



Home Office

Nationality: right of abode

Version 9.0

Contents

Contents.....	2
About this guidance.....	3
Contacts	3
Publication	3
Changes from last version of this guidance	3
Right of abode: the law.....	4
Qualification for the right of abode	5
Persons with the right of abode before 1983	5
Definitions.....	6
CUKC.....	6
Registration.....	6
Registration in the UK	6
Parent	6
Adopted.....	6
Persons with the right of abode on and after 1 January 1983.....	7
Polygamous marriage and the right of abode	8
Proving the right of abode	9
Entry into the UK.....	9
Procedure for obtaining a certificate of entitlement	10
Exercising discretion.....	10
Issuing a certificate of entitlement.....	10
Ineligibility for a certificate of entitlement	11
Revocation of certificates of entitlement	11
Expiry of certificates of entitlement	11
How to process a right of abode application.....	12
Drawing up a family tree	12
Granting a certificate of entitlement to the right of abode.....	14
Refusals	15
Restriction on exercise of the right of abode in some cases	17
Dual nationals applying for entry clearance.....	18
Deprivation of the right of abode	19

About this guidance

This guidance is for Home Office staff assessing applications where the applicant is claiming to hold the right of abode in the UK.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the Nationality Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Review, Atlas and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **9.0**
- published for Home Office staff on **18 June 2025**

Changes from last version of this guidance

Section '[Granting a certificate of entitlement to the right of abode](#)' amended.

Related content

[Contents](#)

Right of abode: the law

Section 1(1) of the [Immigration Act 1971](#) confers complete exemption from UK immigration control on persons with the right of abode, subject to proof of that right at the border.

With very few exceptions, citizens of the UK and Colonies (CUKCs) who had the right of abode on 31 December 1982 became British citizens under the [British Nationality Act 1981](#) (BNA 1981). For further information, see the section titled 'Born before 1 January 1983' in the British citizenship: automatic acquisition guidance.

Section 2 of the 1971 act, as amended by section 39(2) of the BNA 1981, defines the categories of people who [currently have the right of abode in the UK](#). This includes British citizens and some Commonwealth citizens.

The right of abode is a statutory right which a person either has or does not have, depending on whether the conditions in section 2 of the 1971 act are satisfied, and subject to possible exercise of the power to remove the right of abode in section 2A of the 1971 act (see [Deprivation of right of abode](#)). No action by or on behalf of a minister (including the issue of a passport or certificate of entitlement) can operate so as to confer the right of abode on any person who does not have it already by virtue of the 1971 act (*Christodoulido -v- SSHD* [1985] Imm AR 179). Where a certificate of entitlement has been granted in error and the applicant has now lost age-limited or time-limited entitlements to citizenship, caseworkers must consider whether there are grounds for registration under section 4L (see the Registration as a British citizen in special circumstances guidance).

Related content

[Contents](#)

Qualification for the right of abode

This section tells you who qualifies for the right of abode in the UK.

The right of abode provisions changed on 1 January 1983.

Persons with the right of abode before 1983

Before 1983 the right of abode in the UK was held by certain citizens of the United Kingdom and Colonies (CUKCs) and Commonwealth citizens who had a close connection with the UK.

Citizenship of the UK and Colonies was defined by the [British Nationality Act 1948](#), and was held by people with a connection to the UK or a colony. For further information about who was a citizen of the UK and Colonies see: Historical Background Information on Nationality.

The following individuals had the right of abode before 1983:

- a citizen of the UK and Colonies (CUKC) who was born, adopted, naturalised or registered in the UK – section 2(1)(a)
- a CUKC born to or adopted by a parent who at the time of the person's birth or adoption had the right of abode under 2(1)(a) of the 1971 act - section 2(1)(b)(i)
- a CUKC born to or adopted by a parent who, at the time of the person's birth, had the right of abode under 2(1)(b)(i) – section 2(1)(b)(ii)
- a CUKC who was ordinarily resident in the UK for any continuous period of 5 years before 31 December 1982 (time spent subject to immigration conditions can be included but the conditions must have been removed before completion of the 5 years) – section 2(1)(c)
- a Commonwealth citizen with a parent or adoptive parent who, at the time of birth or adoption, was a CUKC by birth in the UK – section 2(1)(d)
- a female Commonwealth citizen who was, or has been, married to a man with the right of abode at any time before 31 December 1982 – section 2(2)
- a CUKC woman who was, or has been, married to a man with the right of abode at any time before 31 December 1982 – section 2(2)

To assess whether a CUKC had the right of abode on 31 December 1982 you can use the CUKC right of abode flowchart.

