*Draft Order laid before Parliament under sections 3A and 3B of the Immigration Act 1971, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2013 No.

# IMMIGRATION

## The Immigration (Leave to Enter and Remain) (Amendment) Order 2013

| | |
|---|---|
| *Made - - - -* | *** |
| *Coming into force - -* | *** |

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

In accordance with sections 3A(13) and 3B(6) of that Act, a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

### Citation and commencement

**1.** This Order may be cited as the Immigration (Leave to Enter and Remain) (Amendment) Order 2013 and shall come into force on the day after the day on which it is made.

### Amendments to the Immigration (Leave to Enter and Remain) Order 2000

**2.** The Immigration (Leave to Enter and Remain) Order 2000(**2**) is amended as follows.

**3.** In article 1(3)—

(a) after the definition of "convention travel document"(**3**) insert—

""decision-maker" means—

(a) the Secretary of State;

(b) an immigration officer;"; and

(b) after the definition of "Refugee Convention"(**4**) insert—

""representative" means a person who appears to the decision-maker—

(**1**) 1971 c.77. Section 3A was inserted by section 1 of the Immigration and Asylum Act 1999 (c.33) and section 3B was inserted by section 2 of that Act.
(**2**) S.I. 2000/1161 as amended by S.I. 2004/475, S.I. 2005/1159 and S.I. 2010/957.
(**3**) The definition of "convention travel document" was inserted by S.I. 2004/475.
(**4**) The definition of "Refugee Convention" was inserted by S.I. 2004/475.

(a) to be the representative of the person referred to in article 8ZA(1); and

(b) not to be prohibited from acting as a representative by section 84 of the Immigration and Asylum Act 1999;".

**4.** For article 8(**5**) (grant or refusal of leave otherwise than by notice in writing) substitute—

"**Oral grant or refusal of leave**

**8.**—(1) A notice giving or refusing leave to enter the United Kingdom as a visitor 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) In paragraph (1), "leave to enter the United Kingdom as a visitor" means leave to enter as a visitor under the immigration rules for a period not exceeding six months, subject to conditions prohibiting employment and recourse to public funds (within the meaning of the immigration rules).

**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.

(**5**) Article 8 was amended by S.I. 2010/957.