

Overstayers

1. An overstayer is a person who was granted limited leave to enter or remain in the United Kingdom, but who neither left the country on the date indicated nor asked for the leave to be extended.
2. Overstaying is an offence, contrary to s.24(1)(b)(i) of the Immigration Act 1971. Section 24(1A) of the 1971 Act, which was inserted by s.6(1) of the Immigration Act 1988, provides that a person commits the offence on the day when he or she first knows that leave to enter or remain has expired, and continues to commit it until such time as his or her position is regularised, for example through a further grant of leave.
4. An overstayer is here 'in breach of the immigration laws' and, as such, does not meet the residence requirement for naturalisation in paragraph 1(2)(d) of Schedule 1 to the British Nationality Act 1981 (see Annex C to Chapter 18).
5. When it is found or suspected that an applicant is still an overstayer the file should be sent in the first instance to the relevant immigration caseworking group for consideration to be given to the applicant's status under the Immigration Rules.

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