

2011 No. 2682

IMMIGRATION

**The Immigration (Certificate of Entitlement to Right of Abode
in the United Kingdom) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>7th November 2011</i>
<i>Laid before Parliament</i>		<i>11th November 2011</i>
<i>Coming into force</i>	- -	<i>12th December 2011</i>

The Secretary of State, in exercise of powers conferred by section 10(1), (2) and (3) of the Nationality, Immigration and Asylum Act 2002(a), makes the following regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) (Amendment) Regulations 2011 and shall come into force on 12th December 2011.

(2) These Regulations apply to an application for a certificate of entitlement received by the appropriate authority on or after the day on which they come into force.

(3) In paragraph (2) “appropriate authority” and “certificate of entitlement” have the same meaning as in the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006(b).

Amendments to the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006

2.—(1) The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 shall be amended as follows.

(2) For regulation 3(b) (authority to whom an application must be made) substitute—

“(b) if the applicant is in any of the Channel Islands or the Isle of Man, to the Lieutenant-Governor or the Secretary of State for the Home Department;”.

(3) For regulation 4 (form of application) substitute—

“4.—(1) Subject to paragraph (2), an application for a certificate of entitlement must be accompanied by—

- (a) the applicant’s passport or travel document;
- (b) two photographs of the applicant taken no more than 6 months prior to making the application; and

(a) 2002, c.41. Section 10(2)(c) has been amended by section 50(5) of the Immigration, Asylum and Nationality Act 2006 (c.13) and section 10(2)(e) has been repealed and section 10(2)(f) amended by sections 52(7) and 61 of, and paragraph 4(a) and (b) of Schedule 2 to, and Schedule 3 to, the same Act.

(b) S.I. 2006/3145 as amended by S.I. 2009/1892.

- (c) the additional documents which are specified in the right-hand column of the Schedule in respect of an application of a description specified in the corresponding entry in the left hand column.
- (2) The requirement in paragraph (1)(c) may be waived in relation to a particular document if the appropriate authority—
- (a) is satisfied that it is appropriate to do so in light of the facts of the particular case; and
 - (b) is otherwise satisfied that the applicant has a right of abode in the United Kingdom.”.
- (4) For regulation 6(b) (issue of certificate of entitlement) substitute—
- “(b) is not a person who holds:
- (i) a United Kingdom passport describing him as a British citizen,
 - (ii) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom, or
 - (iii) a certificate of entitlement;”.
- (5) For regulation 9(b) (expiry and revocation of certificate of entitlement) substitute—
- “(b) is the holder of:
- (i) a United Kingdom passport describing him as a British citizen,
 - (ii) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom,
 - (iii) another certificate of entitlement;”.
- (6) In the Schedule, after the heading, for “Regulation 4(c)” substitute “Regulation 4(1)(c)”.

Home Office
7th November 2011

Damian Green
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 (“the 2006 Regulations”). They have effect from 12th December 2011.

Regulation 3 of the 2006 Regulations specifies the authority to whom an application for a certificate of right of abode in the United Kingdom (“an application”) may be made depending on where that application is being made from. These Regulations amend regulation 3(b) so that those making an application from any of the Channel Islands or the Isle of Man may make their application to the Secretary of State for the Home Department as well as to the Lieutenant-Governor.

Regulation 4 of the 2006 Regulations specifies that certain documents and information must accompany an application. These Regulations substitute a new regulation 4 so as to provide the authority to whom the application is made with the discretion to waive the requirement in regulation 4(1)(c) in relation to a particular document if that person is satisfied that it is appropriate to do so in the particular case and is otherwise satisfied that the applicant has the right of abode in the United Kingdom.

Regulation 6 of the 2006 Regulations sets out the necessary conditions for a certificate of entitlement to be issued. These Regulations amend regulation 6 so that anyone who holds one of the listed documents shall not be issued with a certificate of entitlement to the right of abode in the United Kingdom and updates that list. Regulation 9 of the 2006 Regulations sets out the circumstances in which a certificate of entitlement to the right of abode in the United Kingdom may be revoked and is amended by these Regulations in the same way as regulation 6.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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