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# Immigration: The Law and Practice

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Michael Supperstone  
and John Cavanagh



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# Immigration:

## the Law and Practice

Michael Supperstone MA, BCL (Oxon)  
*of the Middle Temple, Barrister*

*and*

John Cavanagh MA (Oxon) LLM (CANTAB)  
*of the Middle Temple, Barrister*



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## Preface

Since the first edition of this book, there have been considerable changes in this area of the law. There have been a number of substantial revisions in the immigration rules themselves. The most notable are those embodied in HC 503 which, inter alia, amends the rules with respect to the rights of entry of spouses and fiancés, in response to the judgment of the European Court of Human Rights in *Abdulaziz, Cabales and Balkandali v UK* [1985] 7 EHRR 459.

In addition, there has been a large number of significant new cases. There have, for example, been various decisions concerning the proper approach to adopt in considering a request for asylum. The most important is *R v Secretary of State for the Home Department, ex parte Sivakumaran and others* [1988] 2 WLR 92 ('the Tamil refugees case') in which the House of Lords defined the 'well-founded fear of persecution', a requirement for refugee status. Other significant cases include *Swati v Secretary of State for the Home Department* [1986] Imm AR 88 which outlined the scope for intervention by way of judicial review in immigration cases; *R v Immigration Appeal Tribunal, ex parte Bakhtaur Singh* [1986] Imm AR 352, in which the House of Lords held that, when considering deportation, the Secretary of State should take into account the effect of the loss of the prospective deportee upon the social and cultural life of his or her community; and *R v Immigration Appeal Tribunal, ex parte Manshoora Begum* [1986] Imm AR 385, in which Simon Brown J struck down as ultra vires a condition in the Immigration Rules on the ground that it was 'manifestly unjust'.

We are indebted to the editorial staff of Longman for all their hard work and assistance in the production of this book.

We have attempted to present the law as at 15 April 1988.

*Michael Supperstone*  
*John Cavanagh*

11 Kings Bench Walk  
Temple, London EC4

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