



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 8 Immigration Law

Question Paper

January 2025

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – **Immigration Law Handbook, 11th edition, Frances Allen, Julia Gasparro, Jo Swaney, Margaret Gillespie and James Phelan Oxford University Press 2023**.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. Explain the application process for a child to acquire British Citizenship if born in the UK to parents who were not British citizens at the time of the child's birth. In your answer, you should refer to the relevant legal provisions that would apply and consider the supporting evidence required for such an application to succeed.

(25 marks)

2. Critically analyse the provisions under international law that may allow the UK to exclude individuals from refugee or humanitarian protection.

(25 marks)

3. Explain:

- (a) the requirements that must be met for those wishing to gain entry to the UK as a student;

(15 marks)

- (b) the duties of the student sponsor (educational establishment) in relation to students studying at their institution under a visa.

(10 marks)

(Total:25 marks)

4. Critically analyse the process for making a bail application to the Secretary of State for the Home Department, detailing the grounds that may be relied upon.

(25 marks)

SECTION B

Answer at least one question from this section

Question 1

Suraiya Abdi is a 35-year-old Gambian National currently living in the United Kingdom. Previously she was living in the Gambia before fleeing to the United Kingdom.

Suraiya is married to Faisal Islam with whom she has two daughters aged 7 and 10 years old. When living in The Gambia, Suraiya worked as a qualified teacher empowering young girls about their rights. She regularly posted on social media about the inequality of women. Suraiya was also a victim of domestic violence from her husband, Faisal, who regularly beat her and kept all of her teacher's salary for himself. The other men in the local community were unhappy with Suraiya, as she was challenging the authority of the male elders. They saw her behaviour as both inciting the local women and young girls through her teachings, alongside challenging the traditional male values that women should be subservient and obedient to men.

Matters came to a head in late June 2024 when, during an argument with the male village elders, Suraiya was physically assaulted by three male members of the community. She told her husband, Faisal, about this, showing her bruising and injuries. However, rather than protect her, Faisal verbally abused her and severely beat her. During this encounter, Suraiya suffered a broken wrist, cuts and further bruising. The day after Suraiya attended the local police station to file a report of physical assault and abuse by the three male members of the community and by her husband. On hearing her account, the police told her that they could not help her at all, as she had caused the situation herself by demanding equal rights. They told her that she was lucky that she was not in hospital and that if they saw her again, they would put her in a police cell where she would be detained indefinitely.

Suraiya, fearing for her life and realising that the authorities would not help her, contacted her cousin Aliya for help. Aliya immediately arranged for Suraiya and her two daughters to leave on the pretext of a family visit. Aliya has taken photos of Suraiya's injury and arranged for a medical professional to note her injuries.

In July 2024, Suraiya and her daughters flew from Banjul (the capital of The Gambia) to Italy on false passports obtained from an agent that Aliya knew. Suraiya stayed in Italy for three months before travelling to Birmingham, United Kingdom to be with her aunt, Shazia Hussain. Suraiya did not claim asylum in Italy, as she had no family in Italy and no one from her community to support her. On arrival at Birmingham Airport, Suraiya claimed asylum. She has been examined by a doctor in the UK who has produced a medical report confirming she has a broken wrist alongside scarring that is highly consistent with her injuries occurring as she described.

Advise Suraiya with regard to making an asylum claim, with reference to the factual, legal and evidential requirements that apply.

(Total:25 marks)

Turn over

Question 2

Peter Trueman is a Jamaican national. He came to the UK in 2006 on a visitor's visa. He has remained in the UK ever since and his present status is that of an overstayer. He does not have permission to work. Throughout Peter's time in the UK, he has obtained employment through cash in hand work at a very low hourly rate, as he did not want to be detected by the immigration authorities. Peter is financially supporting his mum and siblings back home in Jamaica.

In 2014, Peter began a relationship with Karen, a British national. In 2016, the couple had a daughter, Sandy. Peter and Karen lived together with Sandy as a family unit in a rented two-bedroom flat. The tenancy for the flat was in the name of Karen, who is employed full time at Russel Birds Nursery as a manager. During the day, Peter has been responsible for the primary care of Sandy. Peter works at a local restaurant washing dishes and cleaning in the evenings.

Unfortunately, six months ago, Karen was diagnosed with terminal cancer and had to give up work. This put an incredible amount of strain on Karen's relationship with Peter. Sadly, the relationship broke down and Karen left the family home to move in with her mother for support. Sandy has remained in the flat with Peter, as Karen is unable to physically care for her. As Sandy attends the local primary school, Karen does not want Sandy to be subject to any upheaval.

