

CHAPTER 1
SECTION 1

ANNEX F

RIGHT OF ABODE

REFUSAL FORMULAE

PLEASE NOTE: *The following wordings are examples - they do not constitute an exhaustive list of all possible formulae.*

ON ENTRY

When a passenger is unable to satisfy the immigration officer as to his claim to the right of abode or that he does not otherwise require leave to enter, he cannot be refused leave to enter on that ground alone. It will be necessary for the notice of decision to begin with a preamble stating the immigration officer's decision that leave to enter is required; this should be on the lines of one of the following specimens, adapted to the circumstances of the case:

"You have ...

- * "... claimed to have the right of abode in the United Kingdom but you have not produced a United Kingdom passport describing you as a British citizen or as a citizen of the United Kingdom and Colonies with the right of abode; and you do not hold a certificate of entitlement".
- * "... claim to be a Commonwealth citizen with the right of abode in the United Kingdom but you do not hold a certificate of entitlement".
- * "... presented (or produced to me) a British passport No ... giving you the right of abode in the United Kingdom but ..."

[...] I am not satisfied that you are the rightful holder of this passport.]

[...] I have reason to believe that you improperly obtained this passport.]

[...] you have no entitlement to this passport/the passport is forged etc;]

I have therefore decided that you require leave to enter the United Kingdom".

APPEAL ON ENTRY

A right of appeal exists against refusal of a certificate of entitlement and notices of refusal should be made on form APP103.

"You have applied for a certificate of entitlement to the right of abode under section 2 of the Immigration Act 1971 as amended on the grounds that you are [a British citizen/an eligible Commonwealth citizen] but given that [...] the Secretary of State is not satisfied that ..."

- * "... you were, on 31 December 1982, a citizen of the United Kingdom and Colonies with the right of abode in the United Kingdom under section 2 of the Immigration Act 1971 as then in force or that you have since acquired British citizenship by adoption, registration or naturalisation".
- * "... you were such a citizen at birth or that you have subsequently acquired such citizenship by adoption, registration or naturalisation".
- * "... you were, on 31 December 1982, a Commonwealth citizen who held right of abode under section 2(1)(d) or 2(2) of the Immigration Act 1971 as then in force and that you have remained such a citizen at all times since"

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