

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 2026

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.
- A basic calculator is provided should you require the use of one.
- 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 Phelan and James Gillespie, 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.

SECTION A

Answer at least one question from this section.

1. Explain the circumstances in which a British national may lose their British citizenship and any remedies that may be available to prevent this.

(25 marks)

2. Critically analyse the legal basis for, and the main features of, a grant of humanitarian protection.

(25 marks)

3. Critically analyse the minimum income requirement needed to obtain entry clearance to the UK as a partner. Include in your answer discussion of whether the requirement maintains the correct balance between immigration control and the right to private and family life.

(25 marks)

- 4 (a) Explain the statutory framework for appealing asylum decisions to the First-tier Tribunal (Immigration and Asylum Chamber) and the procedural time limits within which these appeals should be made.

(15 marks)

- 4 (b) Explain the onward appeals available following a dismissal of an asylum appeal by the First-tier Tribunal (Immigration and Asylum Chamber). Include in your answer the grounds upon which these appeals can be made and the relevant court or tribunal which will hear the appeals.

(10 marks)

(Total: 25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Eva and Rose are South African nationals living in South Africa.

Eva is 24 years old and a member of an amateur touring theatre company which will be performing in the UK at the Playhouse in Northampton, UK. The weekly performances commence on 30th March 2026 and finish on 1st July 2026. Eva is not getting paid for the performances. Eva has a cousin, Sarah, who lives near Northampton and who can accommodate her for her visit. Sarah will not charge Eva rent but Eva will pay towards the living expenses. Eva has £3500 in savings.

Rose is a 73-year-old widow. She wishes to apply for entry clearance to visit her family in the UK for six months. She wishes to visit her son, Hendrik, and his family, including her granddaughter, Kaya, aged 14, and her grandson, Johannes, aged 12. Hendrik works as a barrister in the UK and therefore works long hours. Rose lived with them before they moved to the UK because their mother, Anna, died when the children were seven and five years old. Rose has been living in South Africa alone since the family moved to the UK two years and six months ago.

Rose does not meet the requirements to settle in the UK as, although she suffers from osteoporosis and other minor health problems, she does not have a serious condition needing ongoing care. She is generally happy in South Africa and has friends there. She has another son in South Africa, Abraham, but he is a very busy doctor and she does not see very much of him or his wife and two adult children.

Rose wishes to visit the UK for six months to spend some time with her family. As Hendrik works long hours and the children are busy in school and with other extra-curricular activities, it is hard for the family to visit Rose. It therefore would be much easier for Rose to visit them in the UK. Rose has £3,000 in savings and will be living with Hendrik and his family for free during her visit. A year ago, she returned to South Africa from a previous six-month visit to the UK. She returned just before her visa expired.

Advise Eva and Rose:

- on the most appropriate route or routes for them to gain entry clearance to the UK;
- the requirements they will need to satisfy;
- the likelihood of them succeeding in their claims; and
- the leave that each of them would be granted on a successful application.

(25 marks)

Question 2

(a)

Ravi is the Chief Executive Officer (CEO) of the UK branch of 'Construct,' a large commercial company which has merged with a long-established company in India. The merger took place six months ago. Ravi comes to see you about whether he can transfer some of the workers currently working in India to posts in the UK for two or three years. He would like some of the long-established workers in India to train and support some of the more inexperienced staff in the UK and pass on the skills that these UK workers do not currently have.

Ravi requires advice on the kind of visa the workers would need to enter the UK for this purpose, how many points they would need to achieve in each category, the minimum salary they would have to be paid and the amount of financial maintenance each is required to have. He also wishes to know how long the workers would be granted leave to enter the UK for if they were successful.

Advise Ravi in relation to the relevant category of the Immigration Rules in which the workers should apply to enter, the requirements that need to be satisfied and the leave granted to successful applicants.

(13 marks)

(b)

Isabella is a Cuban national living in Cuba. She is a midwife and came over to the UK to work at a hospital in London during the Covid-19 pandemic when there was a high demand for workers in the health sector. She returned to Cuba in 2023. She now wishes to return to the UK as a skilled worker and is requesting advice on the application process for her to enter the UK in this category. She has been offered a job as a midwife at the same hospital, earning £42,000 per annum. The recommended Standard Occupation Code (SOC) salary for the position is £37,338 per annum.

