

STEPHEN LEGOMSKY

IMMIGRATION AND
THE JUDICIARY

Law and Politics in Britain and America



CLARENDON PRESS

OXFORD

Immigration and the Judiciary

*Law and Politics in Britain
and America*

STEPHEN H. LEGOMSKY

CLARENDON PRESS · OXFORD

1987

Oxford University Press, Walton Street, Oxford OX2 6DP

*Oxford New York Toronto
Delhi Bombay Calcutta Madras Karachi
Petaling Jaya Singapore Hong Kong Tokyo
Nairobi Dar es Salaam Cape Town
Melbourne Auckland
and associated companies in
Beirut Berlin Ibadan Nicosia*

Oxford is a trade mark of Oxford University Press

*Published in the United States
by Oxford University Press, New York*

© Stephen H. Legomsky 1987

*All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording, or otherwise, without
the prior permission of Oxford University Press*

British Library Cataloguing in Publication Data

*Legomsky, Stephen H.
The role of courts in immigration law: the
United Kingdom and the United States.
1. Emigration and immigration law—
Great Britain 2. Emigration and
immigration law—United States*

I. Title

344.102'82 KD41.34

ISBN 0-19-825561-6

Library of Congress Cataloging in Publication Data

*Legomsky, Stephen H.
Immigration and the judiciary.*

Bibliography: p.

- 1. Emigration and immigration law—Great Britain.*
- 2. Judicial review of administrative acts—Great Britain.*
- 3. Political questions and judicial power—Great Britain.*
- 4. Emigration and immigration law—United States.*
- 5. Judicial review of administrative acts—United States.*
- 6. Political questions and judicial power—United States.*

I. Title.

K3275.L44 1987 342.73'082 86-23798

347.3082

ISBN 0-19-825561-6

*Printed and bound in Great Britain
by Butler & Tanner Ltd
Frome and London*

Acknowledgements

THIS book has been a long time in the making. Along the way, I have managed to pile up many debts. I owe enormous gratitude to Paul Craig, who contributed much original insight both in the formative stages of my research and in reviewing the many drafts through which this work has progressed. His thoughts have helped me avoid more land-mines than I like to admit. Others who reviewed the entire work, and to whom special thanks are also due, include Claire Palley, Peter Mutharika, and Noah Lucas. Their ideas and advice were indispensable. Still others reviewed portions of the draft and provided additional suggestions that proved vital. I thank Alex Aleinikoff, Patty Blum, Jules Gerard, Dennis Hutchinson, Stan Krauss, Bruce La Pierre, David Martin, Frank Miller, and Maurice Roberts, for giving their time so generously.

Also requiring special mention are the unusual resourcefulness and energy of the library staffs at the Bodleian Law Library, University of Oxford, and the Freund Law Library, Washington University. At the latter library, Peggy McDermott and Margaret Goldblatt deserve special recognition for their remarkable creativity, initiative, and success in hunting down a number of esoteric and frequently elusive sources.

I cannot say enough about the dedicated assistance of the secretaries who worked tirelessly on the manuscript at various stages. All were superb, but again I need to single out two people—Mary Schelling and Barb Aumer—whose talent, resilience, commitment, and good humour saved the day on many occasions. This is also an appropriate time to thank my secretary, Mary Ellen Powers. Those who know Mary Ellen know that she is one of a kind. Without her dedication, warmth, and competence in handling all the other work that has fallen her way, it is difficult to imagine how this book could have been written.

Portions of my article 'Immigration Law and the Principle of Plenary Congressional Power', 1984 *Supreme Court Review* 255, are scattered throughout the present work. I thank the University of Chicago Press for granting permission to reprint.

I have been saving for last the debt I owe my family. Only they and I can truly understand the depth of the sacrifices they have made. They have borne directly the continuing stresses and strains that the project has created, and they have displayed more selflessness and patience than I would have thought humanly possible. I routinely caution my students to place law school in perspective and to remain sensitive to the needs of the people who are close to them, but during this difficult period I know deep down that I have frequently ignored that advice myself.

This book is lovingly dedicated to Lorraine, Katie, and Annie.

Table of Statutes

UNITED KINGDOM

Statutes

1215	Magna Carta	79
1873	Administration of Justice Act	
	s. 12	273
1876	Appellate Jurisdiction Act	
	s. 6	273
1905	Aliens Act	95, 244
	ss. 1, 3	95
1914	Aliens Restriction Act	244
	ss. 1(1)(a,c)	95
1919	Aliens Restriction (Amendment) Act	244
	ss. 1(1), 16(2)	95
1925	Supreme Court of Judicature (Consolidation) Act	
	s. 12	273
1939	Emergency Powers (Defence) Act	
	s. 7	84
1946	Statutory Instruments Act	107
	s. 1(1)	59
	s. 5(1)	59
1947	Crown Proceedings Act	
	s. 21	17
	s. 21(1,2)	17
1948	British Nationality Act	81
	s. 26	81
1949	Representation of the People Act	
	s. 1(1)(b)	300
1962	Commonwealth Immigrants Act	245
	ss. 2, 4(1), 4A(1, 2)	76
1968	Commonwealth Immigrants Act	104, 245
1969	Immigration Appeals Act	44
1971	Immigration Act	50, 79, 86, 116, 141, 154, 245
	s. 1(2)	76, 113
	s. 1(3)	116
	s. 1(4)	58
	s. 1(5)	57
	s. 3(2)	50, 51, 53, 57, 58
	s. 3(3)	56
	s. 3(5)	261
	s. 3(5)(b)	85, 95, 116
	s. 3(6)	261
	s. 3(7)	58
	s. 4(1)	56

