

**EXPLANATORY MEMORANDUM TO  
THE IMMIGRATION (LEAVE TO ENTER AND REMAIN) ORDER 2005**

**2005 No.**

**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. This Order amends the Immigration (Leave to Enter and Remain) Order 2000 (LTER Order) by:

- a) Providing that visit visas granted pursuant to 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 21 January 2005 shall have effect as single entry visas and have effect as leave to enter on one occasion unless endorsed as dual entry visas; in which case they shall have effect as leave to enter on two occasions.
- b) Providing that visit visas may be endorsed as single entry visas, in which case they shall have effect as leave to enter on one occasion.

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

3.1 None.

**4. Legislative background**

4.1 This Order is made under sections 3A(1), (3) and (10) and 3B(1) of the Immigration Act 1971. The Order is principally being made to allow for the implementation of the UK China/ADS MoU, which requires those seeking entry to the United Kingdom under the terms of the MoU to be issued with single, and in some cases dual entry visas, depending upon the itinerary of the tour group. The opportunity is also being made to make an amendment with respect to ordinary visit visas.

**5. Extent**

5.1 This instrument applies to all of the United Kingdom .

**6. European Convention on Human Rights**

6.1 The Minister of State has made the following statement regarding Human Rights:

"In my view the provisions of the Immigration (Leave to Enter and Remain) Order 2005 are compatible with the Convention Rights."

## **7. Policy background**

7.1 The aim of the UK/ China ADS MoU is to regulate outward tourism from China to the UK, by providing a mechanism for issuing visas for groups of tourists to authorised travel agents. Copies of the MOU will be placed in the libraries of the House of Commons and the House of Lords.

7.2. As part of the ADS Agreement with China, it has been agreed that tourist groups coming to the UK from China under this scheme will normally be issued visit visas that are only valid for entry to the UK on one occasion. If requested, because travel to Europe is included as part of the tourist group's itinerary, and re-entry to the UK is needed before the group returns to China, visit visas may be issued that are dual entry.

7.3. The LTER Order currently makes provision for visit visas to be multi-entry, ie. they have effect as leave to enter the UK on an unlimited number of occasions during the visa's validity. These amendments therefore provide for visit visas to ADS tourists to have effect as single entry visas unless endorsed as dual entry visas. Such an endorsement will be made where a tour group's itinerary entails onward travel to Europe.

7.4. The amendments will be accompanied by changes to the Immigration rules reflecting the ADS Agreement. This will distinguish individuals entering the UK under the ADS arrangement from ordinary visitors. The amendments to the Rules will be laid shortly .

7.5. The amendments also allow for visit visas to be endorsed as valid for single entry only. Such an endorsement will be made where it is judged that it would be inappropriate or unnecessary to issue a multi-entry visit visa, for example where a person is being admitted to the UK as a trial witness, or is coming here on compassionate grounds. This will limit potential abuse.

## **8. Impact**

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on legitimate business, charities or voluntary bodies.

8.2. There is no impact on the public sector.

## **9. Contact**

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