Status: Point in time view as at 14/02/2000. This version of this cross heading contains provisions that are not valid for this point in time. Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Leave to enter, or remain in, the United Kingdom is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART I

IMMIGRATION: GENERAL

Leave to enter, or remain in, the United Kingdom

1 Leave to enter.

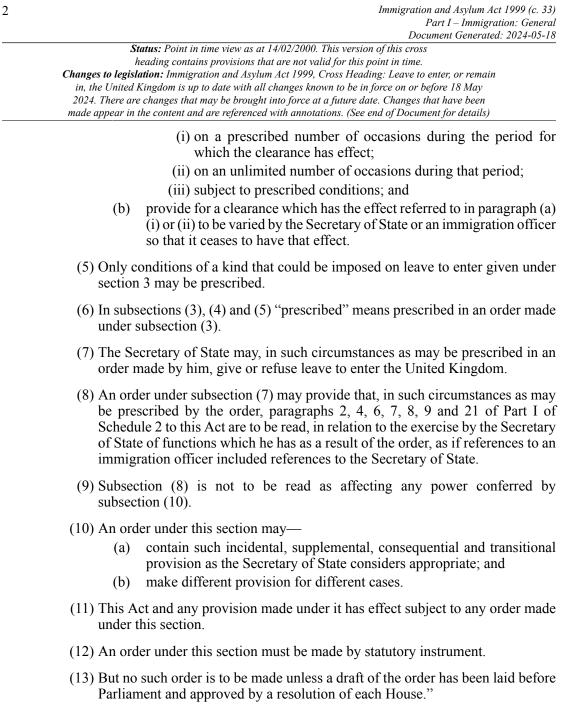
In the 1971 Act, after section 3, insert-

"3A Further provision as to leave to enter.

- (1) The Secretary of State may by order make further provision with respect to the giving, refusing or varying of leave to enter the United Kingdom.
- (2) An order under subsection (1) may, in particular, provide for—
 - (a) leave to be given or refused before the person concerned arrives in the United Kingdom;
 - (b) the form or manner in which leave may be given, refused or varied;
 - (c) the imposition of conditions;
 - (d) a person's leave to enter not to lapse on his leaving the common travel area.
- (3) The Secretary of State may by order provide that, in such circumstances as may be prescribed—
 - (a) an entry visa, or
 - (b) such other form of entry clearance as may be prescribed,

is to have effect as leave to enter the United Kingdom.

- (4) An order under subsection (3) may, in particular—
 - (a) provide for a clearance to have effect as leave to enter—



2 Leave to remain.

In the 1971 Act, after section 3A, insert—

"3B Further provision as to leave to remain.

- (1) The Secretary of State may by order make further provision with respect to the giving, refusing or varying of leave to remain in the United Kingdom.
- (2) An order under subsection (1) may, in particular, provide for
 - the form or manner in which leave may be given, refused or varied; (a)
 - the imposition of conditions; (b)
 - (c) a person's leave to remain in the United Kingdom not to lapse on his leaving the common travel area.
- (3) An order under this section may—

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- (a) contain such incidental, supplemental, consequential and transitional provision as the Secretary of State considers appropriate; and
- (b) make different provision for different cases.
- (4) This Act and any provision made under it has effect subject to any order made under this section.
- (5) An order under this section must be made by statutory instrument.
- (6) But no such order is to be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House."

VALID FROM 02/10/2000

3 Continuation of leave pending decision.

In the 1971 Act, after section 3B, insert-

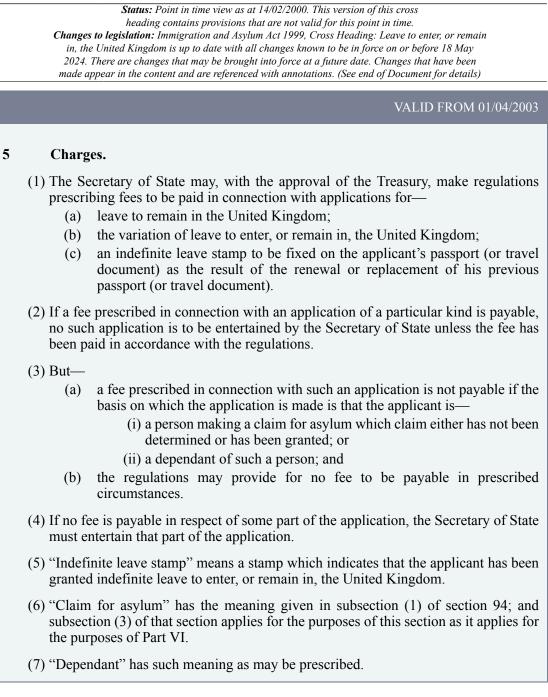
"3C Continuation of leave pending decision.

- (1) This section applies if—
 - (a) a person who has limited leave to enter or remain in the United Kingdom applies to the Secretary of State, before his leave expires, for it to be varied; and
 - (b) when it expires, no decision has been taken on the application.
- (2) His leave is to be treated as continuing until the end of the period allowed under rules made under paragraph 3 of Schedule 4 to the Immigration and Asylum Act 1999 for bringing an appeal against a decision on the application.
- (3) An application for variation of a person's leave to enter or remain in the United Kingdom may not be made while that leave is treated as continuing as a result of this section.
- (4) But subsection (3) does not prevent the variation of an application mentioned in subsection (1)."

4 Accommodation for those temporarily admitted or released from detention.

The Secretary of State may provide, or arrange for the provision of, facilities for the accommodation of persons—

- (a) temporarily admitted to the United Kingdom under paragraph 21 of Schedule 2 to the 1971 Act;
- (b) released from detention under that paragraph; or
- (c) released on bail from detention under any provision of the Immigration Acts.



Status:

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Changes to legislation:

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