



Home Office

Revocation of Indefinite Leave

Version 4.0

19 October 2015

Contents

Section 1: Introduction	4
1.1 Purpose of Instruction	4
1.2 Background	4
1.3 Policy Intention behind Revocation and Invalidation	4
1.4 Application in Respect of Children	5
Section 2: Relevant Legislation	6
2.1 Section 76 of the Nationality, Immigration and Asylum Act 2002	6
2.2 Sections 3 and 5 of the Immigration Act 1971	6
2.3 Section 3D of the Immigration Act 1971	6
2.4 Section 24A of the Immigration Act 1971	7
2.5 Section 10 of the Immigration and Asylum Act 1999	7
2.6 Section 32 of the UK Borders Act 2007	7
2.7 The Immigration Rules	7
Section 3: Revoking Indefinite Leave	8
3.1 Deportation Cases	8
3.2 Deception Cases	8
3.3 Cessation of Refugee Status Cases	9
3.4 Other Cases	9
Section 4: Reasons for Not Revoking Indefinite Leave	11
4.1 Passage of Time	11
4.2 Genuine Mistakes/Errors	11
4.3 Previously Overlooked or Considered	12
4.4 Compelling and Compassionate Circumstances	12
Section 5: Miscellaneous	13
5.1 Dependants	13
5.2 Right(s) of Appeal	13
5.3 Leave/Status after Revocation	14
Section 6: Process for Referring and Considering Cases	15
6.1 Identifying and Referring a Case	15
6.2 Initial Consideration (Casework)	16

Section 1: Introduction

1.1 Purpose of Instruction

This guidance explains the circumstances when the Home Office may consider revoking a person's indefinite leave to enter or remain in the United Kingdom. This instruction was updated to reflect changes following the Immigration Act 2014, which amended Section 10 of the Immigration and Asylum Act 1999 and Section 76 of the Nationality, Immigration and Asylum Act 2002. These changes took effect from 6th April 2015.

[Back to Contents](#)

1.2 Background

A person who has lived legally in the UK for a certain length of time can apply for indefinite leave to remain. There will also be instances where a person may be granted indefinite leave to enter. The ability to apply for indefinite leave to remain or enter will depend on the person's existing immigration category and ability to meet the relevant rules in place.

Indefinite leave provides permission to stay in the UK permanently and to be free from immigration control. However, in specific circumstances, indefinite leave can be revoked, or invalidated or can also lapse. This is when a person:

- ▶ is liable to deportation or administrative removal but cannot be deported or removed because of the UK's obligations under the Refugee Convention or the European Convention of Human Rights (ECHR) (ILR is revoked);
- ▶ has obtained leave by deception (ILR is revoked);
- ▶ is deported from the UK (ILR is invalidated);
- ▶ ceases to be a refugee because of their own actions (ILR is revoked); or
- ▶ remains outside of the UK for more than two years (ILR lapses).

[Back to Contents](#)

1.3 Policy Intention behind Revocation and Invalidation

The underlying policy objective when considering revoking a person's indefinite leave is to:

- ▶ enable action to be taken against foreign national offenders who cannot be deported only because of the UK's obligations under the European Convention of Human Rights or the Refugee Convention;
- ▶ ensure that war criminals and perpetrators of other serious crimes cannot avoid the consequences of their actions simply because they were granted indefinite leave at some point in the past;
- ▶ instil public confidence in the immigration system by ensuring any abuse is tackled and dealt with accordingly.

1.4 Application in Respect of Children

Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to section 55. Our statutory duty to children includes the need to demonstrate:

- ▶ Fair treatment which meets the same standard a British child would receive;
- ▶ The child's interests being made a primary, although not the only consideration;
- ▶ No discrimination of any kind;
- ▶ Asylum applications are dealt with in a timely fashion;
- ▶ Identification of those that might be at risk from harm.

For further information on the key principles to take into account, see: [Section 55 Children's Duty Guidance](#).

