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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the fourth commencement order made under the Immigration Act 2014 (“the Act”).

Article 2 brings into force provisions relating to marriage and civil partnership (mostly contained in Part 4 of the Act) on 1st and 2nd March 2015.

Article 3 commences paragraph 19 of Schedule 9. Paragraph 19 amends section 126 of the Nationality, Immigration and Asylum Act 2002 to remove provisions about the use and retention of biometric information which have been replaced by section 126(8A) of that Act, which was inserted by section 14(3) of the Act.

Article 5 contains a transitional provision whereby a proposed marriage where either or both parties to the marriage is not a relevant national (a relevant national is a British citizen, an EEA national or a Swiss national) may still be solemnized in the Anglican Church on the authority of a common licence provided that licence was granted on or before 1st March or the parties have applied for a common licence and that application was received by the appropriate Church authorities on or before 1st March.

The Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 ([S.I. 2014/2771](#)) (“the Commencement Order”) commenced (amongst others) provisions relating to removal and appeals which it collectively defined as “the relevant provisions”, but also contained saving provisions which limited the circumstances in which the relevant provisions would have effect. Part 3 of this Order contains amendments to the Commencement Order which will take effect in two stages, expanding the circumstances in which the relevant provisions have effect.

To achieve the first stage of the expansion, article 7 inserts new article 11(1A) into the Commencement Order, providing that the relevant provisions will additionally have effect in relation to a person (“P3”) who makes an application for leave to remain as a Tier 1 Migrant, a Tier 2 Migrant, or a Tier 5 Migrant, or as their family member, on or after 2nd March 2015. The persons in this category will also be subject to the saving provisions set out in article 11(2) and (3) of the Commencement Order.

The second phase of the expansion is effected by article 8. This article removes as of 6th April 2015 the saving provisions in articles 9, 10 and 11 of the Commencement Order, with the effect that the relevant provisions will have general effect from that date. However article 8 also inserts a new article 9 into the Commencement Order which contains some saving provisions for certain types of decision, or application, which are made prior to 6th April 2015. Accordingly, the saved provisions will continue to have effect so far as they relate to the following decisions made on or after 6th April 2015: refusals of applications to vary leave to enter or remain made before 20th October 2014 where the person was seeking leave to remain as a Tier 4 Migrant or as their family member and where the result of that decision is that the applicant has no leave to enter or remain; refusals of applications to vary leave to enter or remain made before 2nd March 2015 where the person was seeking leave to remain as a Tier 1, Tier 2 or Tier 5 Migrant or as their family member and where the result of that decision is that the applicant has no leave to enter or remain; and, so far as the decision is not covered by the above situations, refusals of applications made before 6th April 2015 where that decision falls into one of four specified categories, unless the decision was a refusal of an asylum, protection or human rights claim. The saved provisions will also continue to have effect to decisions made before 6th April 2015 in relation to which, immediately before 6th April 2015, an appeal could have been brought or was pending under the saved provisions.