



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 [^{F1}a British citizen]—
- (a) he shall not enter the United Kingdom unless given leave to do so in accordance with [^{F2}the provisions of, or made under,] 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;
 - ^{F3}(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 [^{F4}work] or occupation in the United Kingdom;
 - [a condition restricting his studies in the United Kingdom;]
 - ^{F5}(ia) (ii) a condition requiring him to maintain and accommodate himself, and any dependants of his, without recourse to public funds; ^{F6} . . .
 - (iii) a condition requiring him to register with the police.
 - [a condition requiring him to report to an immigration officer or the
 - ^{F7}(iv) Secretary of State; and
 - (v) a condition about residence.]]
- (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

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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).

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 [^{F8}(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.
- [^{F9}(5) A person who is not a British citizen is liable to deportation from the United Kingdom if—
- (a) the Secretary of State deems his deportation to be conducive to the public good; or
 - (b) another person to whose family he belongs is or has been ordered to be deported.]
- [^{F10}(5A) The Secretary of State may not deem a relevant person's deportation to be conducive to the public good under subsection (5) if the person's deportation—
- (a) would be in breach of the obligations of the United Kingdom under Article 20 of the EU withdrawal agreement, Article 19 of the EEA EFTA separation agreement, or Article 17 or 20(3) of the Swiss citizens' rights agreement, or
 - (b) would be in breach of those obligations if the provision in question mentioned in paragraph (a) applied in relation to the person.]
- (6) Without prejudice to the operation of subsection (5) above, a person who is not [^{F1a}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.

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[^{F11}(6A) A court may not recommend under subsection (6) that a relevant person be deported if the offence for which the person was convicted consisted of or included conduct that took place before IP completion day.]

(7) Where it appears to Her Majesty proper so to do by reason of restrictions or conditions imposed on [^{F12}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 [^{F1}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 [^{F1}British citizens] 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 [^{F1}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.

[^{F13}(9) A person seeking to enter the United Kingdom and claiming to have the right of abode there shall prove it by means of—

- (a) a United Kingdom passport describing him as a British citizen,
- (b) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom, [^{F14}or]

^{F15}(c)

^{F15}(d)

- (e) a certificate of entitlement.]

[^{F16}(10) For the purposes of this section, a person is a “relevant person”—

- (a) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules,
- (b) if the person has leave to enter or remain in the United Kingdom granted by virtue of residence scheme immigration rules,

[^{F17}(ba) if the person is in the United Kingdom (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of Article 23 of the Swiss citizens’ rights agreement,]

- (c) if the person may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of—
 - (i) Article 32(1)(b) of the EU withdrawal agreement,
 - (ii) Article 31(1)(b) of the EEA EFTA separation agreement, or
 - (iii) Article 26a(1)(b) of the Swiss citizens' rights agreement,

whether or not the person has been granted such leave, or

- (d) if the person may enter the United Kingdom by virtue of regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020 (frontier workers), whether or not the person has entered by virtue of those regulations.

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(11) In this section—

“EEA EFTA separation agreement” and “Swiss citizens' rights agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) of that Act);

“relevant entry clearance immigration rules” and “residence scheme immigration rules” have the meanings given by section 17 of the European Union (Withdrawal Agreement) Act 2020.]

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. 3(1)(a) inserted (14.2.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 44\(1\); 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** 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](#)
- F4** Word in s. 3(1)(c)(i) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), ss. 34\(2\), 94\(1\); S.I. 2016/603, reg. 3\(e\)](#) (with transitional provision in [S.I. 2016/712, art. 2](#))
- F5** S. 3(1)(c)(ia) inserted (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\), ss. 50, 58\(3\)](#)
- F6** Word after s. 3(1)(c)(ii) repealed (31.1.2008) by [UK Borders Act 2007 \(c. 30\), ss. 58, 59, Sch.](#); [S.I. 2008/99, art. 2](#)
- F7** S. 3(1)(c)(iv)(v) inserted (31.1.2008) by [UK Borders Act 2007 \(c. 30\), ss. 16, 59; S.I. 2008/99, art. 2](#) (subject to [art. 3](#))
- F8** Words in s. 3(3)(b) substituted (16.5.1991) by [Immigration Act 1988 \(c. 14, SIF 62\), s. 10, Sch. para. 1](#)
- F9** S. 3(5) substituted (2.10.2000) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 43, 44\(2\); S.I. 2000/2444, art. 2, Sch. 1](#) (subject to transitional provisions in [art. 3, Sch. 2 para. 2](#)) (which amending provision is extended (with modifications) to Jersey (5.6.2003) by [S.I. 2003/1252, art. 2, Sch.](#))
- F10** S. 3(5A) inserted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 10\(2\), 42\(7\)](#) (with [s. 38\(3\), Sch. 5 para. 63\(1\)](#)); [S.I. 2020/75, reg. 4\(e\)](#)
- F11** S. 3(6A) inserted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 10\(3\), 42\(7\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/75, reg. 4\(e\)](#)
- F12** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\), Sch. 4 para. 4](#) (with [Sch. 8 para. 8](#))
- F13** S. 3(9) substituted (16.6.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 30; S.I. 2006/1497, art. 3, Sch.](#)
- F14** Word in s. 3(9)(b) inserted (21.1.2011) by [Identity Documents Act 2010 \(c. 40\), s. 14\(2\), Sch. para. 1\(a\)](#)
- F15** S. 3(9)(c)(d) omitted (21.1.2011) by virtue of [Identity Documents Act 2010 \(c. 40\), s. 14\(2\), Sch. para. 1\(b\)](#)
- F16** S. 3(10)(11) inserted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), ss. 10\(4\), 42\(7\)](#) (with [ss. 10\(6\), 38\(3\), Sch. 5 para. 63\(2\)](#)); [S.I. 2020/75, reg. 4\(e\)](#)
- F17** S. 3(10)(ba) inserted (31.12.2020) by [The Citizens' Rights \(Restrictions of Rights of Entry and Residence\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1210\), regs. 1\(1\), 3\(2\); S.I. 2020/1279, reg. 4\(a\)](#)

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\(2\)](#);

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- 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. 3 modified (2.8.1993) by S.I. 1993/1813, arts. 7(1), 1, **Sch. 4 para 1(2)(a)(b)**
Ss. 3-3B extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(a)(3)**, 127(2)
- C4** S. 3 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**
- C5** S. 3 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**)
- C6** S. 3 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(b)
- C7** S. 3(5)(a) modified (2.10.2000) by S.I. 2000/2326, **reg. 26(3)** (with regs. 9, 28)
- C8** S. 3(5)(a) modified (1.8.2008 for certain purposes and otherwise prosp.) by [UK Borders Act 2007 \(c. 30\)](#), **ss. 32(4)**, 59; S.I. 2008/1818, **art. 2(a)**, Sch. (with art. 3)
- C9** S. 3(6) extended (14.12.2001) by 2001 c. 24, **ss. 22(2)(c)(3)**, 127(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\(4\)](#)