Section 2: Relevant Legislation

2.1 Section 76 of the Nationality, Immigration and Asylum Act 2002

Section 76 gives the Secretary of State the power to revoke indefinite leave to enter or remain in the United Kingdom where:

- 1) a person is liable to deportation, but cannot be deported for legal reasons;
- 2) leave was obtained by deception; or
- 3) a person, or someone of whom they are a dependant, ceases to be a refugee as a result of the person's own actions by:
 - a) voluntarily availing themselves of the protection of their country of nationality;
 - b) voluntarily re-acquiring a lost nationality;
 - c) acquiring the nationality of a country other than the United Kingdom and availing themselves of its protection; or
 - d) voluntarily establishing themselves in a country in respect of which they were a refugee.

Section 76(1) and 76(2) apply to any person who has indefinite leave, irrespective of the reason the indefinite leave was originally given.

Section 76(3) can only apply to a refugee and will most likely accompany a decision to revoke that status.

[Back to Contents](#)

2.2 Sections 3 and 5 of the Immigration Act 1971

Section 3(5)(a) gives the power to deport a person when the Secretary of State has deemed deportation is conducive to the public good.

Section 3(6) gives the courts the power to recommend to the Secretary of State that a person should be deported.

Section 5(1) provides that a deportation order has the effect of invalidating any leave – including indefinite leave – to enter or remain given before the order is made or while it is in force.

[Back to Contents](#)

2.3 Section 3D of the Immigration Act 1971

Section 3D provides that, if revoked, a person's indefinite leave will be extended whilst an appeal could be brought or is pending under section 82(1) of the Nationality, Immigration and Asylum Act 2002 or whilst an administrative review against the decision to revoke the indefinite leave could be sought or is pending.

[Back to Contents](#)

2.4 Section 24A of the Immigration Act 1971

Under Section 24A as amended by Section 28 of the Immigration and Asylum Act 1999, it is a criminal offence to obtain or seek to obtain leave to enter or remain by deception.

[Back to Contents](#)

2.5 Section 10 of the Immigration and Asylum Act 1999

Section 10(1) provides that a person may be removed from the United Kingdom if they require leave to enter or remain but do not have it.

[Back to Contents](#)

2.6 Section 32 of the UK Borders Act 2007

This imposes a duty on the Secretary of State to deport all foreign criminals who meet the criteria for automatic deportation set out in section 32 unless they meet one of the exceptions in section 33.

[Back to Contents](#)

2.7 The Immigration Rules

Each of the following can only be decided by an immigration officer.

Paragraph 10B of the immigration rules states where a person arrives in the United Kingdom (i.e. at a port of entry) with leave to enter or remain in the United Kingdom, which is already in force, an immigration officer may cancel that leave. Paragraph 10 also provides that they cannot take that decision acting on their own; they must refer the decision to a chief immigration officer.

Paragraphs 18-20 provide for the admission for settlement of a returning resident where the person meets the relevant conditions.

Paragraph 321A provides general grounds for leave to be revoked where leave to enter has been obtained prior to a person's arrival in the UK: if there has been a change of circumstances, since leave was given, that it should be cancelled;

- ▶ if false information was given to obtain leave;
- ▶ if material facts were withheld;
- ▶ if the exclusion of the person is conducive to the public good;
- ▶ where the person is outside the UK only, failure by that person to supply any information or documents requested by an immigration officer on behalf of the Secretary of State; or
- ▶ medical reasons save in relation to a person settled in the UK or with strong compassionate reasons justifying admission.

[Back to Contents](#)

Section 3: Revoking Indefinite Leave

3.1 Deportation Cases

Section 76(1) gives the Secretary of State the power to revoke indefinite leave to enter or remain in the United Kingdom where a person is liable to deportation, but cannot be deported for legal reasons.

The circumstances in which a person is liable to deportation include:

- ▶ where the Secretary of State deems the person's deportation to be conducive to the public good;
- ▶ where the person is the spouse or civil partner or child under 18 of a person ordered to be deported; or
- ▶ where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment

A foreign criminal who is being deported under s32 of the UK Borders Act 2007 can have their indefinite leave revoked only if they have been notified that the Secretary of State has deemed their deportation is conducive to the public good pursuant to section 3(5) of the 1971 Act and section 32(4) of the 2007 Act.