1971 Immigration Act	
s. 4(3, 4)	58
s. 5(1)	83, 261
s. 6	261
s. 7(1) (a)	116
s. 7(2)	116
s. 8(3)	105
s. 9(7)	58
s. 10(3)	58
s. 12-21	44, 262
ss. 12-23	6
s. 12(a)	285
s. 13-17	52
s. 13(2)	77, 145, 148
s. 13(3)	281
s. 13(5)	264, 281
s. 14(1)	73
s. 14(3)	281
s. 15(3)	45, 264, 281
s. 15(4, 5)	281
s. 16	281
s. 16(1) (a)	20
s. 16(2)	20, 56, 281
s. 18(1)	50
s. 18(3)	50, 58
s. 19	55
s. 19(1)	290
s. 19(1) (a) (i)	51, 58
s. 19(1) (a) (ii)	55, 75
s. 19(2)	53, 55, 112, 290
s. 19(3)	121
s. 19(4)	50
s. 20	12
s. 20(1)	50, 75, 122, 290
s. 22(1)	50
s. 22(1) (b)	58
s. 22(7)	50, 58
s. 24-8	3
s. 33(1)	20, 56, 77, 145, 148
s. 33(2)	116
s. 33(5)	103
sch. 2, para. 1(3)	57, 59
sch. 2, paras. 8-11	20
sch. 2, para. 10	56
sch. 5, paras. 1, 2(1), 6, 8(1)	285
sch. 5, paras. 7, 12, 14	228
1971 Recognition of Divorces and Legal Separations Act	
s. 2	76
1971 Town and Country Planning Act	
s. 29(1)	102
1971 Tribunals and Inquiries Act	
ss. 5(1) (d, e, f), 5(3)	12, 15
s. 12(1) (a)	285
	15, 65

1971	Tribunals and Inquiries Act	
	s. 12(2)	15
	s. 12(5)	15, 65
	s. 13(1)	12
	s. 14(1)	19
	s. 14(3)	81
	sch. 1, para. 8	12, 15, 65
1972	European Communities Act	7, 127
	s. 2(1)	128
	s. 3(1)	128
1972	Local Government Act	
	s. 79(1)	300
1973	Administration of Justice Act	
	s. 12	273
1975	Children Act	
	s. 3	75
1975	Sex Discrimination Act	78
	s. 29(1)	78
1981	British Nationality Act	3, 81, 245
	ss. 6, 18	318
	s. 44(2)	81
	s. 49	318
	sch. 1	318
1981	Supreme Court Act	
	s. 29(1)	16
	s. 31	18
	s. 31(5)	16

Subordinate Legislation and Other Rules and Regulations

1919	Aliens Order, No. 1077	95
	ss. 1(3), 1(3) (h), 12(1)	95
1920	Aliens Order, No. 448	95
1939	Defence (General) Regs.	
	s. 51	59
1953	Aliens Order, No. 1671	40, 95
	ss. 1(1), 4, 20(2) (b)	95
1970	Instructions to Immigration Officers, Cmnd. 4298	
	s. 27	123
	s. 38	117, 118
	s. 40	118
	s. 43(a)	114, 115
	s. 48	112, 113
1972	Immigration Appeals (Notices) Regs., No. 1683 (as amended by SI 1982, No. 1027)	44
1972	Immigration Appeals (Procedure) Rules, No. 1684, para. 15(2)	68
1973	Statement of Changes in Immigration Rules	
	HC 79-82	50
	HC 79	
	s. 38	78
	s. 44	118
	s. 59	122
	HC 81	
	ss. 10, 38	119

1973	Statement of Changes in Immigration Rules HC 82 s. 42	45
1977	Rules of the Supreme Court (Amendment No. 3), No. 1955 r. 5 (substituting new version of RSC Order 53) RSC, Order 53 r. 1 r. 1(1, 2) r. 3(1) r. 7(1) r. 9(4)	16 18 18 18 12, 16
1980	Statement of Changes in the Immigration Rules, HC 394	50
1982	British Nationality (General) Regs., No. 986	3
1983	Statement of Changes in the Immigration Rules, HC 169 s. 1 s. 13 s. 14 s. 28 s. 85 ss. 94, 95 s. 150 s. 154 ss. 166, 167 (See also breakdown of Immigration Rules paragraphs into groups, on pp. 62-63).	50 261 63 63, 64 64 95 56 45 70 84
1984	Immigration Appeals (Procedure) Rules, No. 2041	44
1985	HC 293	50
1985	Cmnd. 9539	50

UNITED STATES

Statutes

1798	Alien Act, 25 June 1798, 1 Stat. 570	189
1882	Act of 6 May 1882, 22 Stat. 58	178
1882	Act of 3 Aug. 1882, 22 Stat. 214	246
1884	Act of 5 July 1884, s. 15, 23 Stat. 115	178
1892	Act of 5 May 1892, ch. 60, 27 Stat. 25 ss. 2, 3, 6	195
1924	Act of 26 May 1924, 43 Stat. 153, s. 13(c)	247
1946	Administrative Procedure Act, Act of 11 June 1946, ch. 324, 60 Stat. 237	143
1952	Immigration and Nationality Act, Act of 27 June 1952, Pub. L. 82-414, 66 Stat. 163 ss. 202(a)(5), 202(b)(1) s. 212(c)	153, 249 178 166, 167, 168, 169, 170, 270
1964	Civil Rights Act, Pub. L. 88-352, 78 Stat. 241	249
1966	Pub. L. 89-554, 80 Stat. 631 s. 1 s. 8(a)	143 144
1978	Pub. L. 95-432, 92 Stat. 1046	221

