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STATUTORY INSTRUMENTS

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**2015 No. 434**

**The Immigration (Leave to Enter and Remain) (Amendment) Order 2015**

**Amendment of the 2000 Order**

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

(2) In article 1(3) (citation, commencement and interpretation)—

- (a) omit the definition of “the Immigration Acts”;
- (b) at the appropriate place insert—

““biometric immigration document” means a document recording biometric information;”.

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

- (a) in paragraph (3A)(c) after “clearance” insert “except those to which paragraph (3B) applies”;
- (b) after paragraph (3A) insert—

“(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.”; and

(c) after paragraph (4) insert—

“(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.”.
- (4) In article 13 (leave which does not lapse on travel outside Common Travel Area)—
- (a) in paragraph (1) after “this article” insert “and article 13A”; and
  - (b) in paragraph (4)(a) at the beginning insert “Subject to article 13A,”.
- (5) After article 13 insert—

**“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”)(1);
  - (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(2); 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(3) 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.
- (4) In this article “Her Majesty’s Forces” has the same meaning as in the Armed Forces Act 2006(4).”.

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(1) Appendix Armed Forces was inserted from 1st December 2013 by HC 803.

(2) Paragraphs 276Q to 276AI make provision for leave as the spouse etc. of a member of HM Forces. They were originally inserted from 5th December 2005 by HC 582 and paragraphs 276Q to 276AF were substituted from 31st March 2009 by HC 314. Further amendments have been made but they are not relevant to this Order.

(3) Part 8 makes provision for family members of persons present and settled in the United Kingdom to seek leave to enter or remain. Amendments have been made to this Part but they are not relevant to this Order.

(4) 2006 c. 52.