

<p>What is the "right of abode?"</p> <p><i>Immigration Law, 12.1</i></p>	<ul style="list-style-type: none"> ❖ The right of abode is a right to live in the United Kingdom without any immigration restrictions. ❖ It is set out in s1 Immigration Act 1971. ❖ s1(1): Anyone expressed to have the right of abode in the UK shall be free to: <ul style="list-style-type: none"> ➢ Live in, and come and go into, and from; ➢ The United Kingdom; ➢ Without let or hindrance; ➢ Subject to exceptions set out in the Act or otherwise lawfully imposed. ❖ In overview, anyone with the right of abode is: <ul style="list-style-type: none"> ➢ Free to leave or enter the UK at any point in time; ➢ Will not be subject to immigration controls, providing they can prove their right of abode (normally by presentation of a passport on entry); and ➢ Cannot be excluded from the UK (i.e., cannot be removed or deported).
<p>Who has the right of abode?</p>	<ul style="list-style-type: none"> ❖ British Citizens ❖ Certain Commonwealth Citizens
<p>Immigration Controls</p>	<ul style="list-style-type: none"> ❖ s1(2): Anyone who does not have the right of abode may only live, work and settle in the UK: <ul style="list-style-type: none"> ➢ By permission; and ➢ Subject to such regulation and control of their entry into, stay in, and departure from the UK as imposed by the Act. ❖ s1(2) thus introduces the concept of immigration controls. Broadly, these may require a person to obtain: <ul style="list-style-type: none"> ➢ Entry clearance before they travel to the UK. ➢ Permission ("leave") to enter the UK when first arriving at the port of entry. ➢ Permission ("leave") to remain in the UK, if an extension of the initial time granted for the stay is required.

Ofa Level Study Guide

Peipei Pang



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