
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes various amendments to the Immigration (Leave to Enter and Remain) Order 2000 (S.I. 2000/1161) (“2000 Order”).

In particular, provision is made in respect of visitors for private medical treatment and academic visitors. Article 2(2) amends article 4 of the 2000 Order such that, on each occasion that the holder of a visa for private medical treatment or for entry as an academic visitor arrives in the United Kingdom, the visa will have effect (unless stated otherwise) for a period of 11 or 12 months respectively, or, if the visa remains valid for a period of less than 11 or 12 months, that period.

Article 8 of the 2000 Order is amended so that notice of leave to enter as a short-term student or parent of a Tier 4 (child) student (which were previously treated as visitor categories) may be given by an immigration officer orally, instead of in writing as required by section 4(1) of the Immigration Act 1971 (c. 33).

Article 8A of the 2000 Order enables an immigration officer to authorise a person in advance to enter the United Kingdom through an automated gate. Where such a person passes through an automated gate in accordance with the authorisation, the person will automatically be given leave to enter as the particular category of person under the immigration rules for which they were given authorisation (subject to the conditions set out in article 8A). Paragraph (5) of article 2 of this Order amends article 8A to reflect changes to the visitor categories in the immigration rules.

Article 13 of the 2000 Order makes provision for certain types of leave to enter or remain not to lapse on leaving the common travel area, unless a person remains outside the United Kingdom for a continuous period of more than two years. Article 2(6) of this Order inserts a new article 13B in the 2000 Order. This provides that any period spent by the partner or child accompanying a permanent member of the British Council, Department for International Development, Home Office, or Foreign and Commonwealth Office overseas who is a British citizen, has indefinite leave to enter or remain in the United Kingdom or has an EU right of permanent residence in the United Kingdom will not count towards the calculation of that two year period. The result is that, if the posting lasts more than two years and the partner or child does not return to the UK during that time, their leave will not lapse.

Article 3 of this Order makes transitional provision so that the amendments to article 8A of the 2000 Order do not apply in respect of persons authorised under article 8A(1) of the 2000 Order before this Order came into force.

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