



Immigration Act 1971

1971 CHAPTER 77

PART I

REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

[^{F1}2] **Statement of right of abode in United Kingdom.**

- (1) A person is under this Act to have the right of abode in the United Kingdom if—
- (a) he is a British citizen; or
 - (b) he is a Commonwealth citizen who—
 - (i) immediately before the commencement of the ^{M1}British Nationality Act 1981 was a Commonwealth citizen having the right of abode in the United Kingdom by virtue of section 2(1)(d) or section 2(2) of this Act as then in force; and
 - (ii) has not ceased to be a Commonwealth citizen in the meanwhile.
- (2) In relation to Commonwealth citizens who have the right of abode in the United Kingdom by virtue of subsection (1)(b) above, this Act, except this section [^{F2}, section 5(2) and section 25], shall apply as if they were British citizens; and in this Act (except as aforesaid) “British citizen” shall be construed accordingly.]

Textual Amendments

- F1** S. 2 substituted (1.1.1983) by [British Nationality Act 1981 \(c. 61\), ss. 39\(2\), 52\(7\)](#) (with [Sch. 8 para. 8](#)); [S.I. 1982/933, art. 2](#) [Editorial note: According to the *Chronological Table of the Statutes (1951-1987)* (HMSO, 1989) there were no amendments made to s. 2 between the date of Royal Assent and its substitution on 1.1.1983 and therefore the text of s. 2(1)(d) and (2) as in force immediately before the commencement of the British Nationality Act 1981 is the same as that of the [Original \(As enacted\) Version](#) of this section.]
- F2** Words in s. 2(2) substituted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\), regs. 1\(2\), 4\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation: Immigration Act 1971, Section 2 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

- C1** Ss. 1-9, 11 extended (with modifications) (Guernsey) (1.8.1993) by [The Immigration \(Guernsey\) Order 1993 \(S.I. 1993/1796\)](#), arts. 1, 3(1), **Sch. 1 Pt. 1**
- C2** Ss. 1-9, 11 extended (with modifications) (Jersey) (1.8.1993) by [The Immigration \(Jersey\) Order 1993 \(S.I. 1993/1797\)](#), arts. 1, 3(1), **Sch. 1 Pt. 1** (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, **2(2)**); and (coming into force in accordance with art. 1 of the amending S.I.) by S.I. 2017/981, **Sch. Pt. 1 para. 1** (with art. 6))

Marginal Citations

- M1** 1981 c. 61.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2008 c. 4 s. 133\(7\)\(8\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(1A)(1B) inserted by [1999 c. 33 Sch. 14 para. 47\(3\)](#)
- s. 24(1)(fa) inserted by [2023 c. 37 s. 10\(2\)](#)
- s. 24C-24F inserted by [2016 c. 19 s. 44\(2\)](#)
- s. 26A(1)(b)(ia) inserted by [2016 c. 19 Sch. 11 para. 25](#)
- s. 27(1)(aa) inserted by [2023 c. 37 s. 10\(3\)\(a\)](#)
- s. 27(1)(ba) inserted by [2023 c. 37 s. 10\(3\)\(b\)](#)
- s. 28CA(1)(bb) substituted for word in s. 28CA(1)(b) by [2016 c. 19 s. 44\(5\)](#)
- Sch. 2 para. 27B(4A) inserted by [2004 c. 19 s. 16](#)
- Sch. 2 para. 26(4) inserted by [2016 c. 19 s. 74\(1\)](#)
- Sch. 2 Pt. 1A inserted by [2016 c. 19 Sch. 13](#)
- Sch. 2 para. 11A inserted by [2023 c. 37 s. 10\(4\)](#)