

2014 No. 2475

IMMIGRATION

**The Immigration (Control of Entry through Republic of Ireland)
(Amendment) Order 2014**

<i>Made</i>	- - - -	<i>14th September 2014</i>
<i>Laid before Parliament</i>		<i>17th September 2014</i>
<i>Coming into force</i>	- -	<i>12th October 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 9(2) and (6) and 32(1) of the Immigration Act 1971(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014 and comes into force on 12th October 2014.

Interpretation

2. In this Order, “the 1972 Order” means the Immigration (Control of Entry through Republic of Ireland) Order 1972(b).

Amendment to the 1972 Order

3.—(1) The 1972 Order is amended as follows.

(2) In article 2(1), after the definition of “the Act” insert—

““EEA national” means a national of an EEA State who is not also a British citizen;

“EEA State” means a member State (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland.”

(3) Omit article 2(3).

(4) In article 3(1)(b)—

(a) in paragraph (i), after “United Kingdom” insert “, save for a visa national to whom article 3A applies”;

(b) in paragraph (iii), at the end, omit “or”;

(c) at the end of paragraph (iv), insert—

“or

(a) 1971 c.77; section 9(2) was amended by section 39(6) of, and paragraph 2 of Schedule 4 to, the British Nationality Act 1981 (c. 61).

(b) S.I. 1972/1610, as amended by S.I. 1979/730, S.I. 1980/1859, S.I. 1982/1028, S.I. 1985/1854, S.I. 1987/2092, S.I. 2000/1776 and S.I. 2011/1043.

- (v) he is a person who has been prohibited from entering the United Kingdom by an order made by the Secretary of State under any provision made under section 2(2) of the European Communities Act 1972(a).”.

(5) After article 3 insert—

“**3A.** This article applies to a visa national who is a citizen of a country specified in the Schedule who—

- (a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic;
- (b) has made the application mentioned in sub-paragraph (a) to the Republic of Ireland authorities based in the country listed in the Schedule where the visa national is a citizen;
- (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in sub-paragraph (a), which is endorsed with the letters “BIVS”;
- (d) has since been given permission by the Republic of Ireland authorities, endorsed on his passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in sub-paragraph (c); and
- (e) is in possession of both the valid Irish visa mentioned in sub-paragraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic mentioned in sub-paragraph (d), at the time when he enters the United Kingdom on a local journey from the Republic of Ireland.”

(6) In article 4(1) for “a citizen of the Republic of Ireland” substitute “an EEA national, or a person who is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or any provision made under section 2(2) of the European Communities Act 1972.”.

(7) In article 4(3) for “who has a visa containing the words “short visit”” substitute “without a valid visa for entry to the United Kingdom, who is also a visa national to whom article 3A applies,”.

(8) In article 4(4)(b) omit “unless he is a national of a state which is a member of the European Union”.

(9) In article 4(4)(c) omit “unless he is a national of a state which is a member of the European Union other than Portugal or Spain”.

(10) After article 4(4) insert—

“(6A) In relation to a person who is a visa national without a valid visa for entry to the United Kingdom and who is also a visa national to whom article 3A applies, the restriction and condition in paragraph (6B) apply instead of the provisions contained in paragraph (4).

(6B) The restriction and condition referred to in paragraph (6A) are—

- (a) the period for which the visa national may remain in the United Kingdom ends on the date of the expiry of the permission to land or to be in the Republic of Ireland mentioned in article 3A(d);
- (b) the person shall not engage in any occupation for reward or any employment.”.

(11) Omit article 4(5) and (6).

(12) In article 4(7)—

- (a) for “references” substitute “reference”;
- (b) for “paragraphs (4) and (6)” substitute “paragraph (4)”;
- (c) omit “and one month respectively”.

(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51), and by section 3(3) of, and Part 1 of Schedule 1 to, the European Union (Amendment) Act 2008 (c. 7).

(13) After article 4(7) insert—

“(8) The restriction and condition mentioned in paragraphs (4) and (6B) shall cease to apply to a person if that person becomes entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972.”.

(14) Insert as a Schedule to the 1972 Order the Schedule set out in the Schedule to this Order.

Home Office
14th September 2014

James Brokenshire
Minister of State

SCHEDULE

Article 3(14)

“SCHEDULE

Article 3A

The countries specified for the purposes of article 3A are:

India

People’s Republic of China.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Control of Entry through Republic of Ireland) Order 1972.

Article 3(4) and (5), and the Schedule, ensure that where a visa national who is a citizen of India or the People’s Republic of China applies to the Republic of Ireland authorities for a visa, is granted the visa for a 90 day visit and is then granted permission to land or to be in the Republic by the Irish authorities, the person is able to travel to the UK on a local journey pursuant to section 1(3) of the Immigration Act 1971(a), provided the person has with him the Irish visa and the endorsement showing he has permission to land or be in the Republic at the time when he enters the UK, and even though he does not have a visa to enter the United Kingdom.

Article 3(7) and (10) provides that such a person is able to remain in the UK until the expiry date of the permission to land or be in the Republic of Ireland which is endorsed on the person’s passport, but is not able to take any occupation for reward or any employment.

The foregoing provisions collectively provide for recognition of certain visit visas issued by the Republic of Ireland. As part of the “British Irish Visa Scheme”, this Order will enable the specified visa nationals who come to the Republic with the specified Irish visa to travel onward to the United Kingdom on a local journey, as long as they have both the Irish visa and the valid endorsement of permission to land or be in the Republic in their possession on entry, and even though the visa nationals do not have a visa for the United Kingdom.

Article 3(6), (8), (9) and (13) makes amendments in respect of EEA nationals and those exercising EU rights to ensure they do not fall within the provisions in article 4 of the 1972 Order which confer a period of permission to remain in the United Kingdom.

Article 3(7), (11) and (12) removes the previous provisions in the 1972 Order concerning UK visas endorsed with the words “short visa” as such visas are no longer issued.

(a) 1971 c.77.

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