

Changes to legislation: Immigration Act 1971, Cross Heading: Examination of persons who arrive with continuing leave is up to date with all changes known to be in force on or before 05 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

SCHEDULES

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY ETC.

Modifications etc. (not altering text)

- C1** Sch. 2 modified (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990 \(c. 5, SIF 39:1\), s. 6\(6\)\(b\)](#); S.I. 1991/1072, art. 2, [Sch. Pt. I](#)
- C1** Sch. 2 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, [Sch. 4 para. 1\(11\)](#) (as amended: (1.12.1997) by S.I. 1994/1405, art. 8, [Sch. 4 para. 11](#); (30.7.2000) by S.I. 2000/1775, arts. 1, [2\(2\)](#); (25.5.2001) by S.I. 2001/1544, arts. 1(2), [6\(3\)](#) (as itself amended (2.1.2008) by S.I. 2007/3579, [art. 2\(2\)\(3\)](#)); (5.8.2014) by S.I. 2014/1814, arts. 1, [2\(3\)\(4\)](#); and (30.9.2020) by S.I. 2020/915, arts. 1(2), [5\(5\)](#))
Sch. 2 extended (with modifications): (Guernsey) (1.8.1993) by S.I. 1993/1796, art. 3(1), [Sch. 1 Pt. 1](#); (Jersey) (1.8.1993) by S.I. 1993/1797, art. 3(1), [Sch. 1 Pt. 1](#) (as amended (17.10.2012) by S.I. 2012/2593, arts. 1, [2\(2\)](#))
Sch. 2 applied (20.7.1994) by S.I. 1994/1895, [art. 20\(2\)](#)
Sch. 2 amended (2.10.2000) by 1999 c. 33, s. 66; S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))
Sch. 2 extended (10.2.2003) (with modifications) by 2002 c. 41, s. 62(3) (with s. 159); S.I. 2003/1, [art. 2](#), [Sch. 2](#), [Sch. 2](#)
Sch. 2 amended (1.4.2003) by 2002 c. 41, s. 68 (with s. 159); S.I. 2003/754, art. 2, [Sch. 1](#) (with transitional provisions in [arts. 3, 4](#), [Sch. 2](#)) (as amended by S.I. 2003/1040 and S.I. 2003/1339)
- C1** Sch. 2 applied by [The Immigration \(European Economic Area\) Regulations 2006 \(S.I. 2006/1003\), reg. 24\(4\)](#) (as substituted (1.6.2009) by [The Immigration \(European Economic Area\) \(Amendment\) Regulations 2009 \(S.I. 2009/1117\)](#), reg. 2, [Sch. 1 para. 10\(c\)](#))
- C1** Sch. 2 applied in part (with modifications) by S.I. 2006/1003, reg. 29AA(6)(7) (as inserted (28.7.2014) by [The Immigration \(European Economic Area\) \(Amendment\) \(No. 2\) Regulations 2014 \(S.I. 2014/1976\)](#), reg. 1, [Sch. para. 8](#) (with reg. 4))
- C1** Sch. 2 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), [40\(7\)](#), 41(7)
- C1** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), [21\(8\)\(b\)](#) (with reg. 3)
- C1** Sch. 2 modified (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), regs. 1(1), [55\(7\)\(b\)](#) (with reg. 3)
- C1** Schs. 2-4: 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)
- C1** Sch. 2 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](#))
- C1** Sch. 2 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](#)
- C1** Sch. 2 applied (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [16\(1\)\(4\)](#)
- C1** Sch. 2 modified (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), [7](#)

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- C1** Sch. 2 modified (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\)](#), regs. 1(2)(3), **13(2)**

PART I

GENERAL PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. I applied (with modifications) (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), [Sch. 4 Pt. II para. 12](#); [S.I. 2000/2444, art. 2](#), [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))
 Sch. 2 Pt. I amended (2.10.2000) by [1999 c. 33, s. 58\(3\)](#), [Sch. 4 Pt. II para. 15](#); [S.I. 2000/2444, art. 2](#), [Sch. 1](#) (subject to transitional provisions in [art. 3](#), [Sch. 2 para. 2](#))
 Sch. 2 Pt. I applied (with modifications) (2.10.2000 with application as mentioned in regs. 9, 28) by [S.I. 2000/2326, reg. 32\(3\)\(7\)](#) (as substituted (1.4.2003) for [reg. 34\(3\)\(10\)](#) by [S.I. 2003/549, reg. 2\(8\)](#) (with [reg. 3](#)))
- C1** Sch. 2 Pt. I applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\)](#), regs. 1(2)(b), **40(4)**

