
STATUTORY INSTRUMENTS

2000 No. 1161

The Immigration (Leave to Enter and Remain) Order 2000

PART III

FORM AND MANNER OF GIVING AND REFUSING LEAVE TO ENTER

Grant and refusal of leave to enter before arrival in the United Kingdom

7.—(1) An immigration officer, whether or not in the United Kingdom, may give or refuse a person leave to enter the United Kingdom at any time before his departure for, or in the course of his journey to, the United Kingdom.

(2) In order to determine whether or not to give leave to enter under this article (and, if so, for what period and subject to what conditions), an immigration officer 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.

(3) An immigration officer may also require the person seeking leave to supply an up to date medical report.

(4) Failure by a person seeking leave to supply any information, documents, copy documents or medical report requested by an immigration officer under this article shall be a ground, in itself, for refusal of leave.

Commencement Information

II Art. 7 in force at 28.4.2000, see [art. 1\(2\)](#)

[^{F1}Oral grant or refusal of leave

8.—(1) A notice giving or refusing leave to enter the United Kingdom to a person to whom this article applies may, instead of being given in writing as required by section 4(1) of the Act, be given orally, including by means of a telephone.

(2) This article applies to a person seeking leave to enter the United Kingdom as—

- (a) a visitor for a period not exceeding six months,
- (b) a short-term student for a period not exceeding six months, ^{F2}...
- (c) a parent of a Tier 4 (child) student for a period not exceeding six months [^{F3}, or
- (d) an S2 Healthcare Visitor for a period not exceeding six months,]

under the immigration rules and subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules as they apply to persons to whom this article applies).]

Textual Amendments

- F1** Art. 8 substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(3)**
- F2** Word in art. 8(2)(b) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), art. **2(4)(a)**
- F3** Art. 8(2)(d) and word inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), art. **2(4)(b)**

[^{F4}Grant, refusal or variation of leave by notice in writing

8ZA.—(1) A notice in writing—

- (a) giving leave to enter or remain in the United Kingdom;
- (b) refusing leave to enter or remain in the United Kingdom;
- (c) refusing to vary a person’s leave to enter or remain in the United Kingdom; or
- (d) varying a person’s leave to enter or remain in the United Kingdom,

may be given to the person affected as required by section 4(1) of the Act as follows.

(2) The notice may be—

- (a) given by hand;
- (b) sent by fax;
- (c) sent by postal service to a postal address provided for correspondence by the person or the person’s representative;
- (d) sent electronically to an e-mail address provided for correspondence by the person or the person’s representative;
- (e) sent by document exchange to a document exchange number or address; or
- (f) sent by courier.

(3) Where no postal or e-mail address for correspondence has been provided, the notice may be sent—

- (a) by postal service to—
 - (i) the last-known or usual place of abode, place of study or place of business of the person; or
 - (ii) the last-known or usual place of business of the person’s representative; or
- (b) electronically to—
 - (i) the last-known e-mail address for the person (including at the person’s last-known place of study or place of business); or
 - (ii) the last-known e-mail address of the person’s representative.

(4) Where attempts to give notice in accordance with paragraphs (2) and (3) are not possible or have failed, when the decision-maker records the reasons for this and places the notice on file the notice shall be deemed to have been given.

(5) Where a notice is deemed to have been given in accordance with paragraph (4) and then subsequently the person is located, the person shall as soon as is practicable be given a copy of the notice and details of when and how it was given.

(6) A notice given under this article may, in the case of a person who is under 18 years of age and does not have a representative, be given to the parent, guardian or another adult who for the time being takes responsibility for the child.

Textual Amendments

F4 Arts. 8-8ZC substituted for art. 8 (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 4

Presumptions about receipt of notice

8ZB.—(1) Where a notice is sent in accordance with article 8ZA, it shall be deemed to have been given to the person affected, unless the contrary is proved—

- (a) where the notice is sent by postal service—
 - (i) on the second day after it was sent by postal service in which delivery or receipt is recorded if sent to a place within the United Kingdom;
 - (ii) on the 28th day after it was posted if sent to a place outside the United Kingdom;
- (b) where the notice is sent by fax, e-mail, document exchange or courier, on the day it was sent.

(2) For the purposes of paragraph (1)(a) the period is to be calculated excluding the day on which the notice is posted.