1978	Pub. L. 95-486, 92 Stat. 1629	234
1980	Refugee Act of 1980, Pub. L. 96-212	
	s. 203(e)	173

Citations to United States Code

5 USC		143
ss. 701-6		143
s. 701(a)		143, 148
s. 701(a)(2)		172
s. 701(b)(1)		146
s. 702		146
s. 704		143, 146
s. 706		143, 151, 153, 269
s. 706(2)(A)		143
s. 706(2)(B, C, D)		143, 153
s. 706(2)(E)		143, 151
s. 706(2)(F)		143
8 USC		
s. 1101(a)(13)		159
s. 1101(b)(1)(B, C, D, E, F)		206
s. 1103(a)		154, 286, 307
s. 1104(a)		149, 154, 308
s. 1105a		228
s. 1105a(a)		144, 292, 312
s. 1105a(a)(2)		144
s. 1105a(a)(4)		152, 254
s. 1105a(a)(5)		153, 202, 263
s. 1105a(a)(9)		144
s. 1105a(b)		144, 312
s. 1151(a)		154, 206
s. 1151(b)		206
s. 1152(a)		147, 154
s. 1153		154
s. 1158		170
s. 1181(a)		145
s. 1182(a)		147, 154, 158, 264
s. 1182(a)(4)		159
s. 1182(a)(14)		206
s. 1182(a)(20)		145
s. 1182(a)(22)		161
s. 1182(b, d)		154
s. 1182(c)		154, 166, 170
s. 1182(d)(5)		170
s. 1182(g)		154
s. 1182(h, i)		154, 170
s. 1201		308
s. 1201(a)		149, 170
s. 1201(g)		147
s. 1226(a)		6, 154, 290
s. 1251(a)		154, 261, 264
s. 1251(a)(1)		158, 159
s. 1251(a)(3, 4, 8, 13, 15)		158
s. 1251(b, f)		154

8 USC	
s. 1252(b)	6, 154
s. 1253(h)	173
s. 1254	154
s. 1254(a)	170, 172, 213
s. 1254(a)(1)	163, 173
s. 1254(c)	213
s. 1254(e)	170, 172
s. 1255	154, 167
s. 1259	154
ss. 1306, 1321-30	3
s. 1329	144, 147
ss. 1421 and <i>passim</i>	318
28 USC	
ss. 44, 133-4	275
s. 1251	310
s. 1331	147
ss. 2341 and <i>passim</i>	144
s. 2344	144
<i>Rules and Regulations</i>	
8 CFR	154
s. 1.1(1)	6
s. 2.1	154, 210
Part 3	6
s. 3.1(a)(1)	286
s. 3.1(b)(1, 2)	262
s. 3.1(d)(1)	290
s. 3.1(h)	286
s. 3.2	173
s. 3.8	173
ss. 100.3(d), 100.4(e)	285
s. 103.1(f)(2)	6
s. 103.5	173
s. 242.1(a)	261
s. 242.22	173
20 CFR	
ss. 655, 656	154
22 CFR	
Parts 41, 42	154
s. 42.90	147
s. 42.130(a)	148
Part 46	154
Executive Order of President Carter (1979)	
15 Weekly Compilation of Presidential Documents 2107	210
<i>Constitution</i>	
Art. I	
s. 1	214
s. 2, cl. 1	300
s. 7	214
s. 8	192
s. 8, cl. 3	183

Art. I	
s. 8, cl. 4	182, 214
s. 8, cl. 11	183
s. 8, cl. 18	177
s. 9	177
s. 9, cl. 1	183
s. 9, cl. 3	208
s. 10	177
Art. II	
s. 1, cl. 1	260
s. 1, cl. 2	259
s. 2, cl. 2	275
s. 4	260
Art. III	
s. 1	274
s. 2	310
Art. VI	157
cl. 2	177
Amends. I, V	177
Amend. X	177
Amend. XIV	
s. 1	178

EUROPEAN ECONOMIC COMMUNITY

Treaty of Rome	
art. 7	128, 132
art. 12	129, 130
arts. 48-66	126, 128
art. 48	130, 131, 133, 137
art. 48(2)	129
art. 48(3)	131, 134
art. 48(4)	137
art. 51	132
art. 52	129, 130
art. 65	129
art. 169-189	127
art. 177	127, 129, 136
art. 189	127, 131
Council Directive 64/221	
art. 3(1)	131
arts. 8, 9(1)	136
Council Regulation 1612/68	
Preamble	141

MISCELLANEOUS

Convention Respecting the Laws and Customs of War on Land, 18 Oct. 1907	
art. 23	317
European Convention for the Protection of Human Rights 1950	80
art. 8(1)	80

