



# Immigration Act 1971

## 1971 CHAPTER 77

### PART I

#### REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

### 3 General provisions for regulation and control.

- (1) Except as otherwise provided by or under this Act, where a person is not [<sup>F1</sup>a British citizen]—
- (a) he shall not enter the United Kingdom unless given leave to do so in accordance with this Act;
  - (b) he may be given leave to enter the United Kingdom (or, when already there, leave to remain in the United Kingdom) either for a limited or for an indefinite period;
  - <sup>F2</sup>[(c) if he is given limited leave to enter or remain in the United Kingdom, it may be given subject to all or any of the following conditions, namely—
    - (i) a condition restricting his employment or occupation in the United Kingdom;
    - (ii) a condition requiring him to maintain and accommodate himself, and any dependants of his, without recourse to public funds; and
    - (iii) a condition requiring him to register with the police.]
- (2) The Secretary of State shall from time to time (and as soon as may be) lay before Parliament statements of the rules, or of any changes in the rules, laid down by him as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the United Kingdom of persons required by this Act to have leave to enter, including any rules as to the period for which leave is to be given and the conditions to be attached in different circumstances; and section 1(4) above shall not be taken to require uniform provision to be made by the rules as regards admission of persons for a purpose or in a capacity specified in section 1(4) (and in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).

*Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.*

*Changes to legislation: Immigration Act 1971, Section 3 is up to date with all changes known to be in force on or before 12 February 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)*

If a statement laid before either House of Parliament under this subsection is disapproved by a resolution of that House passed within the period of forty days beginning with the date of laying (and exclusive of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days), then the Secretary of State shall as soon as may be make such changes or further changes in the rules as appear to him to be required in the circumstances, so that the statement of those changes be laid before Parliament at latest by the end of the period of forty days beginning with the date of the resolution (but exclusive as aforesaid).

- (3) In the case of a limited leave to enter or remain in the United Kingdom,—
- (a) a person's leave may be varied, whether by restricting, enlarging or removing the limit on its duration, or by adding, varying or revoking conditions, but if the limit on its duration is removed, any conditions attached to the leave shall cease to apply; and
  - (b) the limitation on and any conditions attached to a person's leave [<sup>F3</sup>(whether imposed originally or on a variation) shall], if not superseded, apply also to any subsequent leave he may obtain after an absence from the United Kingdom within the period limited for the duration of the earlier leave.
- (4) A person's leave to enter or remain in the United Kingdom shall lapse on his going to a country or territory outside the common travel area (whether or not he lands there), unless within the period for which he had leave he returns to the United Kingdom in circumstances in which he is not required to obtain leave to enter; but, if he does so return, his previous leave (and any limitation on it or conditions attached to it) shall continue to apply.
- (5) A person who is not [<sup>F1</sup>a British citizen] shall be liable to deportation from the United Kingdom—
- (a) if, having only a limited leave to enter or remain, he does not observe a condition attached to the leave or remains beyond the time limited by the leave; or
  - <sup>F4</sup>(aa) if he has obtained leave to remain by deception; or]
  - (b) if the Secretary of State deems his deportation to be conducive to the public good; or
  - (c) if another person to whose family he belongs is or has been ordered to be deported.
- (6) Without prejudice to the operation of subsection (5) above, a person who is not [<sup>F1</sup>a British citizen] shall also be liable to deportation from the United Kingdom if, after he has attained the age of seventeen, he is convicted of an offence for which he is punishable with imprisonment and on his conviction is recommended for deportation by a court empowered by this Act to do so.
- (7) Where it appears to Her Majesty proper so to do by reason of restrictions or conditions imposed on [<sup>F5</sup>British citizens, British Dependent Territories citizens or British Overseas citizens] when leaving or seeking to leave any country or the territory subject to the government of any country, Her Majesty may by Order in Council make provision for prohibiting persons who are nationals or citizens of that country and are not [<sup>F1</sup>British citizens] from embarking in the United Kingdom, or from doing so elsewhere than at a port of exit, or for imposing restrictions or conditions on them when embarking or about to embark in the United Kingdom; and Her Majesty may also make provision by Order in Council to enable those who are not [<sup>F1</sup>British citizens]

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to be, in such cases as may be prescribed by the Order, prohibited in the interests of safety from so embarking on a ship or aircraft specified or indicated in the prohibition.

Any Order in Council under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) When any question arises under this Act whether or not a person is [<sup>F1</sup>a British citizen], or is entitled to any exemption under this Act, it shall lie on the person asserting it to prove that he is.

[<sup>F6</sup>(9) A person seeking to enter the United Kingdom and claiming to have the right of abode there shall prove that he has that right by means of either—

- (a) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
- (b) a certificate of entitlement issued by or on behalf of the Government of the United Kingdom certifying that he has such a right of abode.]

#### Textual Amendments

- F1** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#)
- F2** [S. 3\(1\)\(c\) substituted \(1.11.1996\) by 1996 c. 49, s. 12\(1\), Sch. 2 para. 1\(1\); S.I. 1996/2127, art. 2, Sch. Pt. IV](#)
- F3** Words in [s. 3\(3\)\(b\) substituted \(16.5.1991\) by Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 1](#)
- F4** [S. 3\(5\)\(aa\) inserted \(1.10.1996\) by 1996 c. 49, s. 12\(1\), Sch. 2 para. 1\(2\); S.I. 1996/2053, art. 2, Sch. Pt. III](#)
- F5** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 4](#)
- F6** [S. 3\(9\) substituted for s. 3\(9\) and \(9A\) by Immigration Act 1988 \(c. 14, SIF 62\), s. 3\(1\)](#)

#### Modifications etc. (not altering text)

- C1** [S. 3 modified \(2.8.1993\) by S.I. 1993/1813, arts. 7\(1\), 1, Sch. 4 para 1\(2\)\(a\)\(b\)](#)
- C2** [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](#)
- C3** [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 \(with art. 6\)\)](#)

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