

RETURNING RESIDENTS

HOLDERS OF UNITED KINGDOM PASSPORTS**1. INTRODUCTION**

There are certain categories of British passport holder who should be freely admitted to the United Kingdom even if they have remained outside the United Kingdom for more than 2 years.

1.1. Those who qualify for admission under Paragraph 16 of HC 395

Under Paragraph 16 of HC 395, unless the passport has been endorsed to show that he was subject to immigration control, a person in any of following categories may be freely admitted to the United Kingdom on production of a United Kingdom passport issued in the United Kingdom and Islands or the Irish Republic prior to 1 January 1973, regardless of the fact that they may have spent more than 2 years outside of the United Kingdom:

- * British Dependent Territories citizen (BDTC)
- * British National (Overseas) (BN(O))
- * British Overseas citizen (BOC)
- * British Protected Person (BPP)
- * British Subject (BS) by virtue of Section 30(a) of the British Nationality Act 1981.

This provision is intended to show that there is a continued commitment to admit freely those who are able to produce certain United Kingdom passports issued within the common travel area before the Immigration Act 1971 came in to force, unless the passport contains any of the following endorsements which would indicate that the holder was subject to control at that time:

- * "Issued on behalf of the Government of....."
- * "This passport does not fall within the category of passport referred to in Section 1(2) of the Commonwealth Immigrants Act 1962."
- * "Circular 'O' 252/68 or 79/71"; or "issued in accordance with House of Commons statement on 17 June 1968"

1.2. Those who qualify for admission under Paragraph 17 of HC 395

A British Overseas citizen who holds a United Kingdom passport (regardless of where it was issued) is also entitled to admission at any time as a returning resident if he can satisfy the immigration officer that he has, since 1 March 1968, been given indefinite leave to enter or remain in the United Kingdom.

This provision makes clear that it applies only to those BOCs who were admitted expressly for the purpose of settlement after they had become subject to control. It is not intended to apply to those who came to the United Kingdom before the imposition of controls and subsequently decided to remain here. It is also extended expressly to BOCs who may have been admitted for some other purpose, but who have subsequently been accepted for settlement. Finally, this provision is extended outside the Rules to British subjects by virtue of Section 30(a) of the British Nationality Act 1981 and BPPs.

A person who benefits from 1.1 or 1.2 above will normally have "The holder is entitled to re-admission to the United Kingdom" endorsed in his passport. However, such a person who simply has an indefinite leave to enter or remain endorsed in his passport is entitled to re-admission as a returning resident at any time, regardless of how long he has spent outside the United Kingdom. But where a person described in 1.1 above holds a passport issued *outside* the common travel area, or issued within the common travel area on or after **1 January 1973**, he is subject to the normal 2 year Rule set out in Paragraph 18 of HC 395 unless his passport bears the "right of readmission" endorsement.