Table of Cases

UNITED KINGDOM

<i>Acton BC v. Morris</i> [1953] 1 WLR 1228 (CA)	59
<i>Adegbenro v. Akintola</i> [1963] AC 614 (PC)	81
<i>Alam Bi v. IAT</i> [1979-80] Imm. AR 146 (CA)	20
<i>Alexander v. IAT</i> [1982] 1 All ER 763 (CA), [1982] 2 All ER 766 (HL)	52, 67, 70, 72
<i>Ali v. Sec. of State for the Home Dept.</i> [1984] 1 All ER 1009 (CA)	21
<i>Ali (D.M.) v. IAT</i> [1973] Imm. AR 33 (CA)	106, 307
<i>Amin v. ECO, Bombay</i> [1983] 2 All ER 864 (HL)	12, 53, 77, 78, 79, 80, 81, 105, 265, 281, 306
<i>Anisminic Ltd. v. Foreign Comp. Comm'n</i> [1969] AC 147 (HL)	14, 293
<i>Annamunthodo v. Oilfields Workers' Trade Union</i> [1961] AC 945 (PC)	24
<i>Anns v. London Borough of Merton</i> [1978] AC 728 (HL)	305
<i>Arshad v. IO</i> [1977] Imm. AR 19 (IAT)	119, 124
<i>Associated Provincial Picture Houses Ltd. v. Wednesbury Corp.</i> [1948] 1 KB 223 (CA)	87, 102, 175
<i>Attorney-General v. De Keyser's Royal Hotel Ltd.</i> [1920] AC 508 (HL)	88, 93, 104, 310
<i>Attorney-General v. Fulham Corp.</i> [1921] 1 Ch. 440 (Div. Ct.)	107
<i>Attorney-General v. Nissan</i> [1970] AC 179 (HL)	93, 94, 266, 310
<i>Attorney-General v. Ryan</i> [1980] AC 718 (PC)	40, 49, 111, 263, 265
<i>Attorney-General v. Smethwick Corp.</i> [1932] 1 Ch. 562 (CA)	107
<i>Attorney-General v. Wilts United Dairies Ltd.</i> (1921-2) 38 TLR 781 (HL)	110
<i>Attorney-General ex rel. McWhirter v. IBA</i> [1973] 1 All ER 689 (CA)	92
<i>Attorney-General ex rel. Tilley v. Wandsworth London BC</i> [1981] 1 WLR 854 (CA)	82
<i>Attorney-General for Canada v. Cain</i> [1906] AC 542 (PC)	90, 91, 92, 95, 96, 97, 106, 111
<i>Attorney-General for Canada v. Hallett & Carey Ltd.</i> [1952] AC 427 (PC)	109
<i>Attorney-General of Hong Kong v. Ng Yuen Shiu</i> [1983] 2 All ER 346 (PC)	36, 46
<i>Bashir v. IO, Dover</i> [1976] Imm. AR 96 (IAT)	112
<i>Bashir v. Sec. of State for the Home Dept.</i> [1978] Imm. AR 150 (IAT)	100
<i>Bates v. Lord Hailsham</i> [1972] 1 WLR 1373 (Ch.)	33, 36
<i>Belfast Corp. v. O.D. Cars Ltd.</i> [1960] 1 All ER 65 (HL)	109, 227
<i>Birdi v. Sec. of State for Home Affairs</i> (1975) 119 Sol. J. 322 (CA)	56
<i>Blackburn v. A.-G.</i> [1971] 1 WLR 1037 (CA)	92, 128
<i>Blackpool Corp. v. Locker</i> [1948] 1 KB 349 (CA)	59
<i>Board of Education v. Rice</i> [1911] AC 179 (HL)	33
<i>Board of Trustees of the Maradana Mosque v. Mahmud</i> [1967] 1 AC 13 (PC)	28, 101
<i>Bradbury v. London Borough of Enfield</i> [1967] 3 All ER 434 (CA)	107
<i>Breen v. Amalgamated Engineering Union</i> [1971] 2 QB 175 (CA)	30, 31, 34, 36, 37, 44
<i>Bristol Dist. Council v. Clark</i> [1975] 1 WLR 1443 (CA)	66
<i>British Oxygen Co. Ltd. v. Minister of Technology</i> [1970] 3 All ER 165 (HL)	82

Bromley London BC v. Greater London Council [1982] 1 All ER 129 (HL)	82
Bulmer (HP) Ltd. v. J. Bollinger SA [1974] Ch. 401 (CA)	128, 134
Bunbury v. Fuller (1853) 9 Ex. 111	19
Burmah Oil Co. Ltd. v. Gov'r and Co. of the Bank of England [1980] AC 1090 (HL)	32
Burmah Oil Co. Ltd. v. Lord Advocate [1965] AC 75 (HL)	93, 104, 310
Buron v. Denman (1848) 154 Eng. Rep. 450 (Ct. of Ex.)	93
Carltona Ltd. v. Comm'rs of Works [1943] 2 All ER 560 (CA)	84, 85
Case of Proclamations (1611) 12 Co. Rep. 74	88, 92
Chandler v. DPP [1964] AC 763 (HL)	92, 303
Chapman v. Earl [1968] 1 WLR 1315 (Div. Ct.)	107
Chavda v. ECO, Bombay [1973] Imm. AR 40 (IAT)	125
Cheng v. Sec. of State for the Home Dept. [1972] Imm. AR 5 (IAT)	114
Chester v. Bateson [1920] 1 KB 829 (Div. Ct.)	111
Chief Constable of the North Wales Police Force v. Evans [1982] 1 WLR 1155 (HL)	12, 17, 28
China Navigation Co. Ltd. v. A.-G. [1932] 2 KB 197 (CA)	92
Chokolingo v. A.-G. [1981] 1 WLR 106 (PC)	110
Cinnamond v. British Airports Authority [1980] 1 WLR 582 (CA)	24
Cocks v. Thanet Dist. Council [1982] 3 All ER 1135 (HL)	18
Commissioners of Customs and Excise v. Cure & Deeley Ltd. [1962] 1 QB 340 (Div. Ct.)	101, 111
Congreve v. Home Office [1976] QB 629 (CA)	101
Cook v. Spriggs [1899] AC 572 (PC)	93
Cooper v. Bd. of Works (1863) 143 Eng. Rep. 414 (Ct. of Common Pleas)	23
Co-Operative Comm. on Japanese Canadians v. A.-G. for Canada [1947] AC 87 (PC)	103
Costa v. Sec. of State for the Home Dept. [1974] Imm. AR 69 (IAT)	115, 125
Council of Civil Service Unions v. Minister for the Civil Service [1984] 3 All ER 935 (HL)	32, 36, 46, 88, 93, 105
Crompton v. Gen. Med. Council [1982] 1 All ER 35 (PC)	32
Csenyi v. Sec. of State for the Home Dept. [1975] Imm. AR 92 (IAT)	97, 100
Daymond v. South West Water Authority [1976] AC 609 (HL)	101
DPP v. Bhagwan [1972] AC 60 (HL)	76, 80, 258, 263, 266
Durayappah v. Fernando [1967] 2 AC 337 (PC)	23, 28, 29, 32, 35, 36, 37
Dyson v. A.-G. [1911] 1 KB 410 (CA)	43
East Riding County Council v. Park Estate (Bridlington) Ltd. [1957] AC 223 (HL)	122
ECO, Bombay v. Joshi [1975] Imm. AR 1 (IAT)	112, 113, 114, 124
ECO, Bombay v. Thakerar [1974] Imm. AR 60 (IAT)	119
ECO, Kingston v. Holmes [1975] Imm. AR 20 (IAT)	120
ECO, Kingston v. Peart [1979-80] Imm. AR 41 (IAT)	115, 124
ECO, Kingston v. Thompson [1981] Imm. AR 148 (IAT)	120
ECO, Lahore v. Abdullah [1973] Imm. AR 57 (IAT)	119
ECO, Madras v. Nadarajan [1976] Imm. AR 144 (IAT)	118
ECO, Nairobi v. Seth [1979-80] Imm. AR 63 (IAT)	115
Edinburgh & Dalkeith Ry. v. Wauchope (1842) 8 ER 279 (HL)	259
Eleko v. Officer Administering the Gov't of Nigeria [1931] AC 662 (PC)	21
Ellis v. Dubowski [1921] 3 KB 621 (Div. Ct.)	86
Esso Petroleum Co. Ltd. v. Min. of Labour [1969] 1 QB 98 (CA)	295, 303
Francis v. Sec. of State for the Home Dept. [1972] Imm. AR 162 (IAT)	114, 124
Furnell v. Whangarei High Schools Bd. [1973] 1 All ER 400 (PC)	23
Giovanni v. Sec. of State for the Home Dept. [1977] Imm. AR 85 (IAT)	133
Glynn v. Keele Univ. [1971] 1 WLR 487 (Ch.)	24, 50

