



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) 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,
 - (b) the application for variation is made before the leave expires, and
 - (c) 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—
 - (a) the application for variation is neither decided nor withdrawn,
 - (b) an appeal under section 82(1) of the Nationality, Asylum and Immigration Act 2002 could be brought against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission), or
 - (c) an appeal under that section against that decision is pending (within the meaning of section 104 of that Act).
- (3) Leave extended by virtue of this section shall lapse if the applicant leaves the United Kingdom.
- (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).
- (6) In this section a reference to an application being decided is a reference to notice of the decision being given in accordance with regulations under section 105 of that Act (notice of immigration decision).]

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Immigration Act 1971, Section 3C is up to date with all changes known to be in force on or before 29 January 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)

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](#)))

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](#))

Status:

Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation:

Immigration Act 1971, Section 3C is up to date with all changes known to be in force on or before 29 January 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.