



Immigration Act 1971

1971 CHAPTER 77

PART I

REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM

7 Exemption from deportation for certain existing residents.

- (1) Notwithstanding anything in section 3(5) or (6) above but subject to the provisions of this section, a Commonwealth citizen or citizen of the Republic of Ireland who was such a citizen at the coming into force of this Act and was then ordinarily resident in the United Kingdom—
 - (a) shall not be liable to deportation under section 3(5)(b) if at the time of the Secretary of State's decision he had at all times since the coming into force of this Act been ordinarily resident in the United Kingdom and Islands; and
 - (b) shall not be liable to deportation under section 3(5)(a), (b) or (c) if at the time of the Secretary of State's decision he had for the last five years been ordinarily resident in the United Kingdom and Islands; and
 - (c) shall not on conviction of an offence be recommended for deportation under section 3(6) if at the time of the conviction he had for the last five years been ordinarily resident in the United Kingdom and Islands.
- (2) A person who has at any time become ordinarily resident in the United Kingdom or in any of the Islands shall not be treated for the purposes of this section as having ceased to be so by reason only of his having remained there in breach of the immigration laws.
- (3) The "last five years" before the material time under subsection (1)(b) or (c) above is to be taken as a period amounting in total to five years exclusive of any time during which the person claiming exemption under this section was undergoing imprisonment or detention by virtue of a sentence passed for an offence on a conviction in the United Kingdom and Islands, and the period for which he was imprisoned or detained by virtue of the sentence amounted to six months or more.
- (4) For purposes of subsection (3) above—
 - (a) "sentence" includes any order made on conviction of an offence; and

Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.

Changes to legislation: Immigration Act 1971, Section 7 is up to date with all changes known to be in force on or before 14 June 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)

- (b) two or more sentences for consecutive (or partly consecutive) terms shall be treated as a single sentence; and
- (c) a person shall be deemed to be detained by virtue of a sentence—
 - (i) at any time when he is liable to imprisonment or detention by virtue of the sentence, but is unlawfully at large; and
 - (ii) (unless the sentence is passed after the material time) during any period of custody by which under any relevant enactment the term to be served under the sentence is reduced.

In paragraph (c)(ii) above “relevant enactment” means [^{F1}section 87 of the Powers of Criminal Courts (Sentencing) Act 2000] (or, before that section operated, section 17(2) of the ^{M1}Criminal Justice Administration Act 1962) and any similar enactment which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands.

- (5) Nothing in this section shall be taken to exclude the operation of section 3(8) above in relation to an exemption under this section.

Textual Amendments

- F1** Words in s. 7(4) substituted (E.W., but without extent limitation insofar as mentioned in s. 57(8) of the 1997 Act) (25.8.2000) by 1997 c. 43, s. 55(1), **Sch. 4 para. 7** (with s. 55(2)) (as substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 187(3)**)

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))

Marginal Citations

- M1** 1962 c. 15.

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