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STATUTORY INSTRUMENTS

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**2000 No. 1161**

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

**PART IV**

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

- 13.**—(1) In [<sup>F1</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 [<sup>F2</sup>or Service Provider from Switzerland 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—
- [<sup>F3</sup>(za) where the holder has unlimited leave granted by virtue of Appendix EU to the immigration rules (including unlimited leave granted by virtue of Appendix EU before this paragraph comes into force), subject to article 13C, the unlimited leave lapses if the holder stays outside the United Kingdom and Islands for a continuous period of more than—
- (i) four years, in the case of unlimited leave granted by virtue of Appendix EU to the immigration rules as a Swiss national or a family member of a Swiss national;
  - (ii) five years, in all other cases;]
- (a) [<sup>F4</sup>[<sup>F5</sup> in any other case and subject to articles 13A, 13B and 13C ],] where the holder has stayed outside the United Kingdom [<sup>F6</sup>and Islands] 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 [<sup>F6</sup>and Islands].
- (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

- F1** 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)**
- F2** Words in art. 13(2)(a) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(7)**
- F3** Art. 13(4)(za) inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(3)(a)**
- F4** 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)**
- F5** Words in art. 13(4)(a) substituted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(3)(b)**
- F6** Words in art. 13(4) inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(3)(c)**

#### Commencement Information

- I1** [Art. 13](#) in force at 30.7.2000, see [art. 1\(2\)](#)

#### [<sup>F7</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 [<sup>F8</sup>and Islands] 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

(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.

<sup>F9</sup>(4) . . . . . ]

**Textual Amendments**

**F7** 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)**

**F8** Words in art. 13A(1) inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(4)(a)**

**F9** Art. 13A(4) omitted (30.3.2019) by virtue of [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(4)(b)**

**[<sup>F10</sup>Partners and children of <sup>F11</sup>... 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 [<sup>F12</sup>, other than unlimited leave granted by virtue of Appendix EU to the immigration rules].

(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 [<sup>F13</sup>and Islands] in employment falling within paragraph (3); and

(b) the partner or parent—

(i) is a British citizen, [<sup>F14</sup>or ]

(ii) has indefinite leave. <sup>F15</sup>...

<sup>F15</sup>(iii) . . . . .

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

(a) employment in the British Council as a permanent member of that Council; or

[<sup>F16</sup>(b) employment on Crown service.]

(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

- F10** 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)**
- F11** Word in art. 13B heading omitted (30.3.2019) by virtue of [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(5)(a)**
- F12** Words in art. 13B(1)(b) inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(5)(b)**
- F13** Words in art. 13B(2)(a) inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(5)(c)**
- F14** Word in art. 13B(2)(b)(i) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **27(2)(a)** (with reg. 27(3))
- F15** Art. 13B(2)(b)(iii) and word omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **27(2)(b)** (with reg. 27(3))
- F16** Art. 13B(3)(b) substituted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(5)(d)**

[<sup>F17</sup>**Crown servants etc with leave granted by virtue of Appendix EU to the immigration rules**

**13C.**—(1) Any period of time spent outside the United Kingdom and Islands by a person to whom this article applies does not count towards the period mentioned in article 13(4)(za) or 13(4)(a).

(2) This article applies to a person who has leave granted by virtue of Appendix EU to the immigration rules and who is—

(a) a member of Her Majesty's Forces posted outside the United Kingdom and Islands;

(b) a national of a member State, Iceland, Liechtenstein, Norway or Switzerland posted outside the United Kingdom and Islands in employment—

(i) on Crown service, or

- (ii) in the British Council as a permanent member of that Council;
- (c) accompanying a person who is posted outside the United Kingdom and Islands—
  - (i) in employment on Crown service,
  - (ii) in employment in the British Council as a permanent member of that Council, or
  - (iii) as a member of Her Majesty's Forces.]

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**Textual Amendments**

**F17** Art. 13C inserted (30.3.2019) by [The Immigration \(European Economic Area Nationals\) \(EU Exit\) Order 2019 \(S.I. 2019/686\)](#), arts. 1(3), **8(6)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000, PART IV.