



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

June 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.
- 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.

Turn over

SECTION A

Answer at least one question from this section.

1. (a) Critically analyse the requirements that must be met by an adult wishing to come to the UK to study.

(15 marks)

(b) Critically analyse the remedies available to challenge a refusal of a student visa application.

(10 marks)
2. With reference to relevant case law, critically analyse the legal basis for human rights claims relating to medical treatment.

(25 marks)
3. Considering the relevant legal provisions and the supporting evidence required for such an application to succeed, 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.

(25 marks)
4. Explain the process for making a bail application to the Secretary of State for the Home Department, detailing the grounds that may be relied upon where bail is considered by:
 - the Secretary of State for the Home Department;
 - the Immigration Tribunal.

(25 marks)

SECTION B

Answer at least one question from this section

Question 1

Ali is a 26-year-old British citizen who wishes to sponsor his wife, Shamim, to settle in the United Kingdom. Shamim is a citizen of Pakistan, currently living in Pakistan, and is 20 years old.

Ali and Shamim had an arranged marriage in November last year. They met only once before the marriage took place. They were introduced to one another by their parents and spent a couple of hours talking to each other at this time. Both Ali and Shamim consented to the marriage.

Following the marriage, Ali and Shamim spent two weeks together in Pakistan before Ali had to return to the UK for work. Since then, the couple have been corresponding by email and text messages.

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

After applying to enter the UK as Ali's spouse, Shamim was interviewed at the British Embassy in Islamabad, Pakistan, at which she was unable to answer some questions relating to Ali's interests and hobbies. Furthermore, Shamim could not provide any details about his job and hours of work. Shamim did not know very much about the UK property that the couple would be living in, other than it was a two-bedroom property, which is correct.

Ali 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 July 2025. Ali's parents also have a spare room in their four-bedroomed house in the UK, where the couple can live temporarily, if necessary. Ali has two 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 the wedding, last November. The ECO is concerned that Ali's property may not be vacant on Ali's arrival and that there may not be sufficient room in Ali'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 Ali and Shamim 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.

(25 marks)

Turn over

Question 2

Mariam is an 18-year-old female from Gambia. Her mother and father are members of the Fula tribe. Shortly after Mariam turned 18 years old, her parents were told by Fula tribe members, including members of her extended family, that she had to undergo Female Genital Mutilation (FGM) as part of her initiation into womanhood.

Mariam's mother did not want her to undergo FGM, having undergone the practice herself at the age of 14 and suffering severe pain and health complications. Despite cultural pressure earlier in her life, Mariam's parents had protected her from FGM. However, her father has now succumbed to the extended family pressure and insists that Mariam consents to FGM.

In order to protect her daughter from FGM, Mariam's mother, with help from members of the local church, managed to purchase a plane ticket for Mariam to fly to the UK.

Mariam travelled by car to Banjul, the capital of Gambia, with a member of the church, and was introduced to a man there who arranged a false passport for her. She stayed in hiding in a small house in Banjul for around a week, while the false passport was arranged, and was not allowed out of the house during this time. The man brought her food and water.

Mariam then flew from Banjul to London and claimed asylum on arrival. She fears that if she is returned to Gambia, she will be forced to undergo FGM. The country reports state that there is a law against FGM in Gambia and some charges have been brought against perpetrators of FGM. However, FGM remains widespread, despite efforts being made to combat the practice. Around 75% of Gambian females undergo FGM. The Fula tribe are amongst the ethnic groups that still practice FGM. Gender inequality and gender-based violence are generally accepted within Gambian society. Consequently, it is expected that the practice will continue discreetly unless the government takes further action to enforce the law.

The country reports show that ethnic groups/tribes are interspersed throughout Gambia so it is difficult to escape the risk of FGM where it is expected within the family, community or tribe. Further, employment opportunities for women are limited and usually linked to family support networks. The Home Office has refused Mariam's claim on the grounds that she can get state protection against FGM or alternatively relocate to Banjul to avoid persecution. Since being in the UK, Fula tribe members have been to Banjul in search of Mariam.

(a) Explain the issues that are likely to arise in an appeal against the refusal of Mariam's claim for asylum in the UK and whether she can meet the definition of a refugee.

(20 marks)

(b) Explain the further human rights arguments that could be put forward on Mariam's behalf.

(5 marks)

(Total: 25 marks)

Question 3

Gurdev is a Bangladeshi national. Gurdev came to the UK in 2007 on a visitor's visa and has remained in the UK ever since. His present status is that of an overstayer.

Gurdev does not have permission to work. Throughout Gurdev'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. Gurdev is financially supporting his mother and siblings back home in Bangladesh.

In 2014, Gurdev began a relationship with Sandra, a British national. In 2017, the couple had a daughter, Penny. Gurdev and Sandra lived together with Penny as a family unit in a rented three-bedroom flat. The tenancy for the flat was in the name of Sandra, who is employed full time at a doctor's surgery as a manager. During the day, Gurdev has been responsible for the primary care of Penny. Gurdev works at a local restaurant washing dishes and cleaning in the evenings.

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

Since Sandra moved out of the flat, Gurdev has been threatened with eviction by the private landlord because he cannot show that he has the right to rent property in the UK. Gurdev takes Penny to visit Sandra every weekend, and this arrangement works well for everyone.

Gurdev is concerned that he and Penny will become homeless if he does not resolve his immigration issues. The local church has been providing food and other items to Gurdev and Penny to help.

Advise Gurdev:

- (a) of the requirements for any application he may be able to make to remain in the UK with Penny 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. Refer to relevant statutory provisions and case law in your answer.

(15 marks)

(Total: 25 marks)

Turn over

Question 4

Samuel was born in Jamaica on 18 June 1969 to parents of Jamaican descent. Samuel's parents had lived in Jamaica for many years. As Jamaica gained independence from the British Empire and subsequently joined the Commonwealth in 1962, Samuel's family decided to move to the United Kingdom, as they had the right to do so in January 1970.

Samuel travelled with his parents to the UK using passports that described his parents as "Citizens of the UK and Colonies" issued by the UK government. Samuel travelled to the UK on his father's passport. The family settled in Liverpool, where his father found employment.

Samuel attended primary school and secondary school in Liverpool and then attended a local college where he trained in computer science. From 1992 until the present date, he has worked in various computer technician roles. Since 2022, he has been employed as a computer technician for Optia Ltd, which has an international client base.

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

In 2010, Samuel's father died unexpectedly. Samuel's mother is in poor physical health and is still living in Liverpool.

In August 2024, Samuel's employer Optia Ltd, told him that it would like him to travel to client locations overseas, as the company is offering a more personalised service. In September 2024, Optia Ltd undertook a review of all staff records and requested that Samuel provide evidence of his right to work in the UK. Samuel was initially confused about this, as he had always lived in the UK. Samuel contacted his mother and asked for any documentation she may have to prove this. His mother told him that they were not provided with any specific paperwork relating to Samuel as he was a baby when they came to the UK. Samuel's mother has told him that his father dealt with any paperwork and that, prior to his dying, he had a clear-out of some old papers.

Samuel has been suspended from work because his employer cannot establish that he has the right to live and work in the UK.

Advise Samuel:

(a) of his immigration status in the UK;

(10 marks)

(b) how he may be able to evidence his status, with reference to any appropriate application that may be made.

(15 marks)

(Total: 25 marks)

End of the examination