Goodison v. Sec. of State for the Home Dept. [1979-80] Imm. AR 122 (IAT)	114
Gouriet v. A.-G. [1978] AC 435 (HL)	92, 305
Gowa v. A.-G. [1985] 1 WLR 1003 (HL)	81
Grant v. Borg [1982] 1 WLR 638 (HL)	74, 80
Grewal v. Sec. of State for the Home Dept. [1979-80] Imm. AR 119 (IAT)	133
Grunwick Processing Laboratories Ltd v. ACAS [1978] AC 655 (HL)	61
H. Lavender & Son Ltd. v. Min. of Housing and Local Development [1970] 1 WLR 1231 (Div. Ct.)	86
Halil v. Davidson [1979-80] Imm. AR 164 (HL)	74
Hall & Co. Ltd. v. Shoreham-by-Sea Urban District Council [1964] 1 All ER 1 (CA)	102
Hanratty v. Lord Butler of Saffron Walden (1971) 115 Sol. J. 386 (CA)	92
Hashim v. ECO, Dacca [1974] Imm. AR 75 (IAT)	112
Heydon's Case (1584) 76 Eng. Rep. 637 (Ex.)	239
Hoffman-La Roche & Co. v. Sec. of State for Trade and Industry [1975] AC 295 (HL)	109
Howard v. Bodington (1877) 2 PD 203 (Ct. of Arches)	62
Howard v. Sec. of State for the Home Dept. [1972] Imm. AR 93 (IAT)	120
Huda v. ECO, Dacca [1976] Imm. AR 109 (IAT)	119
Ibrahim v. Visa Officer, Islamabad [1978] Imm. AR 18 (IAT)	117
In re Bhatti (CA, unrep'd, 7 Sept. 1981)	104, 105, 111, 306
In re Ferdinand [1921] 1 Ch. 107 (CA)	102
In re Golden Chemicals [1976] 2 All ER 543 (Ch.)	85, 86
In re H.K. [1967] 2 QB 617 (Div. Ct.)	28, 33, 34, 35, 37, 40, 41, 42, 43, 49, 271
In re Manan [1971] 1 WLR 859 (CA)	73
In re Mohamed Arif [1968] 1 Ch. 643 (CA)	42, 49
In re Pergamon Press Ltd. [1971] 1 Ch. 388 (CA)	32, 34
In re Racial Communications Ltd. [1980] 3 WLR 181 (HL)	14
In re W. [1985] 3 All ER 449 (CA)	75
Ingle v. Farrand [1927] AC 417 (HL)	77
Inland Revenue Comm'rs v. Rossminster [1980] AC 952 (HL)	110
Jackson Stansfield & Sons v. Butterworth [1948] 2 All ER 558 (CA)	59, 86
Jeffs v. New Zealand Dairy Production & Marketing Bd. [1967] 1 AC 551 (PC)	28
John v. Rees [1970] Ch. 345 (Ch.)	25
Johnstone v. Pedlar [1921] 2 AC 262 (HL)	90, 93, 94, 266
Kabaka's Gov't v. A.-G. of Uganda [1966] 1 AC 1 (PC)	110
Kassam v. IAT [1980] 2 All ER 330 (CA)	78, 111
Kember (See R. v. Gov'r of Pentonville Prison, ex p. Budlong and Kember)	
Khan (Shahbaz) v. Sec. of State for the Home Dept. [1972] Imm. AR 172 (IAT)	112
Khan (Tosir) v. ECO, Dacca [1974] Imm. AR 55 (IAT)	112
Khawaja and Khera v. Sec. of State for the Home Dept. [1983] 1 All ER 765 (HL)	21, 72, 100, 101, 246, 266
Laker Airways Ltd. v. Dept. of Trade [1977] 2 All ER 182 (CA)	88, 92, 101, 104, 310
Liversidge v. Anderson [1942] AC 206 (HL)	32, 110
Liyanage v. R. [1966] 1 All ER 650 (PC)	111
Macarthy's Ltd. v. Smith [1981] 1 All ER 111 (CA)	128
McEldowney v. Forde [1969] 2 All ER 1039 (HL)	108, 110
McInnes v. Onslow Fane [1978] 3 All ER 211 (Ch.)	29, 30, 31, 32, 33, 34, 36, 44, 49
Maharaj v. A.-G. of Trinidad and Tobago (No. 2) [1979] AC 385 (PC)	111
Malloch v. Aberdeen Corp. [1971] 1 WLR 1578 (HL)	24, 28, 29, 48

