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STATUTORY INSTRUMENTS

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**2000 No. 265**

**IMMIGRATION**

**The Immigration (Regularisation Period  
for Overstayers) Regulations 2000**

*Made* - - - - - *7th February 2000*

*Coming into force* - - - - - *8th February 2000*

Whereas a draft of these Regulations has been laid before Parliament and approved by a resolution of each House in accordance with section 166(5) of the Immigration and Asylum Act 1999<sup>(1)</sup>;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by sections 9(1), (2) and (3), 166(3) and 167(2) of that Act, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Immigration (Regularisation Period for Overstayers) Regulations 2000 and shall come into force on the day after the day on which they are made.

(2) In these Regulations 'the Act' means the Immigration and Asylum Act 1999.

**Manner of application**

2.—(1) An application under section 9(1) of the Act shall be made in the following manner.

(2) The application shall be made in writing, setting out the information required by paragraph (4), and attaching the material required by paragraph (5).

(3) The application shall either:

(a) be sent by post to the following address:

Regularisation Scheme for Overstayers

Initial Consideration Unit

Immigration and Nationality Directorate

Block C

Whitgift Centre

Croydon

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(1) 1999 c. 33.

(2) See the definition of "prescribed".

- CR9 1AT; or
- (b) be delivered by hand to the Home Office at:  
The Public Caller Unit  
Immigration and Nationality Directorate  
Block C  
Whitgift Centre  
Wellesley Road  
Croydon.
- (4) The information referred to in paragraph (2) is:
- (a) the applicant's full name, date of birth and nationality;
  - (b) the applicant's home address or, if none, an address where he may be contacted;
  - (c) the name and address of any representative who is acting on behalf of the applicant;
  - (d) the date of each occasion on which leave to enter or remain has been granted to the applicant since his first arrival in the United Kingdom, if known;
  - (e) in relation to each date specified in accordance with sub-paragraph (d), the period for which leave was granted, if known;
  - (f) the applicant's Home Office reference, if known;
  - (g) the fact that the application is made under section 9 of the Act; and
  - (h) all the circumstances which the applicant wishes the Secretary of State to take into account when considering his application, including:
    - (i) his length of residence in the United Kingdom;
    - (ii) the strength of his connections with the United Kingdom;
    - (iii) his personal history, including character, conduct and employment record;
    - (iv) his domestic circumstances; and
    - (v) any compassionate circumstances.
- (5) The material referred to in paragraph (2) is:
- (a) the applicant's current passport, if he has one and it is available to him;
  - (b) any other passports (whether expired or not) which have been used by the applicant and which are available to him; and
  - (c) any document or copy document which the applicant considers is evidence supporting his application.

### **Prescribed days**

3.—(1) The day prescribed for the purposes of section 9(2) of the Act (the start of the regularisation period) is the day on which these Regulations come into force or, if later, 1st February 2000.

(2) The day prescribed for the purposes of section 9(3) of the Act (the end of the regularisation period in certain circumstances) is 1st October 2000.

### **Delivery of applications**

4.—(1) Paragraph (2) applies to an application sent by recorded delivery, addressed to the address set out in regulation 2(3)(a).

(2) Such an application shall be taken to have been delivered for the purposes of these Regulations and section 9 of the Act on the second day after the day on which it was posted, if not received earlier.

Home Office  
7th February 2000

*Barbara Roche*  
Minister of State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

The effect of the Immigration and Asylum Act 1999 (the Act) is to remove certain rights of appeal under the Immigration Acts which are currently enjoyed by those who overstay their leave.

Section 9 of the Act makes provision for a period—the regularisation period—during which those who overstay may apply for leave to remain in the United Kingdom and thereby preserve any rights of appeal they may have against any notice of a decision to deport them.

The present Regulations set out the start and end dates of this period. In the case of the end date, section 9(3)(b) of the Act provides that the actual end date of the period will be later than the date set in the Regulations, if section 65 of the Act is brought into force after the end date set in the Regulations. The Regulations also prescribe the manner in which the application is to be made.