



Immigration Act 1971

1971 CHAPTER 77

PART I

REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

5 Procedure for, and further provisions as to, deportation.

- (1) Where a person is under section 3(5) or (6) above liable to deportation, then subject to the following provisions of this Act the Secretary of State may make a deportation order against him, that is to say an order requiring him to leave and prohibiting him from entering the United Kingdom; and a deportation order against a person shall invalidate any leave to enter or remain in the United Kingdom given him before the order is made or while it is in force.
- (2) A deportation order against a person may at any time be revoked by a further order of the Secretary of State, and shall cease to have effect if he becomes [^{F1}a British citizen].
- (3) A deportation order shall not be made against a person as belonging to the family of another person if more than eight weeks have elapsed since the other person left the United Kingdom after the making of the deportation order against him; and a deportation order made against a person on that ground shall cease to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.
- (4) For purposes of deportation the following shall be those who are regarded as belonging to another person's family—
 - (a) where that other person is a man, his wife [^{F2}or civil partner,] and his or her children under the age of eighteen; and
 - ^{F3}[(b) where that other person is a woman, her husband [^{F4}or civil partner,] and her or his children under the age of eighteen;]

and for purposes of this subsection an adopted child, whether legally adopted or not, may be treated as the child of the adopter and, if legally adopted, shall be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as

Changes to legislation: Immigration Act 1971, Section 5 is up to date with all changes known to be in force on or before 09 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

to adoptions) shall be regarded as the child of the mother; and “wife” includes each of two or more wives.

- (5) The provisions of Schedule 3 to this Act shall have effect with respect to the removal from the United Kingdom of persons against whom deportation orders are in force and with respect to the detention or control of persons in connection with deportation.
- (6) Where a person is liable to deportation under section [F53(5)] or (6) above but, without a deportation order being made against him, leaves the United Kingdom to live permanently abroad, the Secretary of State may make payments of such amounts as he may determine to meet that person’s expenses in so leaving the United Kingdom, including travelling expenses for members of his family or household.

Textual Amendments

- F1** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 2](#) (with [Sch. 8 para. 8](#))
- F2** Words in s. 5(4)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 261\(1\), Sch. 27 para. 37\(a\); S.I. 2005/3175, art. 2\(2\)-\(5\)](#)
- F3** S. 5(4)(b) substituted (1.10.1996) by 1996 c. 49, s. 12(1), [Sch. 2 para.2](#); S.I. 1996/2053, art. 2, [Sch. Pt.III](#)
- F4** Words in s. 5(4)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 261\(1\), Sch. 27 para. 37\(b\); S.I. 2005/3175, art. 2\(2\)-\(5\)](#)
- F5** “3(5)” substituted for “3(5)(c)” by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 2](#)

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](#)))
- C3** S. 5 applied (20.7.1994) by [S.I. 1994/1895, art. 20\(2\)](#)
 S. 5 applied (2.10.2000 with application as mentioned in reg. 9) by [S.I. 2000/2326, reg. 26\(3\)](#)
 S. 5 restricted (2.10.2000) by 1999 c. 33, s. 58(3), [Sch. 4 Pt. II para. 18](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
 S. 5 restricted (2.10.2000 with application as mentioned in regs. 9, 28) by [S.I. 2000/2326, reg. 32\(5\)\(7\)](#) (as substituted (1.4.2003) for reg. 34(5)(10) by [S.I. 2003/549, reg. 2\(8\)](#) (with [reg. 3](#)))
- C4** S. 5 continued (14.3.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Commencement No. 4\) Order 2003 \(S.I. 2003/754\), arts. 3, 4, Sch. 2 para. 2\(3\)](#)
- C5** S. 5 applied (1.2.2017 for specified purposes) by [The Immigration \(European Economic Area\) Regulations 2016 \(S.I. 2016/1052\), regs. 1\(2\)\(b\), 32\(3\)](#)
- C6** S. 5 applied (31.12.2020) by [The Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1213\), regs. 1\(2\)\(3\), 16\(3\)](#)
- C7** S. 5(1) amended (2.10.2000) by 1999 c. 33, [ss. 63, 64](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
 S. 5(1) amended (2.10.2000) by 1999 c. 33, [ss. 69\(4\), 70\(5\)-\(8\)](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#))
 S. 5(1) amended (22.5.2000 for certain purposes, otherwise 2.10.2000) by 1999 c. 33, [s. 74](#); S.I. 2000/1282, art. 2, [Sch.](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2](#))
 S. 5(1) amended (2.10.2000) by 1999 c. 33, [s. 77](#); S.I. 2000/2444, art. 2, [Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2](#))
 S. 5(1) extended (14.12.2001) by 2001 c. 24, [ss. 22\(2\)\(d\)\(e\)\(3\), 127\(2\)](#)

Changes to legislation: Immigration Act 1971, Section 5 is up to date with all changes known to be in force on or before 09 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](#)

- C8** S. 5(3) amended (2.10.2000) by 1999 c. 33, s. 58(3), **Sch. 4 Pt. II para. 19**; S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- C9** S. 5(3) modified (1.8.2008 for certain purposes and otherwise prosp.) by UK Borders Act 2007 (c. 30), **ss. 37(1), 59**; S.I. 2008/1818, **art. 2(a)**, Sch.

Changes to legislation:

Immigration Act 1971, Section 5 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

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\(4\)](#)