



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 2023

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.
- Candidates may use in the examination their own unmarked copy of the designated statute book: **Immigration Law Handbook, 11th edition, Frances Allen, Julia Gasparro, Jo Swaney, Margaret Gillespie and James Phelan, Oxford University Press 2022.**
- 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. Critically analyse the routes of entry and extension of stay in the UK for nationals of Ukraine.

(25 marks)

2. Explain and analyse the requirements that must be met by an adult wishing to come to the UK to study, including any conditions imposed on the leave granted and any remedies available if the application is refused.

(25 marks)

3. Explain and analyse the legal basis on which a human rights application on medical grounds may be made, with particular reference to relevant case law.

(25 marks)

4. (a) Explain and analyse the ground upon which a person can be deported from the UK.

(10 marks)

(b) Critically analyse the application of relevant statute, immigration rules and human rights arguments used to challenge deportation where family life is established in the UK.

(15 marks)

(Total: 25 marks)

SECTION B
(Answer at least one question from this section)

Question 1

Katie Chen and her sister Isabelle were born in the UK to Chinese parents, Cindy and Peter. Katie was born in 2012 and is 10 years old and Isabelle was born in 2015 and is seven years old. At the time both children were born, their mother was in the UK with leave to remain as a student and the children and their father were dependent on that leave.

In 2017, Cindy and Peter's relationship broke down due to domestic abuse. Peter left the family home and his whereabouts since this time are unknown.

In 2018, concerns were raised by teachers at Katie's school about treatment Katie was receiving at home. Katie was regularly attending school in unwashed clothes and had unexplained bruises on her body. Shortly after this, Social Services became involved with the family and, in 2020, they decided to apply for a local authority care order for both Katie and Isabelle. This was granted and the children now live with foster parents. The children have no other family members in the UK.

Both children have been without leave to remain in the UK since their mother's leave to remain as a student expired in 2018.

Social Services now wish to regularise the children's presence in the UK.

Explain and analyse the requirements of the most appropriate applications that could be made, and the evidence that would be required, to regularise the presence in the UK of Katie and Isabelle.

(25 marks)

Turn over

Question 2

Sameera Ghulam is a 45-year-old Afghan woman. She qualified as a lawyer in Afghanistan in 2010 and began working as a judge in the criminal court in Kabul in 2016. In August 2021, the Taliban took control of Afghanistan and Sameera went into hiding fearing that her life would be at risk as an educated woman who had convicted members of the Taliban in her court. Sameera was unable to access any of the evacuation flights that left Afghanistan in August 2021 due to fearing for her safety at checkpoints on the way to the airport.

In January 2022, Sameera travelled to the Afghan-Pakistani land border and crossed into Pakistan. She then travelled to Islamabad, where she located an agent who sold her a Danish passport. The passport was real and the photograph was of someone who looked very similar to Sameera. Sameera used the passport to fly to Italy, where she remained for nine months. Sameera did not claim asylum in Italy because she did not speak Italian and did not know anyone there. Sameera's aim was to reach the UK because she speaks English to a high standard and has a son who is studying for a PhD in Chemical Engineering in Manchester. Sameera felt that she would be more able to integrate in Britain and rebuild her life.

In September 2022, Sameera located another agent who smuggled her across multiple borders until she reached the French coast. In December 2022, Sameera crossed the English Channel in a small boat alongside 50 other people and arrived in the UK. The group were identified by the police and Sameera claimed asylum.

- (a) Advise Sameera whether she is likely to be granted asylum in the UK, with reference to the factual, legal and evidential requirements that apply.

(17 marks)

- (b) Advise Sameera of the possible forms of status she might receive if her claim is successful, in light of the provisions of the Nationality and Borders Act 2022.

(8 marks)

(Total: 25 marks)

Question 3

Mathilde is a 37-year-old French national living in London. Mathilde has lived continuously in the UK for 10 years. She initially exercised her right to free movement under EU law to move to the UK in 2012. She obtained Permanent Residence status under EU law in 2017. In 2020, Mathilde made an application to the EU Settlement Scheme and was granted settled status.

Mathilde is an only child and her parents, Serge and Ade, live in Cameroon. Both Serge and Ade have Cameroonian nationality. They are both 67 years old and in poor health. Mathilde visits them regularly and they have a close relationship. Mathilde works as an NHS nurse and she regularly sends money to her parents to help support them. In September 2022, Mathilde's mother Ade became unwell and passed away. Mathilde is very concerned for her father's wellbeing as he is alone in Cameroon without family support.

Mathilde would like her father to join her in the UK. She rents a two-bedroom flat in London and has a salary of £32,000 per year.

Advise Mathilde of the most appropriate application she could make to bring her father to live with her in the UK, the length and conditions that would be attached to the period of leave and what onward applications may be required.

(25 marks)

Turn over

Question 4

Karin Kaur was born in Uganda on 8 November 1967 to parents of Sikh Indian descent. Karin'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 and so, in January 1968, Karin's family decided to move to the United Kingdom. Karin 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. Karin travelled to the UK on her father's passport. The family settled in Nottingham, where her father found employment and the family were able to rebuild their lives.

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

Since her arrival in the UK, Karin has not left the UK nor applied for a passport of any nationality.

In 2007, Karin's father died of cancer. Karin's mother continued to live in Nottingham.

In June 2022, Karin's employer undertook a review of all staff records and requested that Karin provide evidence of her right to work in the UK. Karin contacted her mother who informed her that, on arrival in the UK, they were not provided with any specific paperwork relating to Karin as she was a baby. Karin's mother is retired and has recently moved into sheltered retirement accommodation. During the move, Karin's mother confirmed that she threw out a lot of old paperwork and thinks that she is no longer in possession of any of the documents that were used to enter the UK.

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

(a) Advise Karin of her immigration status in the UK.

(10 marks)

(b) Advise Karin 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 Examination Paper