
DRAFT STATUTORY INSTRUMENTS

2000 No.

Immigration (Leave to Enter and Remain) Order 2000

PART IV

**LEAVE WHICH DOES NOT LAPSE ON
TRAVEL OUTSIDE COMMON TRAVEL AREA**

- 13.**—(1) In this article “leave” means—
- (a) leave to enter the United Kingdom (including leave to enter conferred by means of an entry clearance under article 2); and
 - (b) leave to remain in the United Kingdom.
- (2) Subject to paragraph (3), where a person has leave which is in force and which was:
- (a) conferred by means of an entry clearance (other than a visit visa) under article 2; or
 - (b) given by an immigration officer or the Secretary of State for a period exceeding six months,
- such leave shall not lapse on his going to a country or territory outside the common travel area.
- (3) Paragraph (2) shall not apply:
- (a) where a limited leave has been varied by the Secretary of State; and
 - (b) following the variation the period of leave remaining is six months or less.
- (4) Leave which does not lapse under paragraph (2) shall remain in force either indefinitely (if it is unlimited) or until the date on which it would otherwise have expired (if limited), but—
- (a) where the holder has stayed outside the United Kingdom for a continuous period of more than two years, the leave (where the leave is unlimited) or any leave then remaining (where the leave is limited) shall thereupon lapse; and
 - (b) any conditions to which the leave is subject shall be suspended for such time as the holder is outside the United Kingdom.
- (5) For the purposes of paragraphs 2 and 2A of Schedule 2 to the Act (examination by immigration officers, and medical examination), leave to remain which remains in force under this article shall be treated, upon the holder’s arrival in the United Kingdom, as leave to enter which has been granted to the holder before his arrival.
- (6) Without prejudice to the provisions of section 4(1) of the Act, where the holder of leave which remains in force under this article is outside the United Kingdom, the Secretary of State may vary that leave (including any conditions to which it is subject) in such form and manner as permitted by the Act or this Order for the giving of leave to enter.
- (7) Where a person is outside the United Kingdom and has leave which is in force by virtue of this article, that leave may be cancelled:
- (a) in the case of leave to enter, by an immigration officer; or
 - (b) in the case of leave to remain, by the Secretary of State.

(8) In order to determine whether or not to vary (and, if so, in what manner) or cancel leave which remains in force under this article and which is held by a person who is outside the United Kingdom, an immigration officer or, as the case may be, the Secretary of State may seek such information, and the production of such documents or copy documents, as an immigration officer would be entitled to obtain in an examination under paragraph 2 or 2A of Schedule 2 to the Act and may also require the holder of the leave to supply an up to date medical report.

(9) Failure to supply any information, documents, copy documents or medical report requested by an immigration officer or, as the case may be, the Secretary of State under this article shall be a ground, in itself, for cancellation of leave.

(10) Section 3(4) of the Act (lapsing of leave upon travelling outside the common travel area) shall have effect subject to this article.