A legal reason normally means that a person's deportation would be in breach of the UK's obligations under the Refugee Convention or the European Convention of Human Rights (ECHR). It is most likely to arise where a person is liable to automatic deportation under s32 of the UK Borders Act 2007 Act but cannot be deported because to do so would breach the person's rights under Article 3 of the ECHR.

Restricted – Not for Disclosure – Start of Section

Restricted – Not for Disclosure – End of Section

For further information on the other practical circumstances under which leave might not be revoked, see section 4 of this instruction: [Reasons for Not Revoking Indefinite Leave](#).

For further information on what leave to grant after indefinite leave is revoked under section 76, see section 5.3 of this instruction: [Leave/Status after Revocation](#).

For further information on prosecuting for deception, see the guidance on: [Illegal Entry by Deception](#).

[Back to Contents](#)

3.2 Deception Cases

Section 76(2) gives the Secretary of State the power to revoke a person's indefinite leave to enter or remain in the UK where a person has obtained indefinite leave to enter or remain in the UK by deception.

Section 10(1) of the 1999 Act provides for the removal of a person who requires leave to enter or remain but does not have it [possibly as a result of Section 76 (2) action].

Deception has the same meaning as in paragraph 6 of the Immigration Rules. This means making false representations or submitting false documents (whether or not material to the application), or failing to disclose material facts.

A person who uses deception (whether successful or not) in seeking leave to enter or remain and is found to have no legal entitlement or protection need to allow them to stay in the UK may be prosecuted under section 24A of the Immigration Act 1971. Where a person has been convicted of an offence under section 24A of the 1971 Act, it will have been proven to the criminal standard (beyond reasonable doubt) and therefore the evidentiary requirement in respect of revoking leave (balance of probabilities) will have been met.

Restricted – Not for Disclosure – Start of Section

Restricted – Not for Disclosure – End of Section

For further information on the other practical circumstances under which leave might not be revoked, see section 4 of this instruction: [Reasons for Not Revoking Indefinite Leave](#).

For further information on what leave to grant after indefinite leave is revoked under section 76, see section 5.3 of this instruction: [Leave/Status after Revocation](#).

For further information on prosecuting for deception, see the guidance on: [Illegal Entry by Deception](#).

[Back to Contents](#)

3.3 Cessation of Refugee Status Cases

Section 76(3)(a)–(d) mirror Article 1C(1)–(4) of the Refugee Convention and applies to a person who was granted refugee status (or as a dependant of a refugee) but ceases to be a refugee because they have:

- a) voluntarily availed themselves of the protection of their country of nationality;
- b) voluntarily re-acquired a lost nationality;
- c) acquired the nationality of a country other than the United Kingdom and availed themselves of its protection; or
- d) voluntarily established themselves in a country in respect of which they were a refugee.

For further information on revoking refugee status, see the guidance on: [Cancellation, Cessation & Revocation of Refugee Status](#).

For further information on the other practical circumstances under which leave might not be revoked, see section 4 of this instruction: [Reasons for Not Revoking Indefinite Leave](#).

For further information on what leave to grant after indefinite leave is revoked under section 76, see section 5.3 of this instruction: [Leave/Status after Revocation](#)

[Back to Contents](#)

3.4 Other Cases

Paragraph 20 of the Immigration Rules states that indefinite leave to enter or remain will lapse where a person has remained outside of the UK for a period of more than two years and they will have no claim to admission as a returning resident. Leave may be granted, but it will be considered in the light of all the relevant circumstances.

For more information on this and when exceptions to the two year rule may apply, see the guidance on [Returning Residents](#).

[Back to Contents](#)

Section 4: Reasons for Not Revoking Indefinite Leave

4.1 Passage of Time

Length of time spent in the UK *may* constitute a reason for not revoking indefinite leave. It would only be relevant to cases under section 76(2) and 76(3). For cases under section 76(1) length of time spent in the UK will not constitute a bar to revocation of indefinite leave because it, and any other Article 8 considerations, will have been taken into account in deciding whether the person should be deported.