(3) For the purposes of paragraph (1)(a)(i) the period is to be calculated excluding any day which is not a business day.

(4) In paragraph (3) “business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in the part of the United Kingdom to which the notice is sent.

Textual Amendments

F4 Arts. 8-8ZC substituted for art. 8 (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 4

Notice not given

8ZC. No notice under article 8(1) or 8ZA(1)(a) shall be given where a person is given leave to enter the United Kingdom by passing through an automated gate in accordance with article 8A [^{F5}or 8B].]

Textual Amendments

F4 Arts. 8-8ZC substituted for art. 8 (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 4

F5 Words in art. 8ZC inserted (11.3.2019) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2019 \(S.I. 2019/298\)](#), arts. 1, 3

^{F6}Automatic grant of leave

8A.—(1) An immigration officer may authorise a person to be a person who may obtain leave to enter the United Kingdom by passing through an automated gate.

(2) Such an authorisation may—

- (a) only authorise a person to obtain leave to enter the United Kingdom as one of the categories of person under the immigration rules mentioned in paragraph (5);
- (b) set out the conditions of use for an automated gate;
- (c) list the automated gates for which the authorisation is valid;
- (d) remain in force for up to 24 months; and
- (e) be varied or withdrawn at any time, with or without notice being given to the person.

(3) ^{F7}This paragraph applies to a person who] passes through an automated gate—

- (a) having been authorised under paragraph (1) as a person who may obtain leave to enter the United Kingdom by passing through an automated gate;
- (b) in accordance with the conditions of use for an automated gate;
- (c) which is an automated gate for which the authorisation is valid; and
- (d) while the authorisation remains in force.

^{F8} ...

[
^{F9}(3A) A person to whom paragraph (3) applies shall be given leave to enter the United Kingdom for—

- (a) six months in the case of a person falling within a category mentioned in paragraph (5)(a) or (c), or
- (b) 48 hours in the case of a person falling within the category mentioned in paragraph (5)(b).]

(4) Such leave shall be subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules ^{F10}as they apply to the category of person under the immigration rules for which the person has been authorised under paragraph (1)).

^{F11}(5) The categories of person under the immigration rules mentioned in this paragraph are—

- (a) a visitor (standard);
- (b) a transit visitor;
- (c) a parent of a Tier 4 (child) student.]]

Textual Amendments

- F6** Art. 8A inserted (25.3.2010) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2010 \(S.I. 2010/957\)](#), arts. 1, 4
- F7** Words in art. 8A(3) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(a)(i)** (with art. 3)
- F8** Words in art. 8A(3)(d) omitted (23.11.2016) by virtue of [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(a)(ii)** (with art. 3)
- F9** Art. 8A(3A) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(b)** (with art. 3)
- F10** Words in art. 8A(4) inserted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(c)** (with art. 3)

F11 Art. 8A(5) substituted (23.11.2016) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2016 \(S.I. 2016/1132\)](#), arts. 1(2), **2(4)(d)** (with art. 3)

[^{F12}Further provision as to automatic grant of leave

8B.—(1) A person to whom this article applies may obtain leave to enter the United Kingdom by passing through an automated gate.

[
^{F13}(1A) The Schedule to this Order has effect.]

(2) This article applies to a person who—

- (a) is a national of [^{F14}a country listed in the Schedule];
- (b) is travelling on a passport issued by one of the countries listed in [^{F15}the Schedule];
- (c) is aged [^{F16}10] or above; and
- (d) is seeking to enter the United Kingdom as a visitor (standard) under Appendix V to the immigration rules [^{F17}or as an S2 Healthcare Visitor under Appendix S2 Healthcare Visitor of the immigration rules.]

[
^{F18}(2A) This article also applies to a person who—

- (a) is a national of Ireland;
- (b) is travelling on a passport issued by Ireland;
- (c) is aged 12 or above; and
- (d) is seeking to enter the United Kingdom as an S2 Healthcare Visitor under Appendix S2 Healthcare Visitor of the immigration rules.]

(3) Leave under paragraph (1) is given for a period of six months.

(4) Such leave is subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules).]

