

**IMMIGRATION LAW**

**FOR**

**LOCAL AUTHORITY LAWYERS**

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# LEAVE TO ENTER/REMAIN

- Refers to permission required for a person to enter or remain in the UK.
- British Citizens, some Commonwealth citizens, and EEA nationals (and families) exercising an EU right of free movement DO NOT require LTE/LTR.

# LEAVE TO ENTER/REMAIN

- LTE is granted if applicant is not in the UK and wishes to enter.
- LTE is granted to port of entry asylum seekers.
- LTR is granted if applicant is in the UK and wishes to remain.

# LEAVE TO ENTER/REMAIN

- Two categories of leave:
  - limited leave
  - indefinite leave.
- Limited leave may be subject to conditions.

# Exceptional Leave to Remain

- Type of limited leave.
- No longer in use since 1<sup>st</sup> April 2003.

# LIMITED LEAVE

- 3 types of limited leave:
  - Humanitarian Protection
  - Discretionary Leave
  - Leave Outside the Rules

# VARIATION APPLICATION

- An application to vary leave may be made.
- If the application is made before the expiry of the current leave then that leave is deemed to continue.
- If it is made after the expiry then the current leave ends and the applicant likely becomes an overstayer.

# IMMIGRATION RULES

- Refers to the statement of when and in what circumstances an applicant will be allowed into the UK.
- Family reunion application:
  - By refugees
  - By others
- No recourse to public funds.
- Maintenance Undertaking.



# ASYLUM APPLICATION

- Where an asylum application is made is important for schedule 3 of the NIAA.
  - In country – apply paragraph 7
  - At port – apply paragraph 6

# 14 YEAR CONCESSION

- If an applicant has been in the UK for 14 years whether lawfully or not then he may make an application for ILR.

# 7 YEAR CONCESSION

- If an applicant's child(ren) have been in the UK for 7 years since birth or a young age the applicant may apply for ILR.