[^{F1} Examination of persons who arrive with continuing leave]

Textual Amendments

- F1** Heading inserted (14.2.2000) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 43, 57](#); [S.I. 2000/168, art. 2](#), [Sch](#)

^{F2}2A (1) This paragraph applies to a person who has arrived in the United Kingdom with leave to enter which is in force but which was given to him before his arrival.

- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
 - (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
 - (c) whether there are medical grounds on which that leave should be cancelled.

[Where the person's leave to enter derives, by virtue of section 3A(3), from an entry
^{F3}(2A) clearance, he may also be examined by an immigration officer for the purpose of establishing whether the leave should be cancelled on the grounds that the person's purpose in arriving in the United Kingdom is different from the purpose specified in the entry clearance.]

- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—

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- (a) as a transit passenger,
 - (b) as a member of the crew of a ship or aircraft, or
 - (c) for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.
- (8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.
- ^{F4}(9)
- (10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.]

Textual Amendments

- F2** Sch. 2 para. 2A inserted (14.2.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, 58; 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.)
- F3** Sch. 2 para. 2A(2A) inserted (1.10.2004) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), s. 18; S.I. 2004/2523, art. 2, Sch.
- F4** Sch. 2 para. 2A(9) omitted (1.12.2016) by virtue of Immigration Act 2016 (c. 19), ss. 65(1), 94(1) (with s. 65(3)); S.I. 2016/1037, reg. 5(h)

Modifications etc. (not altering text)

- C1** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by S.I. 2000/2326, reg. 24(2) (with regs. 9, 28)
Sch. 2 para. 2A extended (14.12.2001) by 2001 c. 24, ss. 22(2)(g)(3), 127(2)

- 3 (1) An immigration officer [^{F5}or designated person] may examine any person who is embarking or seeking to embark in the United Kingdom ^{F6}. . . for the purpose of determining whether he is [^{F7}a British citizen][^{F8}and, if he is not a British citizen, for the purpose of establishing—
- (a) his identity;
 - (b) whether he entered the United Kingdom lawfully;
 - (c) whether he has complied with any conditions of leave to enter or remain in the United Kingdom;
 - (d) whether his return to the United Kingdom is prohibited or restricted.
- [^{F9}(1A) If a person is examined under sub-paragraph (1) (whether by an immigration officer or designated person), an immigration officer may require the person, by notice in writing, to submit to further examination by the immigration officer for a purpose specified in that sub-paragraph.]
- (2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom ^{F6}. . . for the purpose of determining—
- (a) whether any of the provisions of the Order apply to him; and
 - (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.]

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Textual Amendments

- F5** Words in Sch. 2 para. 3(1) inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 8 para. 2(2)**; [S.I. 2014/1820](#), art. 3(bb)
- F6** Words in Sch. 2 para. 3(1)(2) repealed (2.8.1993) by [S.I. 1993/1813](#) arts. 1, 9, Sch. 6 Pt. I
- F7** Words substituted by [British Nationality Act 1981 \(c. 61\)](#), s. 52(7), **Sch. 4 para. 2** (with Sch. 8 para. 8)
- F8** Words in Sch. 2 para. 3 substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\)](#), s. 42(2); [S.I. 2006/2226](#), art. 3, Sch. 1 (subject to transitional provisions in art. 4)
- F9** Sch. 2 para. 3(1A) substituted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 8 para. 2(3)**; [S.I. 2014/1820](#), art. 3(bb)

Modifications etc. (not altering text)

- C2** Sch. 2 paras. 2-4, 7, 16-18, 21-24 applied (with modifications) (2.10.2000) by [S.I. 2000/2326](#), **reg. 24(2)** (with [regs. 9, 28](#))

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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\(4\)](#)