



Immigration Act 1971

1971 CHAPTER 77

PART I

REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

[^{F1}3C Continuation of leave pending variation decision

- (1) This section applies if—
- a person who has limited leave to enter or remain in the United Kingdom applies to the Secretary of State for variation of the leave,
 - the application for variation is made before the leave expires, and
 - the leave expires without the application for variation having been decided.
- (2) The leave is extended by virtue of this section during any period when—
- the application for variation is neither decided nor withdrawn,
 - an appeal under section 82(1) of the Nationality, Asylum and Immigration Act 2002 could be brought [^{F2}, while the appellant is in the United Kingdom] against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission), ^{F3}...
 - an appeal under that section against that decision [^{F4}, brought while the appellant is in the United Kingdom,] is pending (within the meaning of section 104 of that Act) [^{F5}, ^{F6} ...
- ^{F7}(ca) [an appeal could be brought under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020 ("the 2020 Regulations"), while the appellant is in the United Kingdom, against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission),
- an appeal under the 2020 Regulations against that decision, brought while the appellant is in the United Kingdom, is pending (within the meaning of those Regulations), or]
 - an administrative review of the decision on the application for variation—
 - could be sought, or
 - is pending.]

Changes to legislation: Immigration Act 1971, Section 3C is up to date with all changes known to be in force on or before 08 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

- (3) Leave extended by virtue of this section shall lapse if the applicant leaves the United Kingdom.
- [Leave extended by virtue of this section may be cancelled if the applicant—
- ^{F8}(3A) (a) has failed to comply with a condition attached to the leave, or
 (b) has used or uses deception in seeking leave to remain (whether successfully or not).]
- (4) A person may not make an application for variation of his leave to enter or remain in the United Kingdom while that leave is extended by virtue of this section.
- (5) But subsection (4) does not prevent the variation of the application mentioned in subsection (1)(a).
- ^{F9}(6) The Secretary of State may make regulations determining when an application is decided for the purposes of this section; and the regulations—
- (a) may make provision by reference to receipt of a notice,
 (b) may provide for a notice to be treated as having been received in specified circumstances,
 (c) may make different provision for different purposes or circumstances,
 (d) shall be made by statutory instrument, and
 (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- [In this section—
- ^{F10}(7) “administrative review” means a review conducted under the immigration rules;
 the question of whether an administrative review is pending is to be determined in accordance with the immigration rules.]]

Textual Amendments

- F1** S. 3C inserted (1.4.2003) by 2002 c. 41, s. 118 (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 2003/1339))
- F2** Words in s. 3C(2)(b) inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 11(2); S.I. 2006/2226, art. 3, Sch. 1 (subject to transitional provisions in art. 4)
- F3** Word in s. 3C(2)(b) omitted (20.10.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 21(2)(a); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F4** Words in s. 3C(2)(c) inserted (31.8.2006) by Immigration, Asylum and Nationality Act 2006 (c. 13), s. 11(3); S.I. 2006/2226, art. 3, Sch. 1 (subject to transitional provisions in art. 4)
- F5** S. 3C(2)(d) and word inserted (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), Sch. 9 para. 21(2)(b); S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
- F6** Word in s. 3C(2)(c) omitted (31.1.2020) by virtue of The Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61), reg. 1(2), Sch. 4 para. 1(a)
- F7** S. 3C(2)(ca)(cb) inserted (31.1.2020) by The Immigration (Citizens’ Rights Appeals) (EU Exit) Regulations 2020 (S.I. 2020/61), reg. 1(2), Sch. 4 para. 1(b)
- F8** S. 3C(3A) inserted (1.12.2016) by Immigration Act 2016 (c. 19), ss. 62(1), 94(1); S.I. 2016/1037, reg. 5(g)

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- F9** S. 3C(6) substituted (31.8.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 11\(4\)](#); [S.I. 2006/2226, art. 3, Sch. 1](#) (subject to transitional provisions in art. 4)
- F10** S. 3C(7) inserted (20.10.2014) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 9 para. 21\(3\)](#); [S.I. 2014/2771, art. 2\(e\)](#) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by [S.I. 2015/371](#), arts. 1(2)(3), 7, 8; and with transitional provisions and savings in [S.I. 2014/2928, art. 2](#) (which S.I. is revoked (6.4.2015) by [S.I. 2015/371](#), arts. 1(3), 9))

Modifications etc. (not altering text)

- C1** S. 3C applied (with modifications) (1.4.2003) by [1997 c. 68, s. 2\(2\)\(a\)](#) (as substituted by [2002 c. 41, s. 114, Sch. 7 para. 20](#)) (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 [2003/1339](#))))
- C2** S. 3C extended (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\), art. 3, Sch. 2 para. 2\(2\)](#) (as substituted (8.4.2003) by [S.I. 2003/1040, arts. 1, 2](#))

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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\(4\)](#)