British Nationality Act 1981

1981 CHAPTER 61

PART V

MISCELLANEOUS AND SUPPLEMENTARY

[**F1 50A Meaning of references to being in breach of immigration laws**

(1) This section applies for the construction of a reference to being in the United Kingdom "in breach of the immigration laws" in—

    (a)   section 4(2) or (4);

    (b)   section 50(5); or

    (c)   Schedule 1.

(2) It applies only for the purpose of determining on or after the relevant day—

    (a)   whether a person born on or after the relevant day is a British citizen under section 1(1),

    (b)   whether, on an application under section 1(3) or 4(2) made on or after the relevant day, a person is entitled to be registered as a British citizen, or

    (c)   whether, on an application under section 6(1) or (2) made on or after the relevant day, the applicant fulfils the requirements of Schedule 1 for naturalisation as a British citizen under section 6(1) or (2).

(3) But that is subject to section 48(3)(d) and (4) of the Borders, Citizenship and Immigration Act 2009 (saving in relation to section 11 of the Nationality, Immigration and Asylum Act 2002).

(4) A person is in the United Kingdom in breach of the immigration laws if (and only if) the person—

    (a)   is in the United Kingdom;

    (b)   does not have the right of abode in the United Kingdom within the meaning of section 2 of the Immigration Act 1971;

    [**F2**(ba)   is not an Irish citizen who does not require leave to enter or remain in the United Kingdom (see section 3ZA of the Immigration Act 1971);]

- (c) does not have leave to enter or remain in the United Kingdom (whether or not the person previously had leave);
- **F3**(d) . . . .
- **F3**(e) . . . .
- (f) is not entitled to enter and remain in the United Kingdom by virtue of section 8(1) of the Immigration Act 1971 (crew) (whether or not the person was previously entitled); and
- (g) does not have the benefit of an exemption under section 8(2) to (4) of that Act (diplomats, soldiers and other special cases) (whether or not the person previously had the benefit of an exemption).

F4(5) . . . .

(6) Section 11(1) of the Immigration Act 1971 (person deemed not to be in the United Kingdom before disembarkation, while in controlled area or while under immigration control) applies for the purposes of this section as it applies for the purposes of that Act.

(7) This section is without prejudice to the generality of—
- (a) a reference to being in a place outside the United Kingdom in breach of immigration laws, and
- (b) a reference in a provision other than one specified in subsection (1) to being in the United Kingdom in breach of immigration laws.

(8) The relevant day for the purposes of subsection (2) is the day appointed for the commencement of section 48 of the Borders, Citizenship and Immigration Act 2009 (which inserted this section).]

Textual Amendments

F1 S. 50A inserted (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 48(1)**, 58 ; S.I. 2009/2731, **art. 4(g)**

F2 S. 50A(4)(ba) inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **78(2)(a)(i)**

F3 S. 50A(4)(d)(e) omitted (31.12.2020) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **78(2)(a)(ii)**

F4 S. 50A(5) omitted (31.12.2020) by virtue of The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **78(2)(b)**

Modifications etc. (not altering text)

C1 S. 50A excluded (13.1.2010) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 48(4)**, 58; S.I. 2009/2731, **art. 4(g)**

C2 S. 50A(4)(e) 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)(e)

Changes to legislation:
British Nationality Act 1981, Section 50A is up to date with all changes known to be in force on or before 07 February 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:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 6(3)(4) inserted by 2009 c. 11 s. 40(2) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– s. 41(1)(bc)-(be) inserted by 2009 c. 11 s. 41(2) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– s. 41(1B)(1C) inserted by 2009 c. 11 s. 41(3) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(1)(ba)(bb) inserted by 2009 c. 11 s. 39(5) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(1)(ca) inserted by 2009 c. 11 s. 39(7) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(5) inserted by 2009 c. 11 s. 39(10) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 6(2)-(4) inserted by 2022 c. 36 Sch. 1 para. 3(4)(d)
– Sch. 1 para. 2(1)(c) repealed by 2009 c. 11 s. 39(6)Sch. Pt. 2 (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(1)(a) substituted by 2009 c. 11 s. 39(4) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) by 2009 c. 11 s. 39(9) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(1)(d) word substituted by 2009 c. 11 s. 39(8)(a) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))
– Sch. 1 para. 2(1)(d) words substituted by 2009 c. 11 s. 39(8)(b) (Amending provision prospectively repealed by 2022 c. 36, s. 9(3)(a))