
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.