STATUTORY INSTRUMENTS

2015 No. 434

IMMIGRATION

The Immigration (Leave to Enter and Remain) (Amendment) Order 2015

Made - - - - 25th February 2015

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order 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**).

In accordance with sections 3A(13) and 3B(6) of that Act, a draft of this Order was laid before 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 2015 and comes into force at the end of the period of 21 days beginning with the day on which it is made.

(2) In this Order "the 2000 Order" means the Immigration (Leave to Enter and Remain) Order 2000(**2**).

Amendment of the 2000 Order

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

(2) In article 1(3) (citation, commencement and interpretation)—

(a) omit the definition of "the Immigration Acts";

(b) at the appropriate place insert—

> ""biometric immigration document" means a document recording biometric information;".

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

(a) in paragraph (3A)(c) after "clearance" insert "except those to which paragraph (3B) applies";

(b) after paragraph (3A) insert—

(**1**) 1971 c. 77; section 3A was inserted by section 1 and section 3B by section 2 of the Immigration and Asylum Act 1999 (c. 33).
(**2**) S.I. 2000/1161 as amended by S.I. 2004/475, S.I. 2005/1159, S.I. 2010/957 and S.I. 2013/1749.

"(3B) A short term biometric entry clearance 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 an indefinite period of leave, 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 the expiry of the holder's period of leave."; and

(c) after paragraph (4) insert—

"(5) In this article—

(a) "period of leave" means the intended period of leave which—

(i) in the case of an indefinite intended period of leave, is endorsed on the person's short term biometric entry clearance; or

(ii) in the case of a limited period of leave, is stated in the written decision which accompanies the person's short term biometric entry clearance,

and such a period of leave will only have effect on the person's arrival in the United Kingdom in accordance with paragraph (3B) and subject to the powers of variation, cancellation and refusal of leave under this Order, the Immigration Acts and the immigration rules; and

(b) "short term biometric entry clearance" means an entry clearance document which—

(i) is issued to a person who has made a successful application for a biometric immigration document from outside the United Kingdom, in order that the person may travel to the United Kingdom to obtain that biometric immigration document; and

(ii) has a period of validity ending before the expiry of the period of leave that the holder's biometric immigration document will evidence.".

(4) In article 13 (leave which does not lapse on travel outside Common Travel Area)—

(a) in paragraph (1) after "this article" insert "and article 13A"; and

(b) in paragraph (4)(a) at the beginning insert "Subject to article 13A,".

(5) After article 13 insert—

"**Partners and children of members of HM Forces**

13A.—(1) Any period of time spent by a person to whom this article applies accompanying their partner, or, as the case may be, parent, who is posted outside the United Kingdom as a member of Her Majesty's Forces does not count towards the period mentioned in article 13(4)(a).

(2) This article applies to a person who has leave—

(a) as the partner or child of a member of HM Forces under Appendix Armed Forces to the immigration rules ("Appendix Armed Forces")(**3**);

(**3**) Appendix Armed Forces was inserted from 1st December 2013 by HC 803.