A person who had the right of abode through being a CUKC ceased to have that right if they lost their CUKC status, for example on the independence of a colony.

CUKCs who renounced that status in order to retain or acquire citizenship of another Commonwealth country may have had the right of abode on 31 December 1982 under section 2(1)(d) or 2(2) of the 1971 act as then in force. Provided they have since remained a Commonwealth citizen, that right will have been preserved after 1983.

Definitions

This section gives definitions of the terms used in the Immigration Act 1971.

CUKC

'CUKC' (citizen of the UK and Colonies), in relation to a time before 1 January 1949, means a British subject (so, if the claimant was then a British subject, residence in the UK before 1 January 1949 will count for the purposes of section 2(1)(c)).

Registration

'Registration' does not include registration under section 6(2) of the [British Nationality Act \(BNA\) 1948](#) by virtue of a marriage which took place on or after 28 October 1971 (though a woman who was so registered may have had the right of abode under section 2(2)).

Registration in the UK

'Registration in the UK' includes registration in an independent Commonwealth country (including South Africa before 1 January 1966 and Pakistan before 1 September 1973) by the British High Commissioner. The exception to this is where a child was registered under section 7 of the BNA 1948 on or after 28 October 1971. (Such children may have had the right of abode under section 2(1)(b)(i) or (ii)).

Under British nationality law, 'UK' means England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man. It also includes Ireland at a time when it formed part of the UK (before 31 March 1922).

Parent

'Parent' before 1 January 1983 included:

- the mother, but not the father, of an illegitimate child – however, such a child may have been legitimated by the subsequent marriage of his or her parents
- the adoptive parents of a legally [adopted child](#)

Adopted

'Adopted' means legally adopted (adopted by order of a UK court or in any country listed in the Schedule to the Adoption (Designation of Overseas Adoptions) Order 1973 or in the Adoption (Recognition of Overseas Adoptions) Order 2013 or the 2013 Scottish Regulations (see Registration as a British citizen: children).

Persons with the right of abode on and after 1 January 1983

The [Immigration Act 1971](#) as amended by section 39(2) of the BNA 1981 now provides that the right of abode is held only by the following:

- section 2(1)(a): British citizens
- section 2(1)(b): other Commonwealth citizens who had the right of abode under the original section 2(1)(d) or section 2(2) of the 1971 act on 31 December 1982, and have not ceased to be Commonwealth citizens at any time since then - these are:
 - a Commonwealth citizen with a parent or adoptive parent who, at the time of the person's birth or adoption, was a citizen of the UK and Colonies by birth in the UK
 - a female Commonwealth citizen who is, or has been, married to a man with the right of abode at any time before 31 December 1982

One result of the wording of the amended right of abode provisions is that the re-admission of Pakistan and South Africa to the Commonwealth in 1989 and 1994 respectively did not have the effect of reviving any claims by their nationals to the right of abode in the UK. This is because they have "ceased to be a Commonwealth citizen" since 31 December 1982. Their right of abode ended when their country left the Commonwealth. A person who held an additional Commonwealth nationality may still have the right of abode, provided they have remained a Commonwealth citizen since 31 December 1982.

The Gambia was removed from the list of Commonwealth countries in schedule 3 of the British Nationality Act 1981 on 12 November 2015, and the Republic of Maldives on 12 May 2017. As such their nationals cannot have the right of abode in the UK, unless they also have British citizenship or retained Commonwealth citizenship through another country. (The Gambia re-joined on 22 June 2018, and the Republic of Maldives on 2 June 2021. This does not, however, give their nationals the right of abode in the UK, as they have not remained Commonwealth citizens since before the 1981 Act came into force.)

