



Immigration Act 1971

1971 CHAPTER 77

PART III

CRIMINAL PROCEEDINGS

24 **Illegal entry and similar offences.**

[^{F1}(A1) A person who knowingly enters the United Kingdom in breach of a deportation order commits an offence.

(B1) A person who—

- (a) requires leave to enter the United Kingdom under this Act, and
- (b) knowingly enters the United Kingdom without such leave, commits an offence.

(C1) A person who—

- (a) has only a limited leave to enter or remain in the United Kingdom, and
- (b) knowingly remains beyond the time limited by the leave, commits an offence.

(D1) A person who—

- (a) requires entry clearance under the immigration rules, and
- (b) knowingly arrives in the United Kingdom without a valid entry clearance, commits an offence.

(E1) A person who—

- (a) is required under immigration rules not to travel to the United Kingdom without an ETA that is valid for the person's journey to the United Kingdom, and
- (b) knowingly arrives in the United Kingdom without such an ETA, commits an offence.

(F1) A person who commits an offence under any of subsections (A1) to (E1) is liable—

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- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates’ court] or a fine (or both);
- (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both);
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (or both);
- (d) on conviction on indictment—
 - (i) for an offence under subsection (A1), to imprisonment for a term not exceeding five years or a fine (or both);
 - (ii) for an offence under any of subsections (B1) to (E1), to imprisonment for a term not exceeding four years or a fine (or both).

(G1) In relation to an offence committed before paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 comes into force, the reference in subsection (F1)(a) to [^{F3}the general limit in a magistrates’ court] is to be read as a reference to six months.]

(1) A person who is not [^{F4}a British citizen] shall be guilty of an offence punishable on summary conviction with a fine of not more than [^{F5}[^{F6}level 5]on the standard scale] or with imprisonment for not more than six months, or with both, in any of the following cases:—

- ^{F7}(a)
- ^{F8}(aa)
- (b) if, having only a limited leave to enter or remain in the United Kingdom, he knowingly [^{F9}fails to observe a condition of the leave;]
- (c) if, having lawfully entered the United Kingdom without leave by virtue of section 8(1) above, he remains without leave beyond the time allowed by section 8(1);
- (d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to [^{F10}a medical officer of health][^{F10}the chief administrative medical officer of a Health Board][^{F11}or the [^{F12}chief administrative medical officer of a Health and Social Services Board][^{F12}Director of Public Health for Northern Ireland]], or to attend, or submit to a test or examination, as required by such an officer;
- ^{F13}(e)
- (f) if he disembarks in the United Kingdom from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the United Kingdom;
- (g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act [^{F14};
- (h) if the person is on immigration bail within the meaning of Schedule 10 to the Immigration Act 2016 and, without reasonable excuse, the person breaches a bail condition within the meaning of that Schedule.]

[^{F15}(1A) A person commits an offence under [^{F16}subsection (C1)] above on the day when he first knows that the time limited by his leave has expired and continues to commit it throughout any period during which he is in the United Kingdom thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.]

^{F17}(2)

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- (3) The extended time limit for prosecutions which is provided for by section [F18]28(1) below shall apply to offences under [F19]subsections (A1), (B1), (D1), (E1) and (1)(c) above.
- [F20](3A) The extended time limit for prosecutions which is provided for by section 28(1A) below shall apply to offences under subsection (1)(h) above.]
- (4) In proceedings for an offence [F21]under subsection (B1)] above of entering the United Kingdom without leave,—
- (a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
- (b) proof that a person had leave to enter the United Kingdom shall lie on the defence F22
- [F23](5) In proceedings for an offence under subsection (D1) above of arriving in the United Kingdom without a valid entry clearance—
- (a) any document attached to a passport or other travel document purporting to have been issued by the Secretary of State for the purposes of providing evidence of entry clearance for a particular period is to be presumed to have been duly so issued unless the contrary is proved;
- (b) proof that a person had a valid entry clearance is to lie on the defence.]

