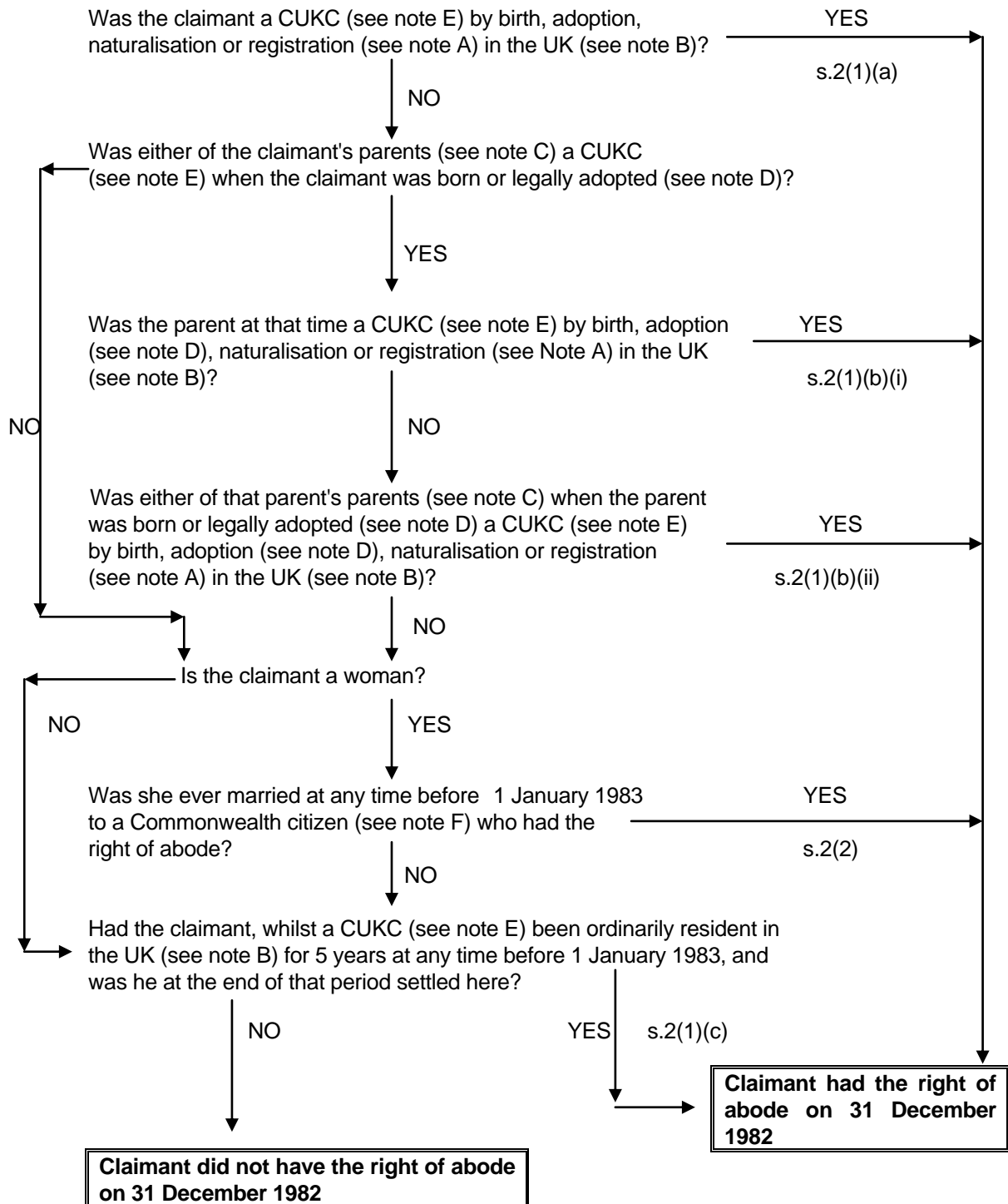


ANNEX D to Chapter 2

Flow-chart to determine whether a citizen of the United Kingdom and colonies had the right of abode in the United Kingdom on 31 December 1982

Before using this chart, it should be established that the claimant was, on 31 December 1982, a CUKC



Statutory references are to sections of the **Immigration Act 1971** as in force on 31 December 1982)

Notes to ANNEX D

- A. The term 'registration in the United Kingdom' includes registration in an independent Commonwealth country by the British High Commissioner* by virtue of arrangements made under **s.8(2)** of the **British Nationality Act 1948** except in the case of a minor registered under **s.7** of the **British Nationality Act 1948** on or after 28 October 1971. The term 'registration in the United Kingdom' does not include the registration of a woman (wherever the registration took place) under **s.6(2)** of the **1948 Act** by virtue of a marriage which took place on or after 28 October 1971. A woman who does not have the right of abode through her registration may nevertheless have it through her husband.
- B. The term 'United Kingdom' includes the Channel Islands and the Isle of Man and, in relation to a time before 31 March 1922, the part of Ireland which now forms the Republic of Ireland.
- C. In the case of an illegitimate child, the term 'parent' does not include the natural father. However, a child may in certain circumstances be legitimated by the parents' subsequent marriage. The term 'parent' includes the adoptive parents of a child who has been **legally** adopted (see note D).
- D. Legally adopted means adopted in pursuance of an Order made by any court in the United Kingdom and Islands or in a country specified under **s.4** of the **Adoption Act 1968**.
- E. In relation to any time before 1 January 1949, the term 'British subject' should be substituted for 'citizen of the United Kingdom and Colonies'.
- F. The term 'Commonwealth citizen' includes citizens of the United Kingdom and Colonies (except where it appears in **s.2(1)(d)** of the **Immigration Act 1971**). The only way in which a man who was a citizen of the Commonwealth country but not a citizen of the United Kingdom and Colonies could have the right of abode before 1 January 1983 was by having a parent (see note C) who was at the time of the birth or adoption (see note D) a citizen of the United Kingdom and Colonies (see note E) by birth in the United Kingdom (see note B). The term 'Commonwealth citizen' also includes a British subject who, but for death, would have become a citizen of the United Kingdom and Colonies on 1 January 1949 and would have had the right of abode under **s.2(1)(a)** or **(b)** of the **Immigration Act 1971** as in force on 31 December 1982.

* includes the British Ambassador to South Africa between 31.5.62-31.12.65 inclusive