British subjects born prior to 1 January 1949 are Commonwealth citizens.

Irish citizens, are able to claim to have remained a [British subject](#), if they have been in Crown service under the UK government or have associations by way of descent, residence or otherwise with the UK or with a British overseas territory. They formerly made such a claim by completing form E but can now do so by applying for a British passport. Irish citizens who make such a claim are deemed to have retained British subject status from before 1949. These people are also Commonwealth citizens.

The only way to acquire the right of abode since 1 January 1983 is by becoming a British citizen.

British citizens who renounce that status immediately forfeit their right of abode unless they continue to qualify, by virtue of having Commonwealth citizenship, under section 2(1)(b) of the 1971 act (as amended).

Polygamous marriage and the right of abode

Children whose parents were in a polygamous marriage at the time of the birth may have a claim to British citizenship if the marriage is valid in UK law. To be valid in UK law, a polygamous marriage must be a valid form of marriage in the country where it took place and the father must have been domiciled in a country which allowed polygamy. For further information see: Partners, divorce and dissolution.

Children of a polygamous marriage may also, in other cases, be British citizens through the provisions of the Legitimacy Act 1976 if their father was domiciled in England or Wales at the time of the marriage. For further information see: Children of unmarried parents.

If you issue a certificate of entitlement to a person under the provisions of the Legitimacy Act 1976, you should ensure that the case record clearly indicates that the parents have been advised that their marriage is not valid in UK law. This is so that future children born to the same parents will not be able to benefit under the 1976 Act provisions (as they will not then reasonably believe that their marriage is valid in UK law).

Related content

[Contents](#)

Proving the right of abode

Under section 3(9) of the Immigration Act 1971, as amended by the Immigration, Asylum and Nationality Act 2006, a person claiming the right of abode to enter the UK must prove it by presenting either:

- a UK passport describing the person as a British citizen
- a UK passport describing the person as a British subject with the right of abode in the UK
- a certificate of entitlement

Entry into the UK

We expect a passenger seeking to enter the UK and claiming to have the right of abode, to prove it by producing either a British citizen passport, a British subject passport showing right of abode, or a certificate of entitlement, in accordance with the statutory requirements. If a person arrives at the border without one of those documents, they may be delayed and subjected to additional questions or checks. Border staff should refer Border Force guidance on this.

Related content

[Contents](#)

Procedure for obtaining a certificate of entitlement

An application for a certificate of entitlement made in the UK should be made on [form ROA](#). An application overseas should be made using the [online form](#). Applications for certificates of entitlement received on or after 21 December 2006 must be determined in accordance with the Immigration (Certificate of Entitlement to the Right of Abode in the United Kingdom) Regulations 2006 (as amended by the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) (Amendment) Regulations 2011).

The regulations state that:

- the application must be made:
 - to the Home Office, if the applicant is in the UK
 - to the Home Office or to the Lieutenant-Governor, if the applicant is in any of the Channel Islands or the Isle of Man
 - to the Governor, if the applicant is in a British Overseas Territory
 - to an entry clearance officer, if the applicant is elsewhere
- applications must be accompanied by the applicant's own valid passport or travel document, 2 photographs of the applicant taken no more than 6 months prior to the date of the application, and relevant supporting documentation as specified in the [schedule to the 2006 regulations](#)

Right of abode customers do not need to enrol their biometrics.

Exercising discretion

In exceptional cases, you can proceed without all of the specified documentation, but this discretion must be used very rarely and only in cases where:

- the person clearly has the right of abode despite the lack of a particular document specified in the regulations
- you are satisfied that the lack of documents is not part of an attempt to acquire a certificate of entitlement by fraudulent means

Any case where it is proposed to exercise discretion to grant without receipt of a particular document must be referred to a senior caseworker (SCW). SCWs should refer to the Nationality Policy team for advice as required.