What is of more relevance is the length of time that has passed since the incident(s) which is/are causing the review of a person's continuing entitlement to indefinite leave.

For example, indefinite leave would not normally be revoked where the deception in question or where the person's travel to their home country occurred more than five years ago. Each case must be considered on its merits. The longer the person has been in the UK or, more crucially, the more time it has been since the incident, the less likely it will be appropriate to revoke ILR.

[Back to Contents](#)

4.2 Genuine Mistakes/Errors

In deception cases, indefinite leave should not normally be revoked just because of minor errors in the application. For example, indefinite leave would not normally be revoked because the person has supplied an incorrect address or misspelt a name on their application form. However, deliberately providing false information because it is likely to result in a 'hit' or 'match' when checked against other Government departments or Agencies would normally be considered an attempt to deceive, as would providing a date of birth or nationality which is incorrect, in order to make a grant of leave more likely.

Another example may include a failure to declare criminal convictions. Failing to declare a one-off, very minor conviction might not result in a decision to revoke indefinite leave. However, a failure to declare multiple offences and/or a conviction which resulted in a period of imprisonment would normally be considered an attempt to deceive.

The decision maker must assess the nature, extent and significance of the information which was either incorrectly supplied or omitted. There should be clear and justifiable evidence of deception and the deception was material to the grant of leave.

[Back to Contents](#)

4.3 Previously Overlooked or Considered

Indefinite leave should not normally be revoked where the decision maker had the information available and either previously overlooked it, could reasonably have been expected to act on it or considered it and granted anyway.

Where the decision maker had the power/authority to grant leave and did so in error and if there was no deception by the applicant, it will not normally be appropriate to revoke the indefinite leave to remain or enter.

[Back to Contents](#)

4.4 Compelling and Compassionate Circumstances

There may be exceptional circumstances in an individual case where it would not be appropriate to revoke a person's indefinite leave, notwithstanding the fact that they appear to fall within the remit of this policy.

Examples might include, but are not limited to, persons with serious mental health issues, victims of human trafficking or victims of domestic violence. Each case must be considered on its individual merits.

[Back to Contents](#)

Section 5: Miscellaneous

5.1 Dependants

For the purposes of this instruction a dependant is defined as a spouse or a minor child either when the principal application was granted indefinite leave or subsequently because the principal applicant has indefinite leave.

Dependants of someone whose indefinite leave is revoked for deception reasons under section 76(2), and is being removed because they no longer have leave to enter or remain in the United Kingdom (i.e. section 10(1) of the Immigration and Asylum Act 1999), can be removed under section 10(2). A notice to remove a dependant on that basis invalidates any leave to enter or remain previously given to the family member (section 10(6)) so there is no need to revoke their indefinite leave.

Where dependants are refugees in their own right, regardless of how they came to be granted refugee status, it will not be appropriate to revoke their indefinite leave to remain unless they too, cease to be a refugee for a reason laid down in section 76(3).

Where dependants are not refugees in their own right and have no other basis to remain in the UK, and where there are no compelling reasons why they should remain in the UK, it will usually be appropriate to revoke their indefinite leave and seek to remove the family group.

[Back to Contents](#)

5.2 Right(s) of Appeal

Section 82(1) of the Nationality, Immigration and Asylum Act 2002 provides that there is a right of appeal only against the following types of decisions:

- refusal of a protection claim (asylum and Humanitarian Protection);
- refusal of a human rights claim;
- revocation of protection status (refugee status or Humanitarian Protection).

There is no right of appeal against a decision to make a deportation order or against liability to removal under section 10 of the 1999 Act.

A revocation decision under section 76 does not attract a right of appeal.

However, if the SSHD makes a revocation decision pursuant to section 76 and either additionally decides to revoke a person's protection status or the person subsequently makes a protection claim or a human rights claim which is refused, the person may have a right of appeal under section 82(1).

For further information on appeal rights, see the [appeals guidance](#).