Metropolitan Borough and Town Clerk of Lewisham v. Roberts [1949] 2 KB 608 (CA)	84, 85
Metropolitan Properties Co. (FGC) Ltd. v. Lannon [1969] 1 QB 577 (CA)	25
Mukhopadhyay v. ECO, Calcutta [1975] Imm. AR 42 (IAT)	115
Munnich v. Godstone Rural Dist. Council [1966] 1 WLR 427 (CA)	122
Musgrove v. Chun Teeong Toy [1891] AC 272 (PC)	88, 89, 90, 91, 92, 93, 94, 95, 96, 106, 244
Nagle v. Feilden [1966] 1 All ER 689 (CA)	29
Nakkuda Ali v. Jayaratne [1951] AC 66 (PC)	27, 28, 29
Nessa v. IO, TH/2196/75 (524) (IAT, unrep'd, 10 Oct. 1975)	119
Netz v. Ede [1946] Ch. 224 (Ch.)	93, 103, 105
Newcastle Breweries Ltd. v. R. [1920] 1 KB 854 (Div. Ct.)	111
Niarchos (London) Ltd. v. Sec. of State for the Environment (1978) 35 P & CR 259 (Div. Ct.)	65
Nijssen v. IO, London (Heathrow) Airport [1978] Imm. AR 226 (IAT)	133
Ningkan v. Gov't of Malaysia [1970] AC 379 (PC)	110
Nisa v. Sec. of State for the Home Dept. [1979-80] Imm. AR 20 (IAT)	51, 115
Norwest Holst Ltd. v. Sec. of State for Trade [1978] 1 Ch. 201 (CA)	37
Oberoi v. Sec. of State for the Home Dept. [1979-80] Imm. AR 175 (IAT)	46
O'Connor v. Sec. of State for the Home Dept. [1972] Imm. AR 5 (IAT)	115, 116, 124
Olivier v. Buttigieg [1966] 2 All ER 459 (PC)	111
O'Reilly v. Mackman [1982] 3 All ER 1124 (HL)	18, 23, 35, 36
Osama v. IO [1978] Imm. AR 8 (IAT)	100
Padfield v. Min. of Agriculture Fisheries and Food [1968] AC 997 (HL)	101
Pact v. Sec. of State for the Home Dept. [1979-80] Imm. AR 185 (IAT)	83
Patel v. CIO, Heathrow [1977] Imm. AR 116 (CA)	53, 54, 55, 56, 61
Patel v. Sec. of State for the Home Dept. [1972] Imm. AR 59 (IAT)	118, 124
Pearlberg v. Varty [1972] 1 WLR 534 (HL)	23, 33
Pearlman v. Keepers and Gov'rs of Harrow School [1979] QB 56 (CA)	14, 54, 65
Pearson v. I.A.T. [1978] Imm. AR 212 (CA)	51, 83, 86, 87
Pereira v. Sec. of State for the Home Dept. [1972] Imm. AR 224 (IAT)	118
Pickwell v. Camden London BC [1983] 1 All ER 602 (Div. Ct.)	87
Pinnock v. ECO, Kingston [1974] Imm. AR 22 (IAT)	20, 117, 118, 124
Poll v. Lord Advocate [1899] 1 F. 823 (Ct. of Sess.)	90, 91, 92, 93, 94, 95, 96, 106
Porter v. Freudenberg [1915] 1 KB 857 (CA)	102
Prescott v. Birmingham Corp. [1955] Ch. 210 (Ch.)	101
Princess Thurn and Taxis v. Moffitt [1915] 1 Ch. 58 (Ch.)	102
Punton v. Ministry of Pensions and National Insurance [1963] 1 WLR 186 (CA) (<i>Punton I</i>)	17, 312
Punton v. Ministry of Pensions and National Insurance [1964] 1 WLR 226 (CA) (<i>Punton II</i>)	17, 312
Purewal v. ECO [1977] Imm. AR 93 (IAT)	56
Pyx Granite Co. Ltd. v. Min. of Housing and Local Gov't [1958] 1 All ER 625 (CA)	102
R. v. Aston Univ. Senate, ex p. Roffey [1969] 2 QB 538 (Div. Ct.)	37, 50
R. v. Atkinson [1978] 1 WLR 425 (CA)	25
R. v. Barnsley Met. BC, ex p. Hook [1976] 1 WLR 1052 (CA)	29, 34, 35
R. v. Birmingham City Justice, ex p. Chris Foreign Foods (Wholesalers) Ltd. [1970] 1 WLR 1428 (Div. Ct.)	35
R. v. Bottrill, ex p. Kuechenmeister [1947] 1 KB 41 (CA)	103, 105, 151, 309, 312, 313
R. v. Bow St. Magistrates, ex p. Mackeson (1982) 75 Crim. App. R. 24 (Div. Ct.)	97