Issuing a certificate of entitlement

The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 state that a certificate of entitlement is to be issued by means of being affixed to the applicant's passport or travel document. A passport will be suitable for this purpose only if:

- it relates to the applicant
- it has not been altered otherwise than by or with the permission of the authority who issued it
- it was not obtained by deception

If more than one person is named in the passport you must not issue a single certificate of entitlement in the passport, unless all the persons named in it have the right of abode under the same section of the act. Where persons entered on the same passport have the right of abode under different parts of the Act, you must issue a separate certificate for each of them. You must indicate who it refers to on the same page as the certificate of entitlement. This is particularly relevant where the holder of the passport has the right of abode but any children included in it do not.

Ineligibility for a certificate of entitlement

The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 state that a person will be ineligible for a certificate of entitlement if they either:

- do not have the right of abode in the UK (see [Qualification for right of abode](#) section) or hold one of the following documents:
 - a current UK passport describing the person as a British citizen
 - a current UK passport describing the person as a British subject with the right of abode in the UK
 - a certificate of entitlement in another foreign passport
- are a person whose [right of abode is restricted under section 2 of the Immigration Act 1988](#) or is deprived of their right of abode by order under section 2A of the Immigration Act 1971 (see [Deprivation of right of abode](#))

Revocation of certificates of entitlement

A certificate of entitlement issued on or after 21 December 2006 may be revoked by any Home Office official (including an official in His Majesty's Passport Office), any Border Force officer, any consular officer or any entry clearance officer where it is discovered that the holder does not have the right of abode.

Expiry of certificates of entitlement

The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 state that a certificate of entitlement (whether issued before or after 21 December 2006) will otherwise cease to have effect on the expiry of the passport or travel document that it is fixed in.

Related content

[Contents](#)

How to process a right of abode application

This section tells you how to process an application for a certificate of entitlement to the right of abode.

Drawing up a family tree

Before you consider an application for a certificate of entitlement it may help to draw up a family tree. All relevant dates of independence and any exceptions to loss must also be taken into account.

For female applicants married before 1 January 1983, you may also need to consider her husband's family tree as she may have a claim to the right of abode through him.

If the right of abode claim is based on a parent, and that parent has, before the customer's birth, either:

- been deprived of their citizenship
- renounced their citizenship

you should refer the case to a senior caseworker.

Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Official - sensitive: end of section

Related content

[Contents](#)

Granting a certificate of entitlement to the right of abode

This page tells you how to grant a certificate of entitlement to the right of abode.

Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Once the required checks have been completed and it has been confirmed that the applicant is entitled to the right of abode and under which section of the [Immigration Act 1971](#), a vignette can be issued by Secure Handling Area (SHA).

Related content

[Contents](#)

Refusals

This page tells you about refusals of a certificate of entitlement to the right of abode.

There is no right of appeal for a refused application and so only a refusal letter must be prepared.

All letters must be addressed to the applicant. If the applicant has an agent a covering letter should be completed. All letters must be despatched by tracked post even if there are no enclosed documents.

Copies of supporting documentation submitted with the application or obtained in the course of consideration must be kept on file.

When refusing an application, you must consider whether the case should be referred to Immigration Enforcement.

You do not need to refer the case to Immigration Enforcement where:

- the customer holds a valid British citizen passport
- the customer holds valid leave to enter or remain, indefinite leave to enter or indefinite leave to remain
- the customer is an Irish national
- the entitlement has been established but a current passport has not been presented

You must refer the case to Immigration Enforcement where:

- there is no evidence of an entitlement to the right of abode and there is no evidence presented or held on Home Office systems to show that the applicant holds valid leave to remain, indefinite leave to enter or indefinite leave to remain
- there is evidence that fraudulent documents have been presented in support of the application

You must seek advice from a senior caseworker where:

- there is a potential entitlement, but insufficient evidence has been provided
- the customer was born in the UK
- the customer has lived in the UK for more than 20 years
- the customer may qualify under the Windrush Scheme because:
 - they came to the UK [from a Commonwealth country before 1973](#)
 - their parents came to the UK from a Commonwealth country before 1973
 - they came to the UK [from any country before 31 December 1988](#) and are now settled here