[Back to Contents](#)

5.3 Leave/Status after Revocation

Where the decision maker revokes indefinite leave under section 76, they can recommend to the individual that they apply for leave via a charged application route where appropriate. Alternatively, an immigration officer might consider granting a period of temporary admission. The latter of these should only normally be done where removal is possible but cannot be effected immediately.

A deportation order invalidates any leave to enter or remain that the person has or is subsequently given while the order is in force (section 5(1) of the Immigration Act 1971) and there is no separate process required to revoke indefinite leave to remain or enter. A deportation order made under the Immigration Act 1971 comes into force when it is signed. A deportation order made under the UK Borders Act 2007 does not invalidate leave to enter or remain while an in country appeal can be brought or is pending.

A person subject to administrative removal under section 10 has no right of appeal or administrative review and is removable after 7 days from receiving notice of liability to removal if not detained, or after 3 working days if detained. However if the person makes an asylum or human rights claim while in the UK then they may appeal against a refusal of that asylum or human rights claim while in the UK and may not be removed whilst the claim or appeal is pending. The exception to this is where the Secretary of State certifies that claim.

For further information on Discretionary Leave including the criteria for granting and the lengths of leave appropriate, see the guidance on [Discretionary Leave](#).

For further information on Restricted Leave including the criteria for granting and the lengths of leave appropriate, see the guidance on [Restricted Leave](#).

[Back to Contents](#)

Section 6: Process for Referring and Considering Cases

6.1 Identifying and Referring a Case

The table below sets out where to refer particular types of cases.

	Type of Case	Where to Refer
1.	<p>Deportation (Criminal Casework)</p> <ul style="list-style-type: none"> ▶ Foreign nationals with ILR whose criminal conviction(s) mean that their deportation would be conducive to the public good. <p>See: Deporting non-EEA foreign nationals</p>	Criminal Casework Workflow Team
2.	<p>Deportation (National Security)</p> <p>Cases involving:</p> <ul style="list-style-type: none"> ▶ national security; ▶ counter-terrorism; ▶ war crimes or individuals excluded from the protection of the Refugee Convention (Article 1F) but who cannot be removed from the UK because of Article 3 of the ECHR; ▶ serious and organised crime; and ▶ other sensitive casework. 	SCU Workflow Team
3.	<p>Deception and other cases</p> <ul style="list-style-type: none"> ▶ Any case where the applicant has made false representations or submitted false documents (whether or not material to the application), or failed to disclose material facts. e.g. sham marriages, failure to declare criminal convictions in their application form, submitting forged or counterfeit bank statements for their application 	<p>Enquiries should be directed to StatusReviewUnit@homeoffice.gsi.gov.uk</p>

	under the points-based system etc.	
4.	<p>Refugee Cases</p> <p>Cases where:</p> <ul style="list-style-type: none"> ▶ a refugee has obtained or renewed a national passport. ▶ a refugee, having lost (or been stripped of) his nationality of the country in respect of which he was recognised as having a well-founded fear of persecution, voluntarily re-acquires such nationality. ▶ a refugee acquires a new nationality and has the protection of the country of his new nationality (a country where he has no fear of persecution). 	<p>Enquiries should be directed to</p> <p>StatusReviewUnit@homeoffice.gsi.gov.uk</p>

Before sending a case for consideration, the referring officer should check/consider the following:

Does the person currently have valid indefinite leave to enter or remain?

- ▶ **If 'no', there is no indefinite leave to revoke.**
- ▶ **If 'yes'.**

Was the information that might lead to revocation previously available? Was leave granted in spite of it?

- ▶ **If 'yes', the referring officer should discuss the case with the unit they intend to refer the case to, but further action is unlikely;**
- ▶ **if 'no' or it's unclear then refer the case.**

[Back to Contents](#)

6.2 Initial Consideration (Casework)

6.2.1 Deportation Cases

The trigger for considering deportation action is when a person has been convicted of a criminal offence and/or a person's presence in the UK is deemed not conducive to the public good.

An example of when such action might be appropriate would be where deportation has been pursued on account of a person's criminal conviction but it is not possible to deport the person because it would give rise to a breach of Article 2 and/or 3 ECHR.

