STATUTORY INSTRUMENTS

2016 No. 1132

IMMIGRATION

The Immigration (Leave to Enter and Remain) (Amendment) Order 2016

Made - - - - *22nd November 2016*

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 3A(1), (2), (3), (4) and (10) and 3B(1), (2), and (3) of the Immigration Act 1971(**1**), makes the following Order.

A draft of this Order has been laid before Parliament in accordance with sections 3A(13) and 3B(6) of the Immigration Act 1971(**2**) and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Leave to Enter and Remain) (Amendment) Order 2016.

(2) It comes into force on the day after the day on which it is made.

(3) In this Order "the 2000 Order" means the Immigration (Leave to Enter and Remain) Order 2000(**3**).

Amendment of the 2000 Order

2.—(1) The 2000 Order is amended as follows.

(2) In article 4 (extent to which entry clearance is to be leave to enter)(**4**)—

(a) in paragraph (1)—

(i) after "China" insert ", or a visit visa for private medical treatment or for entry as an academic visitor";

(ii) after "single-entry visa" omit ", during its period of validity,";

(iii) after "occasions" insert "during its period of validity";

(b) after paragraph (2B) insert—

(**1**) 1971 c.77. See section 3A(6) for meaning of "prescribed".
(**2**) Section 3A was inserted by section 1, and section 3B by section 2, of the Immigration and Asylum Act 1999 (c. 33).
(**3**) S.I. 2000/1161 as amended by S.I. 2004/475, S.I. 2005/1159, S.I. 2010/957, S.I. 2013/1749 and S.I. 2015/434.
(**4**) Article 4 has been amended by S.I. 2005/1159 and S.I. 2015/434.

"(2C) A visit visa granted for private medical treatment or for entry as an academic visitor, unless endorsed with a statement that it is to have effect as a single-entry visa, shall have effect as leave to enter the United Kingdom on an unlimited number of occasions during its period of validity in accordance with paragraph (2D).

(2D) On arrival in the United Kingdom on each occasion, the holder 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) where the visit visa is granted for private medical treatment—

(i) 11 months if 11 months remain of the visa's period of validity, or

(ii) the visa's remaining period of validity, if less than 11 months, and

(b) where the visit visa is granted for entry as an academic visitor—

(i) 12 months if 12 months remain of the visa's period of validity, or

(ii) the visa's remaining period of validity, if less than 12 months.".

(3) For article 8 (oral grant or refusal of leave)(**5**) substitute—

"**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(**6**) for a period not exceeding six months,

(b) a short-term student(**7**) for a period not exceeding six months, or

(c) a parent of a Tier 4 (child) student(**8**) 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)." .

(4) In article 8A (automatic grant of leave)(**9**)—

(a) in paragraph (3)—

(i) for "Where a person" substitute "This paragraph applies to a person who";

(ii) omit the words after the end of sub-paragraph (d);

(b) after paragraph (3), insert—

"(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).";

(**5**) Article 8 was substituted by S.I. 2013/1749.
(**6**) See Appendix V to the immigration rules.
(**7**) See Part 3 of the immigration rules.
(**8**) See Part 7 of the immigration rules.
(**9**) Article 8A was inserted by S.I. 2010/957.