

2005 No. 1159

IMMIGRATION

**The Immigration (Leave to Enter and Remain) (Amendment)
Order 2005**

Made - - - - - *31st March 2005*

Coming into force - - - - - *1st April 2005*

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House in accordance with sections 3A(13) and 3B(6) of the Immigration Act 1971(a);

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 3A(1), (3) and (10) and 3B(1) of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration (Leave to Enter and Remain) (Amendment) Order 2005 and shall come into force on the day after the day on which it is made.

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

2. The Immigration (Leave to Enter and Remain) Order 2000(b) shall be amended as follows.

3. In article 1(3), after the definition of “the Act”, there shall be inserted the following definition:

““ADS Agreement with China” means 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 21st January 2005;”.

4.—(1) Article 4 shall be amended as follows.

(2) In paragraph (1), after the words “visit visa”, there shall be inserted the words “(other than a visit visa granted pursuant to the ADS Agreement with China) unless endorsed with a statement that it is to have effect as a single-entry visa”.

(3) After paragraph (2) there shall be inserted the following paragraphs:

“(2A) A visit visa granted pursuant to the ADS Agreement with China endorsed with a statement that it is to have effect as a dual-entry visa, shall have effect as leave to enter the United Kingdom on two occasions during its period of validity, in accordance with paragraph (2B).

(2B) 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

(a) 1971 c 77; sections 3A and 3B were inserted by the Immigration and Asylum Act 1999, sections 1 and 2 (c.33).

(b) S.I. 2000/1161, as amended by S.I. 2004/475.

the United Kingdom 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 expiry of the entry clearance.”.

(4) In paragraph (3), for the words “any other form of entry clearance” there shall be substituted the words “any form of entry clearance to which this paragraph applies”.

(5) After paragraph (3) there shall be inserted the following paragraph:

“(3A) Paragraph (3) applies to –

- (a) a visit visa (other than a visit visa granted pursuant to the ADS Agreement with China) endorsed with a statement that it is to have effect as a single entry visa;
- (b) a visit visa granted pursuant to the ADS Agreement with China unless endorsed with a statement to the effect that it is to have effect as a dual entry visa; and
- (c) any other form of entry clearance.”.

Home Office
31st March 2005

Des Browne
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Leave to Enter and Remain) Order 2000 (the “2000 Order”) with respect to the circumstances in which a visa or other entry clearance may have effect as leave to enter the United Kingdom.

The amendments made by article 4 provide that a visit visa 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 21st January 2005, (the “ADS Agreement with China”) shall have effect as leave to enter the United Kingdom on one occasion during its period of validity unless it is endorsed with a statement that it is a dual-entry visa; in which case it is to have effect as leave to enter on two occasions during its period of validity. Article 3 inserts a definition of the ADS Agreement with China into the 2000 Order.

The amendment made by article 4(5) provides that a visit visa (other than a visit visa granted pursuant to the ADS Agreement with China) if it is endorsed with a statement that it is to have effect as a single-entry visa shall have effect as leave to enter on only one occasion during its period of validity. A visit visa which does not contain such an endorsement has effect as leave to enter on an unlimited number of occasions during the period of its validity (article 4(1) of the 2000 Order).

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