Before revoking indefinite leave to remain, the decision maker must consider the following:

Step 1: Has the Deportation Order been signed and all appeal rights exhausted?

- ▶ *If yes, deportation action should be pursued and a deportation order will automatically invalidate any previous leave. No further action is required in respect of this instruction.*
- ▶ *If not, go to Step 2.*

Step 2: Has the person been notified that they are liable to deportation?

Where this is being considered under s32 of the UK Borders Act 2007, the person must be informed that the Secretary of State has deemed their deportation is conducive to the public good pursuant to section 3(5) of the 1971 Act and section 32(4) of the 2007 Act.

- ▶ **If yes, go to Step 3.**
- ▶ **If not, the decision maker must notify the person of the intention to revoke indefinite leave (ASL.3758) and their liability to deportation. Then go to Step 3.**

Step 3: Are there any legal reasons why the person cannot be deported or any exceptional compassionate circumstances or policy reasons why revocation of indefinite leave would be unreasonable?

- ▶ **If there are no legal (Asylum or ECHR) barriers and no exceptional compassionate circumstances, deportation action should be pursued and a deportation order will automatically invalidate any previous leave. No further action is required in respect of this instruction.**
- ▶ **If there are exceptional compassionate circumstances, the decision maker must refer to a senior caseworker (SCW) in the first instance. Where a SCW agrees, revocation of indefinite leave will not be appropriate, the decision maker should notify the person that the Home Office will not be pursuing deportation and that indefinite leave will not be revoked. No further action is then required in respect of this instruction.**
- ▶ **If there are legal barriers, the person's indefinite leave should be revoked. Go to [6.3 Revoking Indefinite Leave](#).**

[Back to Contents](#)

6.2.2 Deception Cases

A person whose leave was obtained by deception will have this revoked under Section 76 (2) and will, unless any other leave is granted, be liable to removal under Section 10 (1). In such cases a person should normally be removed from the UK.

Examples where removal may not be appropriate, but revocation should still be pursued include – but are not limited to – where a person has:

- i. been granted leave as a refugee and it is subsequently established that they are not the nationality they claimed to be;
- ii. been granted leave on the basis of marriage and it is subsequently established that the marriage was a sham or that the letter of support was forged or the spouse is not a British citizen / settled in the UK or the person had not disclosed that the marriage had already ended in divorce;
- iii. used different or multiple identities;
- iv. submitted forged documents such as bank statements, employment references;
- v. failed to declare that they have criminal convictions, including those outside of the UK particularly where these would have arguably led to a different outcome on the application;
- vi. failed to declare that they have been involved in war crimes, crimes against humanity or genocide; or
- vii. failed to declare that they are a member or supporter of a proscribed organisation.

Decision makers must consider the following before revoking indefinite leave:

Step 1: Has the person been convicted of an offence of obtaining or seeking to obtain leave to enter or remain by deception?

- ▶ **If no, the decision maker should consider whether to refer the case for prosecution. Go to step 2.**
- ▶ **If yes, the evidentiary requirement in respect of revoking leave will have been met as it will have been proven to the criminal standard. Go to Step 4.**

Step 2: Is a prosecution being pursued?

- ▶ **If yes, await the outcome of the criminal trial and, if acquitted, go to step 3; if convicted, go to Step 4.**
- ▶ **If no, go to step 3.**

Step 3: Is the evidential standard to revoke leave met (i.e. on the balance of probabilities)? Has the person used deception to obtain indefinite leave?

- ▶ **If no, revocation of indefinite leave will not be appropriate. No further action is then required in respect of this instruction.**
- ▶ **If yes, go to Step 4.**

Step 4: Are there any legal barriers to removal or are there any exceptionally compassionate circumstances that make administrative removal unreasonable?

