
DRAFT STATUTORY INSTRUMENTS

2020 No.

EXITING THE EUROPEAN UNION

IMMIGRATION

**The Immigration (Leave to Enter and Remain) (Amendment)
(EU Exit) Order 2020**

Made - - - - - 2020

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 3A(1), (2), (3), (6), (7) and (10) of the Immigration Act 1971(a).

Citation and commencement

1.—(1) This Order may be cited as the Immigration (Leave to Enter and Remain) (Amendment) (EU Exit) Order 2020.

(2) This Order comes into force at the time and on the date that the Immigration (European Economic Area) Regulations 2016(b) are revoked.

Amendment of the Immigration (Leave to Enter and Remain) Order 2000

2.—(1) The Immigration (Leave to Enter and Remain) Order 2000(c) is amended as follows.

(2) In article 1 (citation, commencement and interpretation), in paragraph (3), after the definition of “responsible third party”, insert—

““Service Provider from Switzerland visa” means an entry clearance granted for the purpose of entry to the United Kingdom under the appendix to the immigration rules entitled “Appendix Service Providers from Switzerland”(d)”;

(3) In article 4 (extent to which Entry Clearance is to be Leave to Enter), after paragraph (2D), insert—

“(2E) A Service Provider from Switzerland 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 (2F).

(a) 1971 c. 77. Section 3A was inserted by section 1 of the Immigration and Asylum Act 1999 (c. 33).

(b) S.I. 2016/1052, to which there are amendments not relevant to this Order.

(c) S.I. 2000/1161; relevant amending instruments are S.I. 2010/957, 2013/1749, 2015/434, 2016/1132 and 2019/298.

(d) The United Kingdom immigration rules were laid before Parliament on 23rd May 1994 (HC 395) and have been subsequently amended. The only relevant amendment was made by the Statement of Changes in Immigration Rules laid before Parliament on 22 October 2020 (HC 813), which added Appendix Service Providers from Switzerland.

(2F) 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) 90 days if 90 days or more remain of the entry clearance's period of validity; or
- (b) the entry clearance's remaining period of validity, if less than 90 days."

(4) In article 8 (oral grant or refusal of leave), in paragraph (2)—

- (a) in sub-paragraph (b), at the end, omit "or";
- (b) in sub-paragraph (c), at the end, insert—
 “, or
- (d) an S2 Healthcare Visitor(a) for a period not exceeding six months,".

(5) In article 8B (further provision as to automatic grant of leave)—

- (a) after paragraph (1), insert—
 “(1A) The Schedule to this Order has effect.”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for the words “Australia” to “America” insert “a country listed in the Schedule”;
 - (ii) in sub-paragraph (b), for “sub-paragraph (a)” substitute “the Schedule”;
 - (iii) in sub-paragraph (d), at the end, insert “or as an S2 Healthcare Visitor under Appendix S2 Healthcare Visitor of the immigration rules.”;
- (c) after paragraph (2), insert—
 “(2A) This article also applies to a person who—
 - (a) is a national of Ireland;
 - (b) is travelling on a passport issued by Ireland;
 - (c) is aged 12 or above; and
 - (d) is seeking to enter the United Kingdom as an S2 Healthcare Visitor under Appendix S2 Healthcare Visitor of the immigration rules.”.

(6) After article 8B, insert—

“Leave to be regarded as having been given before arrival

8C. Leave to enter that is obtained by a person passing through an automated gate in accordance with article 8A or 8B shall be regarded, for the purposes of the Act, as having been given before that person's arrival in the UK.”.

(7) In article 13 (leave which does not lapse on travel outside common travel area), in sub-paragraph (2)(a), after “visa” insert “or Service Provider from Switzerland visa”.

(8) At the end, insert—

“SCHEDULE

Article 8B(1A)

Countries the nationals of which may obtain leave by passing through an automated gate

Australia

Austria

(a) Appendix S2 Healthcare Visitor was added by the Statement of Changes in Immigration Rules laid before Parliament on 22 October 2020 (HC813).

Belgium
Bulgaria
Canada
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Italy
Japan
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Netherlands
New Zealand
Norway
Poland
Portugal
Romania
Singapore
Slovakia
Slovenia
South Korea
Spain
Sweden
Switzerland
United States of America.”.

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Leave to Enter and Remain) Order 2000 (S.I. 2000/1161) by expanding the ability to obtain leave to enter by passing through an automated gate to EEA and Swiss nationals. It also expands the circumstances in which leave to enter may be given orally to include those who seek to enter as an S2 Healthcare Visitor, and provides for visas issued to Service Providers from Switzerland to have effect as leave to enter on multiple occasions during their periods of validity.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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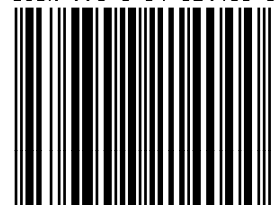
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