

Form RROA

Request to reconsider a decision to refuse a certificate of entitlement to right of abode in the United Kingdom (UK applications only)

The Home Office will use the personal information you provide to consider your application. We may also share your information with other public and private sector organisations in the UK and overseas. For more detail please see the Privacy Notice for the Border, Immigration and Citizenship system at www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship. This also sets out your rights under the Data Protection Act 2018 and explains how you can access your personal information and complain if you have concerns about how we are using it.

Reconsideration of decisions to refuse an application for a certificate of entitlement to the right of abode

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1. Introduction

The right of abode in the United Kingdom is a statutory right that a person either does or does not have. Only British citizens and certain Commonwealth citizens have that right. The people who have a right of abode in the UK are defined in the Immigration Act 1971 (as amended by the British Nationality Act 1981) and the criteria for issuing a certificate of entitlement are set out in the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006. These can be viewed at www.legislation.gov.uk.

How we consider and decide an application for right of abode can be viewed on our website at <https://www.gov.uk/government/collections/right-of-abode-nationality-guidance>

There is no legal right to appeal or review of a right of abode decision, but if you believe the decision is incorrect, you can apply for a reconsideration using this form RROA and submitting it to the Home Office, along with the correct fee. Information about fees is available at www.gov.uk/government/publications/fees-for-citizenship-applications

If our decision is reversed and your application is approved, the fee will be refunded. If our decision is maintained, the fee will be retained to cover the costs of reviewing your application.

Most refusals to issue a certificate of entitlement could be avoided if applicants had ensured, before applying, that they understood and satisfied the legal requirements. In a very few cases, refusal might be due to official error. The letter which gave you the decision on your application should explain the reason why it was refused.

2. How decisions are reached

We carry out enquiries in all cases to ensure that the requirements are met. Applications are checked to ensure that the applicant qualifies for right of abode. Since there is no discretion to disregard the requirements, applications are refused if the requirements are not satisfied.

We also carry out checks to ensure that the supporting evidence has not been forged or fraudulently obtained. Where false documents have been produced the application will be refused and we will refer the matter for possible prosecution. If documents cannot be verified or the applicant cannot prove their entitlement then the application will be refused. There must be no doubt that a proper legal entitlement exists.

We may reopen applications where:

- we have not used the correct requirements or criteria to decide the application
- we refused your application for lack of a response to enquiries when a response had been received but not linked with the application
- we decided your application without allowing sufficient time for a response or completion of enquiries
- we refused your application for failing to respond to enquiries, but we are satisfied either that you were genuinely unaware of the enquiries (for example, you had not seen or received an information/documents request letter due to an absence or illness or some failure on the part of the person representing you) or that, although you were aware of the enquiries, the lack of response was due to some failure on the part of the person representing you
- we have failed to take account of relevant documents or information in our possession

This is not an exhaustive list.

If your application was refused because you did not provide evidence of your claim to the right of abode but you now have the relevant documents, your application will not be reconsidered. This is because it was decided correctly. You will need to make a fresh application.

3. Assessment of eligibility

Before deciding whether to make a formal request for your application to be reconsidered you should assess whether you satisfied the requirements for a certificate of entitlement, using the information available on GOV.UK at www.gov.uk/right-of-abode.

If, however, your circumstances are complicated, you may wish to seek professional guidance from solicitors specialising in immigration and nationality law or an immigration and nationality agent registered with the Office or the Immigration Services Commissioner. Details of a solicitor or agent near you may be obtained from the internet.

4. What to send with the application

You should re-send the documents that you sent with your original application, including your current passport.

5. Fees

The fee payable for reconsideration of an application can be found on GOV.UK at: www.gov.uk/government/publications/fees-for-citizenship-applications.

6. Where to send the application

Send the application form and supporting documents to:

Department 1
UKVI
The Capital
New Hall Place
Liverpool L3 9PP

7. What happens next

Your application for reconsideration will be looked at by a senior caseworker. They will assess whether your original application was decided correctly in accordance with the law and our published guidance.

If the senior caseworker considers that your application was refused incorrectly we will write to tell you and issue a certificate of entitlement in your current passport.

The fee will be refunded.

If the senior caseworker considers that your original application was refused correctly we will write to you to explain why this is the case. Your fee will not be refunded.

If you require your valuable documents to be returned by secure post you should enclose a pre-paid self-addressed Royal Mail Special Delivery (or Recorded Signed For delivery) envelope with your application. The pre-paid self-addressed envelope should be sufficient to accommodate the size and weight of your documents and be insured to the appropriate level for the value of your documents. If this is not enclosed your documents will be returned to you using Royal Mail 2nd class post.