- ▶ For persons liable to deportation, if there are no known legal (asylum or ECHR) barriers and no exceptional compassionate circumstances deportation must be pursued.
- ▶ For other deception cases a notice of liability to removal (e.g. RED.0001), subsequent to the revocation decision, should be served on the person notifying him he is liable to removal and the next steps.
- ▶ If there are exceptional compassionate circumstances, the decision maker must refer to a senior caseworker (SCW) in the first instance. Where a SCW agrees, revocation of indefinite leave will not be appropriate the decision maker should consider whether to notify the person that removal/deportation will not be pursued and that indefinite leave will not be revoked. No further action is then required in respect of this instruction.
- ▶ If there are legal barriers preventing removal, the person's indefinite leave should still be revoked. Go to 6.3 [Revoking Indefinite Leave](#).

[Back to Contents](#)

6.2.3 Cessation Cases

Section 76(3) will most often arise where a person has returned to the country in which they have previously claimed to be at risk of persecution or when a national passport has been sent in with a request that leave be stamped into it.

A person who was granted refugee status (or as a dependant of a refugee) ceases to be a refugee because they have:

- ▶ voluntarily availed themselves of the protection of their country of nationality;
- ▶ voluntarily re-acquired a lost nationality;
- ▶ acquired the nationality of a country other than the United Kingdom and availed themselves of its protection; or
- ▶ voluntarily established themselves in a country in respect of which they were a refugee.

Voluntary re-availment of national protection occurs where the refugee voluntarily opts to be protected by that country. For example, the refugee seeks to obtain or renew a national passport and uses it in preference to a refugee travel document.

Voluntary re-acquisition of a lost nationality occurs where, a refugee, having lost (or been stripped of) their nationality of the country in respect of which they were recognised as having a well-founded fear of persecution, voluntarily re-acquires such nationality. Acquisition of a new nationality and protection occurs where the refugee acquires a new nationality and has the protection of the country of their new nationality (a country where they have no fear of persecution).

The refugee must be given an opportunity to explain their actions, whether in writing or in person before any decision to withdraw refugee status and invoke section 76 is taken.

For further information on ceasing refugee status, see the guidance on: [Cancellation, cessation and revocation of refugee status](#).

[Back to Contents](#)

6.3 Revoking Indefinite Leave

Where it has been concluded that a person should have their indefinite leave revoked, the decision maker must:

- ▶ set out the reasons for revoking indefinite leave in the decision notice – ICD.3621 (for s72 offences), ASL.3760 (for other criminal cases) or a RED 0001 notice (for use of deception and now liable to removal under s10);
- ▶ consider whether leave is appropriate. A grant of leave will only be appropriate in cases where there is a legal barrier to removal. In cases where there is a practical barrier to removal, the person should simply have indefinite leave revoked;
- ▶ where leave *is* being granted, notify the person that they have qualified for leave, what leave they have been granted and for how long.

[Back to Contents](#)

Section 7: Change Record

Version	Author(s)	Date	Change References
2.1	CC (CPT)	23/07/2012	Updated draft.
2.2	MS (CPT)	27/07/2012	Response to MS comments on v2.1.
2.3	CC (CPT)	30/07/2012	Response to MS comments on v2.2.
2.4	MS (CPT)	30/07/2012	Updated template.
2.5	MS (CPT)	31/07/2012	Minor tweaks after proof-reading; sent out for consultation.
2.6	CC (CPT)	21/08/2012	Updated in line with comments from internal consultation.
2.7	MS (CPT)	22/08/2012	Review of v2.6.
2.8	CC (CPT)	17/10/2012	Updated in line w/ MS 2.7 comments
2.9	MS (CPT)	02/11/2012	Review of v2.8.
2.10	CC (CPT)	09/11/2012	Updated in line with MS 2.9 comments
2.11	CC (CPT)	11/11/2012	Re-submitted with typos addressed, appeals link added.
2.12	MS (CPT)	12/11/2012	Review of v2.11.
2.13	MS (CPT)	14/11/2012	Clean copy of v2.12
2.14	CC(CPT)	08/02/2013	Response to HOLAB's comments
2.15	MS (CPT)	28/02/2013	Reviewed; Final draft sent for Director Sign-Off.
2.16	MS (CPT)	03/06/2013	Revised again.
3.0	CC (CPT)	10/6/08	Reviewed. Final version approved by Director.
4.0	LS(CPT)	19/10/15	Updated in line with Immigration Act 2014

[Back to Contents](#)