Course-focused and comprehensive, the Textbook on series provides an accessible overview of the key areas on the law curriculum. This chapter discusses human rights law as it affects immigration and asylum. It explains how human rights apply to decisions on entry and removal, and the extra-territorial application of Article 3, and its nature as an absolute right. The chapter discusses Article 8, and how the proportionality test is applied to removal decisions in particular. It considers the effect on Article 8 cases of the immigration rules, the Immigration Act 2014, and case law interpreting the relationship between the rules, statute and human rights. It briefly covers other Articles, including recent cases on Article 10. It also refers to the interaction of human rights with the duty in s 55 Borders Citizenship and Immigration Act 2009 to have regard to children’s welfare.
5. Immigration law and human rights

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