
DRAFT STATUTORY INSTRUMENTS

2000 No.

Immigration (Leave to Enter and Remain) Order 2000

PART II

ENTRY CLEARANCE AS LEAVE TO ENTER

Entry clearance as Leave to Enter

2. Subject to article 6(3), an entry clearance which complies with the requirements of article 3 shall have effect as leave to enter the United Kingdom to the extent specified in article 4, but subject to the conditions referred to in article 5.

Requirements

3.—(1) An entry clearance shall not have effect as leave to enter unless it complies with the requirements of this article.

(2) The entry clearance must specify the purpose for which the holder wishes to enter the United Kingdom.

(3) The entry clearance must be endorsed with:

- (a) the conditions to which it is subject; or
- (b) a statement that it is to have effect as indefinite leave to enter the United Kingdom.

Extent to which Entry Clearance is to be Leave to Enter

4.—(1) A visit visa, during its period of validity, shall have effect as leave to enter the United Kingdom on an unlimited number of occasions, in accordance with paragraph (2).

(2) On each occasion the holder arrives in the United Kingdom, he shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom for a limited period beginning on the date of arrival, being:

- (a) six months if six months or more remain of the visa's period of validity; or
- (b) the visa's remaining period of validity, if less than six months.

(3) In the case of any other form of entry clearance, it shall have effect as leave to enter the United Kingdom on one occasion during its period of validity; and, on arrival in the United Kingdom, the holder shall be treated for the purposes of the Immigration Acts as having been granted, before arrival, leave to enter the United Kingdom:

- (a) in the case of an entry clearance which is endorsed with a statement that it is to have effect as indefinite leave to enter the United Kingdom, for an indefinite period; or
- (b) in the case of an entry clearance which is endorsed with conditions, for a limited period, being the period beginning on the date on which the holder arrives in the United Kingdom and ending on the date of expiry of the entry clearance.

(4) In this article “period of validity” means the period beginning on the day on which the entry clearance becomes effective and ending on the day on which it expires.

Conditions

5. An entry clearance shall have effect as leave to enter subject to any conditions, being conditions of a kind that may be imposed on leave to enter given under section 3 of the Act, to which the entry clearance is subject and which are endorsed on it.

Incidental, supplementary and consequential provisions

6.—(1) Where an immigration officer exercises his power to cancel leave to enter under paragraph 2A(8) of Schedule 2 to the Act⁽¹⁾ or article 13(7) below in respect of an entry clearance which has effect as leave to enter, the entry clearance shall cease to have effect.

(2) If the holder of an entry clearance—

- (a) arrives in the United Kingdom before the day on which it becomes effective; or
- (b) seeks to enter the United Kingdom for a purpose other than the purpose specified in the entry clearance,

an immigration officer may cancel the entry clearance.

(3) If the holder of an entry clearance which does not, at the time, have effect as leave to enter the United Kingdom seeks leave to enter the United Kingdom at any time before his departure for, or in the course of his journey to, the United Kingdom and is refused leave to enter under article 7, the entry clearance shall not have effect as leave to enter.

(1) Paragraph 2A is inserted into Schedule 2 to the Act by paragraph 57 of Schedule 14 to the Immigration and Asylum Act 1999.