Advise Isabella on the requirements of the Immigration Rules she will need to satisfy to enter the UK and how she should go about making the application. Also advise her on the leave that would be granted if her application is successful.

(12 marks)

(Total: 25 marks)

Question 3

Zahra is a 28-year-old Afghan woman living in Afghanistan. She previously worked as a journalist promoting the rights of women. Shortly after the Taliban took power in Afghanistan, Zahra lost her employment and moved back to her parents' home.

Zahra has struggled to accept the poor treatment of females in Afghanistan since the Taliban took power. She has taken part in anonymous online discussions about women's rights and has reported on the situation to human rights organisations.

A few months ago, Zahra took part in a demonstration, during which she was arrested. She was detained for three weeks in a small, dark, damp cell with several other prisoners and given limited food and drink during her detention. She was interrogated at length on several occasions, beaten severely and subjected to electric shock treatment twice. On another occasion, she was raped by three men in turn. She was told that she was being punished for her anti-Taliban activities and that she would be killed if she continued her work.

Following her release, Zahra was traumatised but increasingly felt that she wanted to speak out about her experiences. She wrote an article about her ill-treatment but arranged to flee the country before the article was published. She stayed in hiding for a week at her aunt's house in Kabul before fleeing to the UK in a lorry and claiming asylum on arrival. Since publication of the article, the Taliban have been looking for Zahra throughout Afghanistan, including at her aunt's house. Zahra fears that if she returns to Afghanistan she will be killed or detained, raped and otherwise tortured again.

The Home Office has refused Zahra's asylum claim as there is no medical evidence of the rape itself. However, Zahra has submitted a medical report consistent with her beatings and electric shock treatment alongside the article she authored. The Home Office refuses to accept that she wrote the article as her false passport does not prove her identity. The Home Office further maintains that Zahra could live with her aunt in Kabul. She has no family elsewhere in Afghanistan.

Country reports on Afghanistan state that journalists are at risk of being attacked, arrested, detained and sometimes killed. Country reports also document discrimination against women, including poor employment opportunities and poor conditions in prisons, involving deprivation of food and water alongside inadequate access to health care. Zahra is unable to seek redress against her ill-treatment as it was perpetrated by the Taliban, who run the country.

(a) Advise Zahra as to the issues relevant to her asylum claim and how to appeal against the decision on the Home Office, with reference to the Refugee Convention 1951, statute and case law.

(20 marks)

(b) Advise Zahra of any human rights arguments that she can put forward in support of her claim, with reference to relevant provisions of the European Convention on Human Rights 1950 and case law.

(5 marks)

(Total: 25 marks)

Question 4

Amir, an Iranian national, entered the UK as a visitor from Iran in June 2016. He married Stella, a British citizen, and obtained limited leave to remain for two years and six months as her husband, with the usual condition not to have recourse to public funds. One year into Amir's limited leave, in June 2017, Stella began to think that Amir did not want to be with her but that he had just married her to stay in the UK. She asked him to leave her home, which he did. He claimed benefits for six months until he managed to get a job as a case worker and interpreter for the local Iranian Welfare Association.

Stella became pregnant before Amir left. Once the child, Charlotte, was born, in October 2017, Amir had regular contact with her. Charlotte and Amir formed a close relationship and he has always shared time and care of Charlotte equally with Stella; Charlotte spends half the week at Amir's house and half with her mother.

Charlotte has autism and chronic learning difficulties. Throughout her life, she has found it hard to form close relationships and to maintain friendships. She has a very strong bond with Amir and it would affect her mental health severely if she were to be separated from him.

In October 2025, when Charlotte was eight years old, the Home Office engaged in 'Operation Out' [fictitious], a massive drive to uncover immigrants staying in the UK illegally and remove them from the UK. Amir was served with a notice telling him that he would be removed. He contacted the Home Office immediately and said that he had a home, a job and a child here and could not leave the UK. He also provided evidence of his care for Charlotte and medical evidence of her autism.

Explain the grounds upon which Amir can be required to leave the UK and what arguments can be made to oppose his removal.

(25 marks)

End of the examination