<i>R. v. Boycott</i> , ex p. Kasley [1939] 2 KB 651 (Div. Ct.)	19
<i>R. v. CIO</i> , ex p. Shaikh, <i>The Times</i> L Rep., 21 July 1976 (CA)	119
<i>R. v. CIO</i> , Gatwick Airport, ex p. Kharrazi [1980] 3 All ER 373 (CA)	17, 52, 53, 54, 55, 56, 65, 71, 72
<i>R. v. CIO</i> , Heathrow Airport, ex p. Bibi [1976] 1 WLR 979 (CA)	52, 53, 55, 56, 57, 80
<i>R. v. CIO</i> , Lympne Airport, ex p. Singh (Amrik) [1969] 1 QB 333 (Div. Ct.)	78, 106
<i>R. v. Crim. Inj. Comp. Bd.</i> , ex p. Ince [1973] 1 WLR 1334 (CA)	60
<i>R. v. Crim. Inj. Comp. Bd.</i> , ex p. Lain [1967] 2 QB 864 (Div. Ct.)	60, 88, 92, 93
<i>R. v. Crim. Inj. Comp. Bd.</i> , ex p. Lawton [1972] 1 WLR 1589 (Div. Ct.)	60
<i>R. v. Crim. Inj. Comp. Bd.</i> , ex p. Schofield [1971] 1 WLR 926 (Div. Ct.)	60, 67
<i>R. v. Crim. Inj. Comp. Bd.</i> , ex p. Tong [1976] 1 WLR 1237 (CA)	60
<i>R. v. Crown Court at Knightsbridge</i> , ex p. Int'l Sporting Club (London) Ltd. [1981] 3 All ER 417 (Div. Ct.)	15
<i>R. v. Dacorum Gaming Licensing Comm.</i> , ex p. EMI Cinemas and Leisure Ltd. [1971] 3 All ER 666 (Div. Ct.)	61, 66
<i>R. v. Electricity Comm'rs</i> [1924] 1 KB 171 (CA)	12, 16
<i>R. v. Flintshire County Council County Licensing (Stage Plays) Comm.</i> , ex p. Barrett [1957] 1 QB 350 (CA)	82
<i>R. v. Gaming Bd.</i> , ex p. Benaim and Khaida [1970] 2 QB 417 (CA)	29, 32, 34, 36
<i>R. v. Gov'r of Brixton Prison</i> , ex p. Ahsan [1969] 2 QB 222 (Div. Ct.)	21
<i>R. v. Gov'r of Brixton Prison</i> , ex p. Bloom [1920] All ER 153 (Div. Ct.)	38, 97, 98, 106
<i>R. v. Gov'r of Brixton Prison</i> , ex p. Sarno [1916] 2 KB 742 (Div. Ct.)	96, 97, 111
<i>R. v. Gov'r of Brixton Prison</i> , ex p. Sliwa [1952] 1 KB 169 (CA)	97
<i>R. v. Gov'r of Brixton Prison</i> , ex p. Soblen [1963] 2 QB 243 (CA)	39, 40, 41, 42, 43, 49, 96, 97, 98, 99, 103, 106, 306, 307, 323
<i>R. v. Gov'r of Pentonville Prison</i> , ex p. Azam [1973] 2 All ER 741 (HL)	21, 76, 80, 265, 267
<i>R. v. Gov'r of Pentonville Prison</i> , ex p. Budlong [and Kember] [1980] 1 All ER 701 (Div. Ct.)	134
<i>R. v. Greenwich Justices</i> , ex p. Aikens, <i>The Times</i> L Rpt., 3 July 1982	18
<i>R. v. Guildford Magistrates Ct.</i> , ex p. Healy [1983] 1 WLR 108 (Div. Ct.)	97
<i>R. v. Halliday</i> [1917] AC 260 (HL)	32, 110
<i>R. v. Home Sec.</i> , ex p. Bressler [1924] All ER 668 (CA)	97, 98
<i>R. v. Hull Prison Bd. of Visitors</i> , ex p. St. Germain [1978] 2 All ER 198 (Div. Ct.)	33
<i>R. v. Hull Prison Bd. of Visitors</i> , ex p. St. Germain [1979] 1 All ER 701 (CA)	24, 29, 32, 33, 35, 36, 37, 66
<i>R. v. Hull Prison Bd. of Visitors</i> , ex p. St. Germain [1979] 3 All ER 545 (Div. Ct.)	23, 29, 30, 32, 36
<i>R. v. IAT</i> , ex p. Ahluwalia [1979-80] Imm. AR 1 (Div. Ct.)	78
<i>R. v. IAT</i> , ex p. Ali (Aisha Khatoon) [1979-80] Imm. AR 195 (Div. Ct.)	114
<i>R. v. IAT</i> , ex p. Armstrong [1977] Imm. AR 80 (Div. Ct.)	68
<i>R. v. IAT</i> , ex p. Bakhtaur Singh, <i>The Times</i> , 15 Dec. 1984 (CA), appeal allowed, <i>Singh v. IAT</i> [1986] 2 All ER 721 (HL)	70, 72
<i>R. v. IAT</i> , ex p. Bastiampillai [1983] 2 All ER 844 (Div. Ct.)	75, 106
<i>R. v. IAT</i> , ex p. Bhatia, <i>The Times</i> , 9 Aug. 1985 (CA)	70
<i>R. v. IAT</i> , ex p. Cheema, <i>The Times</i> , 14 Jan. 1983 (CA)	100
<i>R. v. IAT</i> , ex p. Coomasaru [1983] 1 All ER 208 (CA)	73
<i>R. v. IAT</i> , ex p. Jeyaveerasingham [1976] Imm. AR 137 (Div. Ct.)	20, 75, 111
<i>R. v. IAT</i> , ex p. Joseph [1977] Imm. AR 70 (Div. Ct.)	124
<i>R. v. IAT</i> , ex p. Joyles [1972] 1 WLR 1390 (Div. Ct.)	69, 72
<i>R. v. IAT</i> , ex p. Khan (Div. Ct., unrep'd, 18 May 1983)	101

