
STATUTORY INSTRUMENTS

2016 No. 1132

The Immigration (Leave to Enter and Remain) (Amendment) Order 2016

Amendment of the 2000 Order

2.—(1) The 2000 Order is amended as follows.

(2) In article 4 (extent to which entry clearance is to be leave to enter)⁽¹⁾—

(a) in paragraph (1)—

- (i) after “China” insert “, or a visit visa for private medical treatment or for entry as an academic visitor”;
- (ii) after “single-entry visa” omit “, during its period of validity”;
- (iii) after “occasions” insert “during its period of validity”;

(b) after paragraph (2B) insert—

“(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) For article 8 (oral grant or refusal of leave)⁽²⁾ substitute—

“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⁽³⁾ for a period not exceeding six months,

⁽¹⁾ Article 4 has been amended by [S.I. 2005/1159](#) and [S.I. 2015/434](#).

⁽²⁾ Article 8 was substituted by [S.I. 2013/1749](#).

⁽³⁾ See Appendix V to the immigration rules.

- (b) a short-term student⁽⁴⁾ for a period not exceeding six months, or
 - (c) a parent of a Tier 4 (child) student⁽⁵⁾ 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).”
- (4) In article 8A (automatic grant of leave)⁽⁶⁾—
- (a) in paragraph (3)—
 - (i) for “Where a person” substitute “This paragraph applies to a person who”;
 - (ii) omit the words after the end of sub-paragraph (d);
 - (b) after paragraph (3), insert—
 - “(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).”;
 - (c) in paragraph (4), after “immigration rules” insert “as they apply to the category of person under the immigration rules for which the person has been authorised under paragraph (1)”;
 - (d) for paragraph (5) substitute—
 - “(5) The categories of person under the immigration rules mentioned in this paragraph are—
 - (a) a visitor (standard)⁽⁷⁾;
 - (b) a transit visitor⁽⁸⁾;
 - (c) a parent of a Tier 4 (child) student.”
- (5) In article 13 (leave which does not lapse on travel outside common travel area)—
- (a) in paragraph (1), for “this article and article 13A” substitute “ this Part”;
 - (b) in paragraph (4)(a), for “article 13A” substitute “articles 13A and 13B”.
- (6) After article 13A⁽⁹⁾ insert—

“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”)⁽¹⁰⁾, 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

⁽⁴⁾ See Part 3 of the immigration rules.

⁽⁵⁾ See Part 7 of the immigration rules.

⁽⁶⁾ Article 8A was inserted by [S.I. 2010/957](#).

⁽⁷⁾ See paragraph V 1.4 of Appendix V to the immigration rules.

⁽⁸⁾ See paragraph V 1.5 of Appendix V to the immigration rules.

⁽⁹⁾ Article 13A was inserted by [S.I. 2015/434](#).

⁽¹⁰⁾ Appendix FM was inserted from 9th July 2012 by HC194.

- (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⁽¹¹⁾.
- (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.”.

⁽¹¹⁾ 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).