Since Karen moved out of the flat, Peter has been threatened with eviction by the private landlord because he cannot show that he has the right to rent property in the UK. Peter takes Sandy to visit Karen every weekend and all parties are happy with this arrangement.

Peter is concerned that he and Sandy will become homeless if he does not resolve his immigration issues.

Advise Peter:

- (a) of the requirements for any **one** of the three applications he may be able to make to remain in the UK with Sandy under the Immigration Rules;

(10 marks)

- (b) of any available grounds, and relevant arguments that he could rely on, in the event that his application for leave to remain is refused. In your answer, you should refer to relevant statutory provisions and case law.

(15 marks)

(Total: 25 marks)

Question 3

Hasan is a 23-year-old British citizen, who wishes to sponsor his wife, Malaika, to settle in the United Kingdom. Malaika is a citizen of Pakistan and is 19 years old.

Hasan and Malaika had an arranged marriage in October last year and met only once before the marriage. They were introduced to one another by their parents and spent a couple of hours talking to each other at this time. They both consented to the marriage.

Following the marriage, Hasan and Malaika spent three weeks together in Pakistan before Hasan had to return to the UK for work. The couple have been corresponding by email and text messages since then.

Hasan works for an estate agency and is in receipt of a gross salary of £24,600 but he also earns commission from sales under a contractual guaranteed bonus scheme. He has worked at the same company for two years and has been on his current basic wage for eight months. In the past six months he has earned £8,000 in commission, in addition to his basic wage.

After applying to enter the UK as Hasan's spouse, Malaika was interviewed at the British Embassy in Islamabad, Pakistan. She was unable to answer some questions relating to Hasan's interests and hobbies, and could not provide any details about his job and hours of work. Malaika did not know very much about the UK property that the couple would be living in, other than that it had two bedrooms. Hasan owns a two-bedroomed terraced property, which is currently tenanted. He has given the tenants notice to quit the property and it will be vacant from 1 February 2024. Hasan's parents also have a room in their five-bedroomed house in the UK, where the couple can live temporarily if necessary. Hasan has three other siblings who live in the family home.

The Entry Clearance Officer (ECO) has refused the entry clearance application, stating that the marriage is not genuine and subsisting as the couple met only once before the marriage and have not seen one another since last November. The ECO is concerned that Hasan's property may not be vacant on Malaika's arrival and that there may not be sufficient room in Hasan's parents' house.

Additionally, the ECO does not accept that the maintenance requirements will be met owing to the reliance on commission to meet the minimum income requirement.

Advise Hasan and Malaika on:

- the process to appeal in respect of the ECO's decision;
- the grounds upon which to appeal;
- whether they can meet the requirements of the Immigration Rules relating to partners.

(Total: 25 marks)

Turn over

Question 4

Brinder Kaur was born in Uganda on 18 June 1968 to parents of Sikh Indian descent. Brinder's parents had lived in Uganda for many years. However, since Uganda gained independence from the British Empire and joined the Commonwealth in 1962, treatment of the Indian subcontinent minority in Uganda had worsened. In January 1969, Brinder's family decided to move to the United Kingdom. Brinder travelled with her parents to the UK using passports that described her parents as "Citizens of the UK and Colonies" issued by the UK government. Brinder travelled to the UK on her father's passport. The family settled in Manchester, where her father found employment and the family were able to rebuild their lives.

Brinder attended primary school and secondary school in Manchester and then attended a local college where she trained as an administrator. From 1991-1995, Brinder worked as an administrative assistant at a local hospital in Manchester. From 1995-2006, Brinder worked as a Records Administrator for a local GP practice. In 2007, Karin was promoted to Administrative Manager of the GP practice.

Since arriving in the UK, Brinder has not left the UK nor applied for any passport. She has had no desire to travel.

In 2009, Brinder's father died unexpectedly. Her mother is in poor physical health and still living in Manchester.

In August 2023, Brinder's employer undertook a review of all staff records and requested that Brinder provide evidence of her right to work in the UK. Brinder was initially confused about this, as she has always lived in the UK. Brinder contacted her mother for any documentation. Her mother told her that they were not provided with any specific paperwork relating to Brinder as she was a baby when they came to the UK. Brinder's mother has told her that her father dealt with any paperwork and that, prior to his passing, he had a clear out of some old papers.

Brinder has been suspended from work because her employer cannot establish that she has the right to live and work in the UK.

Advise Brinder:

- (a) of her immigration status in the UK;

(10 marks)

- (b) as to how she may be able to evidence her status, with reference to any appropriate application that may be made.

(15 Marks)

(Total: 25 Marks)

End of the examination