Textual Amendments

F12 Art. 8B inserted (11.3.2019) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2019 \(S.I. 2019/298\)](#), arts. 1, **4**

F13 Art. 8B(1A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(5)(a)**

F14 Words in art. 8B(2)(a) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(5)(b)(i)**

F15 Words in art. 8B(2)(b) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(5)(b)(ii)**

F16 Word in art. 8B(2)(c) substituted (7.2.2023) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2023 \(S.I. 2023/111\)](#), arts. 1(2), **2**

F17 Words in art. 8B(2)(d) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(5)(b)(iii)**

F18 Art. 8B(2A) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(5)(c)**

[^{F19}Leave to be regarded as having been given before arrival

8C. Leave to enter that is obtained by a person passing through an automated gate in accordance with article 8A or 8B shall be regarded, for the purposes of the Act, as having been given before that person's arrival in the UK.]

Textual Amendments

F19 Art. 8C inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) \(EU Exit\) Order 2020 \(S.I. 2020/1353\)](#), **art. 2(6)**

Grant or refusal of leave by notice to a responsible third party

9.—(1) Leave to enter may be given or refused to a person by means of a notice given (in such form and manner as permitted by the Act or this Order for a notice giving or refusing leave to enter) to a responsible third party acting on his behalf.

(2) A notice under paragraph (1) may refer to a person to whom leave is being granted or refused either by name or by reference to a description or category of persons which includes him.

Commencement Information

I2 Art. 9 in force at 28.4.2000, see **art. 1(2)**

Notice of refusal of leave

10.—(1) Where a notice refusing leave to enter to a person is given under [^{F20}article 8(1)] or 9, an immigration officer shall as soon as practicable give to him a notice in writing stating that he has been refused leave to enter the United Kingdom and stating the reasons for the refusal.

(2) Where an immigration officer serves a notice under the Immigration (Appeals) Notices Regulations 1984(1) or under regulations made under paragraph 1 of Schedule 4 to the Immigration and Asylum Act 1999 in respect of the refusal, he shall not be required to serve a notice under paragraph (1).

(3) Any notice required by paragraph (1) to be given to any person may be [^{F21}given in accordance with article 8ZA].

Textual Amendments

F20 Words in art. 10(1) substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, **5(a)**

F21 Words in art. 10(3) substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, **5(b)**

Commencement Information

I3 Art. 10 in force at 28.4.2000, see [art. 1\(2\)](#)

Burden of proof

11. Where any question arises under the Immigration Acts as to whether a person has leave to enter the United Kingdom and he alleges that he has such leave by virtue of a notice given under [^{F22}article 8(1)] or 9, [^{F23}or by virtue of article 8A,] the onus shall lie upon him to show the manner and date of his entry into the United Kingdom.

12.—(1) This article applies where—

- (a) an immigration officer has commenced examination of a person ('the applicant') under paragraph 2(1)(c) of Schedule 2 to the Act (examination to determine whether or not leave to enter should be given);
- (b) that examination has been adjourned, or the applicant has been required (under paragraph 2(3) of Schedule 2 to the Act) to submit to a further examination, whilst further inquiries are made (including, where the applicant has made an asylum claim, as to the Secretary of State's decision on that claim); and
- (c) upon the completion of those inquiries, an immigration officer considers he is in a position to decide whether or not to give or refuse leave to enter without interviewing the applicant further.

(2) Where this article applies, any notice giving or refusing leave to enter which is on any date thereafter sent by post to the applicant (or is communicated to him in such form or manner as is permitted by this Order) shall be regarded, for the purposes of the Act, as having been given within the period of 24 hours specified in paragraph 6(1) of Schedule 2 to the Act⁽²⁾ (period within which notice giving or refusing leave to enter must be given after completion of examination).

Textual Amendments

F22 Words in [art. 11](#) substituted (12.7.2013) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2013 \(S.I. 2013/1749\)](#), arts. 1, 6

F23 Words in [art. 11](#) inserted (25.3.2010) by [The Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2010 \(S.I. 2010/957\)](#), arts. 1, 5

Commencement Information

I4 Art. 11 in force at 28.4.2000, see [art. 1\(2\)](#)

I5 Art. 12 in force at 28.4.2000, see [art. 1\(2\)](#)

(2) Paragraph 6 is amended in relevant respects by section 39(6) of and paragraph 2 of Schedule 4 to, the British Nationality Act 1981 (1981 c. 61) and section 10 of the Immigration Act 1988.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (Leave to Enter and Remain) Order 2000, PART III.