council as a permanent member of that Council; or
- (b) employment in the permanent service of the Crown of the government of the United Kingdom, in—
- (i) Her Majesty’s Diplomatic Service,
  - (ii) the Department for International Development, or
  - (iii) the Home Office.

(4) In this article—

- (a) a person’s partner means—
- (i) in relation to a person to whom paragraph (1)(a) applies, the partner in respect of whom the person has limited leave under Appendix FM or outside the provision of the immigration rules on the basis of family life under article 8;
  - (ii) in relation to a person to whom paragraph (1)(b) applies—
    - (aa) the spouse or civil partner of that person,
    - (bb) the fiancé(e) or proposed civil partner of that person, or

- (cc) someone who has been living together with that person in a relationship akin to a marriage or civil partnership for at least two years;
- (b) a person's parent—
- (i) in relation to a person to whom paragraph (1)(a) applies, means the parent in respect of whom they have limited leave under Appendix FM or outside the provisions of the immigration rules on the basis of family life under article 8;
  - (ii) in relation to a person to whom paragraph (1)(b) applies, is to be construed in accordance with paragraph 6 (interpretation) of the immigration rules.]

#### Textual Amendments

**F37** Art. 13B inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(6)**

## PART V

### CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

**14.** Section 9(2)(5) of the Act (further provisions as to common travel area: conditions applicable to certain arrivals on a local journey) shall have effect as if, after the words “British Citizens”, there were inserted “and do not hold leave to enter or remain granted to them before their arrival”.

#### Commencement Information

**I13** Art. 14 in force at 28.4.2000, see [art. 1\(2\)](#)

**15.—(1)** Article 12 shall apply where an applicant's examination has begun before the date that article comes into force, as well as where it begins on or after that date.

(2) Article 13 shall apply with respect to leave to enter or remain in the United Kingdom which is in force on the date that article comes into force, as well as to such leave given after that date.

#### Commencement Information

**I14** Art. 15(1) in force at 28.4.2000, see [art. 1\(2\)](#)

**I15** [Art. 15\(2\)](#) in force at 30.7.2000, see [art. 1\(2\)](#)

Home Office  
19th April 2000

*Jack Straw*  
One of Her Majesty's Principal Secretaries of  
State

**Status:** Point in time view as at 23/11/2016.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes further provision with respect to the giving and refusing of leave to enter and remain in the United Kingdom. It also provides that a visa or other entry clearance may have effect as leave to enter the United Kingdom; and that, in certain circumstances, leave to enter or remain is not to lapse on travel outside the common travel area (Ireland, the Channel Islands and the Isle of Man).

In part II, article 2 provides that an entry clearance (including a visa) which satisfies the requirements specified in article 3 is to have effect as leave to enter the United Kingdom. The extent of that leave is set out in article 4. Article 5 deals with the conditions to which it is subject. Consequential provision is made in article 6 to enable Immigration Officers to cancel entry clearances in certain circumstances.

Part III makes further provision as to the form and manner of giving and refusing leave to enter the United Kingdom. Article 7 provides that leave to enter may be given or refused before a person arrives in the United Kingdom. It gives Immigration Officers powers to seek information necessary to come to a decision as to whether or not to give leave.

Article 8 provides that, instead of being given in writing, a notice giving or refusing leave to enter the United Kingdom may be given by facsimile, electronic mail or, in the case of those given leave as visitors under the immigration rules, orally. Article 9 provides that a notice giving or refusing leave to enter to a person may be given through a responsible third party acting on his behalf. Where notice of refusal of leave to enter is given orally or through a third party, article 10 requires an Immigration Officer to serve an additional written notice stating the reasons for refusal. Article 11 requires persons claiming that they have been given leave to enter orally or through a third party to prove the manner and date of their entry into the United Kingdom.

Article 12 is concerned with the situation where an immigration officer has begun to examine an arriving passenger to consider whether or not to give him leave to enter but does not, on that occasion, complete the examination. Instead of the interview having to be resumed, article 12 facilitates an immigration officer giving or refusing leave by post or similar means. This will, in particular, assist where an asylum claim has been considered by the Secretary of State in the interim, avoiding the need for the passenger to wait for an appointment at a port to have the leave decision communicated to him. Article 12 achieves this by ensuring that where the notice is so given, it cannot be argued that it was not given within the period required by paragraph 6(1) of Schedule 2 to the Immigration Act 1971.

Part IV provides that, in the circumstances specified, leave to enter or remain in the United Kingdom will not lapse on the holder leaving the common travel area. It confers consequential powers on Immigration Officers and the Secretary of State to cancel or vary leave which thus remains in force.

Part V makes transitional and consequential provision.



**Status:**

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