Textual Amendments

- F1** S. 24(A1)-(G1) inserted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(2)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F2** Words in s. 24(F1)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in s. 24(G1) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F4** Words substituted by British Nationality Act 1981 (c. 61), s. 52(7), **Sch. 4 para. 2** (with Sch. 8 para. 8)
- F5** Words substituted (E.W.) (S.) (11.4.1983) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48), **s. 54**), and (N.I.) by virtue of S.I. 1984/703 (N.I. 3), **arts. 5**, 6
- F6** Words in s. 24(1) substituted (1.10.1996) by 1996 c. 49, **s. 6**; S.I. 1996/2053, art. 2, **Sch. Pt. III**
- F7** S. 24(1)(a) omitted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by virtue of Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(a)(i)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F8** S. 24(1)(aa) repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 50, Sch. 16; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2**, Sch.)
- F9** Words in s. 24(1)(b) substituted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(a)(ii)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F10** Words “the chief” to “Health Board” substituted for words “a medical officer of health” (S.) by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 155**; continued by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 15 para. 10**
- F11** Words inserted (N.I.) by S.R. & O. (N.I.) 1973/256, Sch. 2

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- F12** Words in s. 24(1)(d) substituted (N.I.) (30.11.2022) by The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 (S.I. 2022/1174), arts. 1(2), **28**
- F13** S. 24(1)(e) omitted (15.1.2018) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 10 para. 16(2)(a)**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)
- F14** S. 24(1)(h) inserted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 10 para. 16(2)(b)**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)
- F15** S. 24(1A) inserted by Immigration Act 1988 (c. 14, SIF 62), s. **6(1)(3)**
- F16** Words in s. 24(1A) substituted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(b)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F17** S. 24(2) repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 50, Sch. 16; S.I. 2000/168, art. 2, Sch. (which amending provision is extended (with modifications) to Jersey (5.6.2003) by S.I. 2003/1252, **art. 2**, Sch.)
- F18** Word in s. 24(3) substituted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 10 para. 16(3)**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)
- F19** Words in s. 24(3) substituted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(c)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F20** S. 24(3A) inserted (15.1.2018) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 10 para. 16(4)**; S.I. 2017/1241, reg. 2(c) (with Sch.) (as amended by S.I. 2018/31, reg. 2)
- F21** Words in s. 24(4) substituted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(d)(i)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F22** Words in s. 24(4)(b) omitted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by virtue of Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(d)(ii)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)
- F23** S. 24(5) inserted (28.6.2022 save in so far as it relates to the insertion of s. 24(E1), otherwise prosp.) by Nationality and Borders Act 2022 (c. 36), **ss. 40(3)(e)**, 87(1); S.I. 2022/590, regs. 1(2), 2, Sch. 1 para. 20 (with Sch. 2 para. 7)

Modifications etc. (not altering text)

- C1** Pt. 3 modified by Immigration Act 2014 (c. 22), s. 33C(6) (as inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by Immigration Act 2016 (c. 19), **ss. 39(2)**, 94(1); S.I. 2016/1037, regs. 2(a), 5(c))
- C2** S. 24 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para 1(7)**
- C3** Ss. 24-29: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by The Immigration (Jersey) (Amendment) Order 2017 (S.I. 2017/981), **Sch. Pt. 1 para. 1** (with art. 6)
- C4** S. 24 modified by S.I. 1994/1405, art. 7 (as amended (coming into force in accordance with art. 1(3) of the amending S.I.) by The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020 (S.I. 2020/915), arts. 1(3), **11**)
- C5** S. 24 modified (30.9.2020 immediately after the entry into force of S.I. 2020/915, art. 5) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(3), **6**
- C6** S. 24(1)(a)(b) amended (S.) by Criminal Justice (Scotland) Act 1980 (c. 62), s. 26, **Sch. 1**

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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\(4\)](#)