

Status: Point in time view as at 31/12/2020.

Changes to legislation: Immigration Act 1971, SCHEDULE 4 is up to date with all changes known to be in force on or before 27 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)

SCHEDULES

SCHEDULE 4

Section 9.

INTEGRATION WITH UNITED KINGDOM LAW OF IMMIGRATION LAW OF ISLANDS

Modifications etc. (not altering text)

- C1** Sch. 4 extended (with modifications) (1.8.1993) by [S.I. 1993/1796](#), art 3(1), Sch. 1 Pt. I (Guernsey), S.I. 1993/1797, art. 3(1), Sch. 1 Pt. I (Jersey) (as amended (17.10.2012) by [S.I. 2012/2593](#), arts. 1, **2(2)**)
- C2** Schs. 2-4: amendment to earlier affecting S.I. 1993/1797, Sch. 1 Pt. 1 (11.10.2017 coming into force in accordance with art. 1) by [The Immigration \(Jersey\) \(Amendment\) Order 2017 \(S.I. 2017/981\)](#), [Sch. Pt. 1 para. 1](#) (with art. 6)

Leave to enter

- 1 (1) Where under the immigration laws of any of the Islands a person is or has been given leave to enter or remain in the island, or is or has been refused leave, this Act shall have effect in relation to him, if he is not [^{F1}a British citizen][^{F2}or an Irish citizen], as if the leave were leave (of like duration) given under this Act to enter or remain in the United Kingdom, or, as the case may be, as if he had under this Act been refused leave to enter the United Kingdom.
- (2) Where under the immigration laws of any of the Islands a person has a limited leave to enter or remain in the island subject to any such conditions as are authorised in the United Kingdom by section 3(1) of this Act (being conditions imposed by notice given to him, whether the notice of leave or a subsequent notice), then on his coming to the United Kingdom this Act shall apply, if he is not [^{F1}a British citizen][^{F3}or an Irish citizen], as if those conditions related to his stay in the United Kingdom and had been imposed by notice under this Act.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, anything having effect in the United Kingdom by virtue of either of those sub-paragraphs may in relation to the United Kingdom be varied or revoked under this Act in like manner, and subject to the like appeal (if any), as if it had originated under this Act as mentioned in that sub-paragraph.
- (4) Where anything having effect in the United Kingdom by virtue of sub-paragraph (1) or (2) above ceases to have effect or is altered in effect as mentioned in sub-paragraph (3) or otherwise by anything done under this Act, sub-paragraph (1) or (2) shall not thereafter apply to it or, as the case may be, shall apply to it as so altered in effect.
- (5) Nothing in this paragraph shall be taken as conferring on a person a right of appeal under this Act against any decision or action taken in any of the Islands.

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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 [Sch. 4 para. 1\(1\)](#) inserted (31.12.2020 immediately before IP completion day) by [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(c. 20\)](#), **ss. 2(4)(a)**, 9(1) (with [s. 4\(2\)](#)); [S.I. 2020/1279](#), reg. 3 (with saving in [S.I. 2020/1309](#), regs. 1(2), 84, [Sch. 5 para. 10](#))
- F3** Words in [Sch. 4 para. 1\(2\)](#) inserted (31.12.2020 immediately before IP completion day) by [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(c. 20\)](#), **ss. 2(4)(a)**, 9(1) (with [s. 4\(2\)](#)); [S.I. 2020/1279](#), reg. 3 (with saving in [S.I. 2020/1309](#), regs. 1(2), 84, [Sch. 5 para. 10](#))

2 Notwithstanding section 3(4) of this Act, leave given to a person under this Act to enter or remain in the United Kingdom shall not continue to apply on his return to the United Kingdom after an absence if he has during that absence entered any of the Islands in circumstances in which he is required under the immigration laws of that island to obtain leave to enter.

Deportation

- [^{F4}3 (1) This Act has effect in relation to a person who is subject to an Islands deportation order as if the order were a deportation order made against him under this Act.
- (2) Sub-paragraph (1) does not apply if the person concerned is—
 - (a) a British citizen;
 - [an Irish citizen;]
 - ^{F5}(aa)
 - ^{F6}(b)
 - ^{F6}(c)
 - [a relevant person (see paragraph 3A); or]
 - ^{F7}(ca)
 - (d) a member of the family of a British citizen who is neither [^{F8}a British citizen nor an Irish citizen].
- (3) The Secretary of State does not, as a result of sub-paragraph (1), have power to revoke an Islands deportation order.
- (4) In any particular case, the Secretary of State may direct that paragraph [^{F9}(aa), (ca)] or (d) of sub-paragraph (2) is not to apply in relation to the Islands deportation order.
- (5) Nothing in this paragraph makes it unlawful for a person in respect of whom an Islands deportation order is in force in any of the Islands to enter the United Kingdom on his way from that island to a place outside the United Kingdom.
- (6) “Islands deportation order” means an order made under the immigration laws of any of the Islands under which a person is, or has been, ordered to leave the island and forbidden to return.
- (7) Subsections (10) and (12) to (14) of section 80 of the Immigration and Asylum Act 1999 apply for the purposes of this section as they apply for the purposes of that section.]

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Textual Amendments

- F4** Sch. 4 para. 3 substituted (2.10.2000) by 1999 c. 33, s. 169(1), Sch. 14 paras. 43, **70**; S.I. 2000/2444, art. 2, **Sch** (subject to transitional provisions in art. 3, Sch. 2 para. 2)
- F5** Sch. 4 para. 3(2)(aa) 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), **5(5)(a)(i)**
- F6** Sch. 4 para. 3(2)(b)(c) and word 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), **5(5)(a)(ii)**
- F7** Sch. 4 para. 3(2)(ca) 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), **5(5)(a)(iii)**
- F8** Words in Sch. 4 para. 3(2)(d) substituted (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), **5(5)(a)(iv)**
- F9** Words in Sch. 4 para. 3(4) substituted (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), **5(5)(b)**

Modifications etc. (not altering text)

- C3** Sch. 4 para. 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)(c)

[^{F10} Relevant person for purposes of paragraph 3

Textual Amendments

- F10** Sch. 4 para. 3A 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), **5(6)**

- 3A (1) For the purposes of paragraph 3, 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;
 - (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 26(a)(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.
- (2) In this paragraph—

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“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.]

Illegal entrants

- 4 Notwithstanding anything in section 1(3) of this Act, it shall not be lawful for a person who is not [^{F11}a British citizen][^{F12}or an Irish citizen] to enter the United Kingdom from any of the Islands where his presence was unlawful under the immigration laws of that island, unless he is given leave to enter.

Textual Amendments

- F11** Words substituted by [British Nationality Act 1981 \(c. 61\), s. 52\(7\)](#), **Sch. 4 para. 2** (with [Sch. 8 para. 8](#))
- F12** Words in [Sch. 4 para. 4](#) inserted (31.12.2020 immediately before IP completion day) by [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(c. 20\)](#), **ss. 2(4)(b)**, 9(1) (with [s. 4\(2\)](#)); [S.I. 2020/1279, reg. 3](#) (with saving in [S.I. 2020/1309, regs. 1\(2\), 84, Sch. 5 para. 10](#))

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