

Draft Order laid before Parliament under section 3A(13) of the Immigration Act 1971, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

IMMIGRATION

**The Immigration (Leave to Enter and
Remain) (Amendment) Order 2004**

Made - - - - 2004
Coming into force - - 27th February 2004

Whereas a draft of this Order has been laid before and approved by resolution of each House of Parliament;

Now, therefore, in exercise of the powers conferred on him by section 3A(1), (3), (6) and (10) of the Immigration Act 1971(1), the Secretary of State hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration (Leave to Enter and Remain) (Amendment) Order 2004 and shall come into force on 27th February 2004.

Amendment of the Immigration (Leave to Enter and Remain) Order 2000

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

3. In article 1(3):

(a) after the definition of “control port”, there shall be inserted:

““convention travel document” means a travel document issued pursuant to Article 28 of the Refugee Convention, except where that travel document was issued by the United Kingdom Government;”;

(b) after the definition of “the Immigration Acts”, there shall be inserted:

““Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol(3);”.

4. In article 3:

(1) 1971 c. 77; section 3A was inserted by section 1 of the Immigration and Asylum Act 1999 (c. 33).
(2) S.I.2000/1161.
(3) 189 U.N.T.S. 1545.

(a) for paragraph (1), there shall be substituted:

“(1) Subject to paragraph (4), an entry clearance shall only have effect as leave to enter if it complies with the requirements of this article.”; and

(b) after paragraph (3), there shall be inserted:

“(4) Subject to paragraph (5), an entry clearance shall not have effect as leave to enter if it is endorsed on a convention travel document.

(5) An entry clearance endorsed on a convention travel document before 27th February 2004 shall have effect as leave to enter.”.

Home Office
February 2004

Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Leave to Enter and Remain) Order 2000 (“the 2000 Order”). The principal amendment is made by article 4, which provides that an entry clearance shall not have effect as leave to enter where that entry clearance is endorsed on a travel document issued pursuant to Article 28 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and its Protocol and where that travel document was not issued by the United Kingdom Government. This will be the case even if the entry clearance otherwise satisfies the requirements of article 3 of the 2000 Order. The exception to this provision is where an entry clearance was endorsed on such a travel document before 27th February 2004 (article 4).