If it is agreed that it is more likely than not that an entitlement exists and so a referral is not required, your refusal letter must include the following paragraph:

Those who are entitled to the right of abode in the UK and who do not hold a British citizen passport must prove this for work or immigration purposes by producing a certificate of entitlement. Those who cannot prove that they have the right to remain in the UK are unable to legally work or access public funds and may be removed from the UK. You should therefore make a fresh application and provide (specify missing documents) as soon as possible. If you are unable to provide these, you should seek advice about your immigration status as a matter of urgency. Further information is available at <https://www.gov.uk/find-an-immigration-adviser>.

Related content

[Contents](#)

Restriction on exercise of the right of abode in some cases

This section sets out the restrictions on exercising the right of abode in some cases.

Section 2 of the [Special Immigration Appeals Commission Act 1988](#) provides that a woman who acquired the right of abode through marriage before 1983 (for example by virtue of section 2(2) of the [Immigration Act 1971](#), as then in force) may not enter the UK in exercise of that right, or be granted a certificate of entitlement, if either:

- another living wife or widow of the same man is, or has at any time since her marriage, been in the UK otherwise than as a visitor, an illegal entrant or on temporary admission
- another living wife or widow of the same man has been granted a certificate of entitlement or entry clearance on account of her marriage

‘Another living wife’ does not include a divorcée.

The restrictions do not prevent a wife who entered the UK in that capacity before 1 August 1988 from:

- returning to the UK
- being issued with a certificate of entry clearance enabling her to do so

This applies even when there is another wife present in the UK. Restrictions do not apply to a wife who has been in the UK at any time since her marriage, if she was then the only wife to have entered or been cleared for entry to the UK.

A woman who is prevented under section 2 of the Special Immigrations Appeals Commission Act 1988 from entering the UK or obtaining a certificate of entitlement, will be subject to the provisions of the 1971 act in the same way as a person who does not have the right of abode in the UK (section 2(3) of the Immigration Act 1971).

Related content

[Contents](#)

Dual nationals applying for entry clearance

If a person who is a British citizen, or has the right of abode in the UK, applies for a visitor visa or for settled status to be entered into a foreign passport, the application should not be granted. This is because section 1(1) of the Immigration Act 1971 confers complete exemption from UK immigration control on persons with the right of abode, subject to proof of that right. As such, a person with the right of abode in the UK should not be given leave to enter or remain under the Immigration Rules: they should be advised to apply for a certificate of entitlement instead.

If you have a visa application from a person who you believe may have the right of abode in the United Kingdom, but cannot establish their claim, you must consider the application on the balance of probabilities and refer to a senior caseworker. If you are satisfied that they have made genuine and reasonable attempts to try and obtain the relevant documents but cannot demonstrate that they have the right of abode, you may issue a visa in line with the Immigration Rules.

Related content

[Contents](#)

Deprivation of the right of abode

This section tells you about depriving a person of the right of abode in the UK.

A person can be deprived of their British citizenship under [section 40 of the British Nationality Act 1981](#). Following deprivation, they will not have the right of abode in the UK on the basis of their British citizenship.

Some British citizens who are deprived of British citizenship may retain the right of abode under section 2(1)(b) of the 1971 Act if they hold citizenship of a Commonwealth country (for example if they were a British citizen by descent and hold the citizenship of a Commonwealth country by birth.) In such cases, once they have been deprived of British citizenship they may also need to be deprived of the right of abode.

Under [section 2A of the Immigration Act 1971](#) a person who has the right of abode on the basis of Commonwealth citizenship under section 2(1)(b) may be deprived of that right if the Secretary of State considers it would be conducive to the public good for the person to be excluded or removed from the UK.

Examples of when a person can be deprived of the right of abode on the ground that it is conducive to the public good include, but are not limited to:

- the interests of national security, for reasons relating to terrorism, hostile state activity, or any other reason
- where the person has been involved in serious organised crime
- where the person has been involved in war crimes, crimes against humanity, or other unacceptable behaviour

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Related content

[Contents](#)