R. v. IAT, ex p. Khan (Mahmud) [1983] 2 All ER 420 (CA)	100
R. v. IAT, ex p. Kotake (Div. Ct., unrep'd, 17 Feb. 1983)	51, 69, 72
R. v. IAT, ex p. Kotecha [1983] 2 All ER 289 (CA)	75
R. v. IAT, ex p. Malik (CA, unrep'd, 14 Feb. 1983)	83
R. v. IAT, ex p. Manek [1978] 3 All ER 641 (CA)	69, 72
R. v. IAT, ex p. Manilal (Div. Ct., unrep'd, 10 Mar. 1983)	70, 83
R. v. IAT, ex p. Martin [1972] Imm. AR 275 (Div. Ct.)	68, 72
R. v. IAT, ex p. Mehmet [1977] 2 All ER 602 (Div. Ct.)	75, 111
R. v. IAT, ex p. Mehta (R. P.) [1975] 2 All ER 1084 (CA)	68, 106
R. v. IAT, ex p. Mehta (V. M.) [1976] Imm. AR 174 (CA)	68, 106
R. v. IAT, ex p. Nathwani [1979-80] Imm. AR 9 (Div. Ct.)	53, 106
R. v. IAT, ex p. Palacio [1979-80] Imm. AR 178 (Div. Ct.)	100, 106
R. v. IAT, ex p. Peikazadi [1979-80] Imm. AR 191 (Div. Ct.)	124
R. v. IAT, ex p. Samaraweera [1974] 2 All ER 171 (Div. Ct.)	68, 72
R. v. IAT, ex p. Shaikh [1981] 3 All ER 29 (Div. Ct.)	52, 70, 72
R. v. IAT, ex p. Singh (Ajaib) [1978] Imm. AR 59 (Div. Ct.)	100
R. v. IAT, ex p. Singh (Jaspal) (1977) 121 Sol. J. 544 (Div. Ct.)	68
R. v. IAT, ex p. Sohal [1981] Imm. AR 20 (Div. Ct.)	70, 306
R. v. IAT, ex p. Subramaniam [1976] 3 WLR 630 (CA)	73, 74, 80, 296
R. v. IAT, ex p. Suleman [1976] Imm. AR 147 (Div. Ct.)	68
R. v. IAT, ex p. Vashist (CA, unrep'd, 18 Jan. 1983)	106
R. v. IAT, ex p. Weerasuriya [1983] 1 All ER 195 (Div. Ct.)	75
R. v. Immigration Adjudicator, ex p. Sandhu, The Times L Rep., 10 June 1982 (Div. Ct.)	133
R. v. Immigration Appeal Adjudicator, ex p. Bhanji [1977] Imm. AR 89 (CA)	74
R. v. Inspector of Leman St. Police Station, ex p. Venicoff [1920] 3 KB 72 (Div. Ct.)	27, 38, 39, 40, 41, 42, 49, 97, 244, 245, 257, 323
R. v. Jordan [1967] Crim. LR 483 (Div. Ct.)	259
R. v. Kent Police Authority, ex p. Godden [1971] 2 QB 662 (CA)	35
R. v. Leicester Gaming Licensing Comm., ex p. Shine [1971] 2 All ER 1329 (Div. Ct.)	61
R. v. Lewes JJ., ex p. Sec. of State for the Home Dept. [1973] AC 388 (HL)	32
R. v. Liverpool Corp., ex p. Liverpool Taxi Fleet Operators' Assn. [1972] 2 QB 299 (CA)	35, 36
R. v. London Borough of Hillingdon, ex p. Royco Homes Ltd. [1974] 2 All ER 643 (Div. Ct.)	12, 102, 121, 122, 304
R. v. Med. App. Trib., ex p. Gilmore [1957] 1 QB 574 (CA)	15, 19
R. v. Met. Police Comm'r, ex p. Parker [1953] 1 WLR 1150 (Div. Ct.)	27, 29
R. v. Minister of Health [1939] 1 KB 232 (CA)	19
R. v. Nazari [1980] 1 WLR 1366 (CA)	137
R. v. Northumberland Comp. App. Trib., ex p. Shaw [1952] 1 All ER 122 (CA)	15, 293
R. v. Peterkin, ex p. Soni [1972] Imm. AR 253 (Div. Ct.)	82, 106
R. v. Port of London Authority, ex p. Kynoch Ltd. [1919] 1 KB 176 (CA)	82
R. v. Preston Supp. Bens. App. Trib., ex p. Moore [1975] 2 All ER 807 (CA)	15
R. v. Sec. of State for Foreign Affairs, ex p. Greenberg [1947] 2 All ER 550 (Vac. Ct.)	70
R. v. Sec. of State for Home Affairs, ex p. Duke of Château Thierry [1917] 1 KB 922 (CA)	96, 98, 306
R. v. Sec. of State for Home Affairs, ex p. Hosenball [1977] 1 WLR 766 (CA)	33, 45, 51, 52, 53, 54, 55, 56, 58, 61, 66, 232, 244, 271, 307