



Immigration Act 1988

1988 CHAPTER 14

2 Restriction on exercise of right of abode in cases of polygamy.

- (1) This section applies to any woman who—
- (a) has the right of abode in the United Kingdom under section 2(1)(b) of the principal Act as, or as having been, the wife of a man (“the husband”)—
 - (i) to whom she is or was polygamously married; and
 - (ii) who is or was such a citizen of the United Kingdom and Colonies, Commonwealth citizen or British subject as is mentioned in section 2(2)(a) or (b) of that Act as in force immediately before the commencement of the ^{M1}British Nationality Act 1981; and
 - (b) has not before the coming into force of this section and since her marriage to the husband been in the United Kingdom.
- (2) A woman to whom this section applies shall not be entitled to enter the United Kingdom in the exercise of the right of abode mentioned in subsection (1)(a) above or to be granted a certificate of entitlement in respect of that right if there is another woman living (whether or not one to whom this section applies) who is the wife or widow of the husband and who—
- (a) is, or at any time since her marriage to the husband has been, in the United Kingdom; or
 - (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) above or an entry clearance to enter the United Kingdom as the wife of the husband.
- (3) So long as a woman is precluded by subsection (2) above from entering the United Kingdom in the exercise of her right of abode or being granted a certificate of entitlement in respect of that right the principal Act shall apply to her as it applies to a person not having a right of abode.
- (4) Subsection (2) above shall not preclude a woman from re-entering the United Kingdom if since her marriage to the husband she has at any time previously been in the United Kingdom and there was at that time no such other woman living as is mentioned in that subsection.

Changes to legislation: There are currently no known outstanding effects for the Immigration Act 1988, Section 2. (See end of Document for details)

- (5) Where a woman claims that this section does not apply to her because she had been in the United Kingdom before the coming into force of this section and since her marriage to the husband it shall be for her to prove that fact.
- (6) For the purposes of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.
- (7) For the purposes of subsections (1)(b), (2)(a), (4) and (5) above there shall be disregarded presence in the United Kingdom as a visitor or an illegal entrant and presence in circumstances in which a person is deemed by section 11(1) of the principal Act not to have entered the United Kingdom.
- (8) In subsection (2)(b) above the reference to a certificate of entitlement includes a reference to a certificate treated as such a certificate by virtue of section 39(8) of the ^{M2}British Nationality Act 1981.
- (9) No application by a woman for a certificate of entitlement in respect of such a right of abode as is mentioned in subsection (1)(a) above or for an entry clearance shall be granted if another application for such a certificate or clearance is pending and that application is made by a woman as the wife or widow of the same husband.
- (10) For the purposes of subsection (9) above an application shall be regarded as pending so long as it and any appeal proceedings relating to it have not been finally determined.

Modifications etc. (not altering text)

- C1** Ss. 1, 2, 4 excluded by [S.I. 1988/1133, art. 3](#)
- C2** Ss. 2, 7-9 and 12 extended (with modifications) (1.8.1993) to Guernsey by [S.I. 1993/1796, art. 3\(4\), Sch. 1 Pt. III](#)
- C3** S. 2 extended (with modifications) (1.8.1993) to Jersey by [S.I. 1993/1797, art. 3\(4\), Sch. 1 Pt. 3](#) (as amended (coming into force in accordance with art. 1 of the amending S.I.) by [The Immigration \(Jersey\) \(Amendment\) Order 2017 \(S.I. 2017/981\), Sch. Pt. 1 para. 3](#) (with art. 6)
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Marginal Citations

- M1** 1981 c. 61.
- M2** 1981 c. 61.

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