
STATUTORY INSTRUMENTS

2014 No. 2475

The Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014

Citation and commencement

1. This Order may be cited as the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014 and comes into force on 12th October 2014.

Interpretation

2. In this Order, “the 1972 Order” means the Immigration (Control of Entry through Republic of Ireland) Order 1972(1).

Amendment to the 1972 Order

3.—(1) The 1972 Order is amended as follows.

(2) In article 2(1), after the definition of “the Act” insert—

““EEA national” means a national of an EEA State who is not also a British citizen;

“EEA State” means a member State (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland.”

(3) Omit article 2(3).

(4) In article 3(1)(b)—

(a) in paragraph (i), after “United Kingdom” insert “, save for a visa national to whom article 3A applies”;

(b) in paragraph (iii), at the end, omit “or”;

(c) at the end of paragraph (iv), insert—

“or

(v) he is a person who has been prohibited from entering the United Kingdom by an order made by the Secretary of State under any provision made under section 2(2) of the European Communities Act 1972(2).”.

(5) After article 3 insert—

“**3A.** This article applies to a visa national who is a citizen of a country specified in the Schedule who—

(a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic;

(1) [S.I. 1972/1610](#), as amended by [S.I. 1979/730](#), [S.I. 1980/1859](#), [S.I. 1982/1028](#), [S.I. 1985/1854](#), [S.I. 1987/2092](#), [S.I. 2000/1776](#) and [S.I. 2011/1043](#).

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

- (b) has made the application mentioned in sub-paragraph (a) to the Republic of Ireland authorities based in the country listed in the Schedule where the visa national is a citizen;
 - (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in sub-paragraph (a), which is endorsed with the letters “BIVS”;
 - (d) has since been given permission by the Republic of Ireland authorities, endorsed on his passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in sub-paragraph (c); and
 - (e) is in possession of both the valid Irish visa mentioned in sub-paragraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic mentioned in sub-paragraph (d), at the time when he enters the United Kingdom on a local journey from the Republic of Ireland.”
- (6) In article 4(1) for “a citizen of the Republic of Ireland” substitute “an EEA national, or a person who is entitled to enter or remain 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,”.
- (7) In article 4(3) for “who has a visa containing the words “short visit”” substitute “without a valid visa for entry to the United Kingdom, who is also a visa national to whom article 3A applies,”.
- (8) In article 4(4)(b) omit “unless he is a national of a state which is a member of the European Union”.
- (9) In article 4(4)(c) omit “unless he is a national of a state which is a member of the European Union other than Portugal or Spain”.
- (10) After article 4(4) insert—
- “(6A) In relation to a person who is a visa national without a valid visa for entry to the United Kingdom and who is also a visa national to whom article 3A applies, the restriction and condition in paragraph (6B) apply instead of the provisions contained in paragraph (4).
 - (6B) The restriction and condition referred to in paragraph (6A) are—
 - (a) the period for which the visa national may remain in the United Kingdom ends on the date of the expiry of the permission to land or to be in the Republic of Ireland mentioned in article 3A(d);
 - (b) the person shall not engage in any occupation for reward or any employment.”.
- (11) Omit article 4(5) and (6).
- (12) In article 4(7)—
- (a) for “references” substitute “reference”;
 - (b) for “paragraphs (4) and (6)” substitute “paragraph (4)”;
 - (c) omit “and one month respectively”.
- (13) After article 4(7) insert—
- “(8) The restriction and condition mentioned in paragraphs (4) and (6B) shall cease to apply to a person if that person becomes entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.”.
- (14) Insert as a Schedule to the 1972 Order the Schedule set out in the Schedule to this Order.

14th September 2014

James Brokenshire
Minister of State
Home Office