

**CHAPTER 4
SECTION 2**

ANNEX D

WORKING HOLIDAYMAKERS

REFUSAL FORMULAE

PLEASE NOTE: *The following wordings are examples - they do not constitute an exhaustive list of all possible formulae.*

NB See Chapter 12 of the Immigration Directorates' Instructions for advice on appeal rights

ON ENTRY

"You have asked for leave to enter the United Kingdom as a working holidaymaker but your application has been refused. "

No entry clearance

"... Under the Immigration Rules you are required to have a valid entry clearance for this purpose and you have no such entry clearance."

Paragraph 97

{Refusal code: E4}

NB See Chapter 9, Annex B of the IDIs for formulae on refusal of entry under Paragraph 321 of HC 395 (in respect of passengers refused entry in this capacity who hold an entry clearance for this purpose

AFTER ENTRY

"You have applied for leave to remain in the United Kingdom as a working holidaymaker, but your application is refused."

No provisions

"The Secretary of State is not satisfied that the variation of leave to enter is being sought for a purpose covered by the Immigration Rules.

Paragraph 322(1)
{INDECS Code: ZA}

ENTRY CLEARANCE

"You have applied for entry clearance to the United Kingdom as a working holidaymaker, but your application is refused."

Non Commonwealth citizen

" As you are a national of..., the Secretary of State is not satisfied that you are a national of a participating country listed in Appendix 3 of the Immigration Rules

Paragraph 95(i)

Under/over age

"As you were born on .../ you have failed to produce [satisfactory] evidence of your date of birth], the Secretary of State is not satisfied that you are aged between 17 – 30 years inclusive."

Paragraph 95(ii)

Married

"... In view of ..., the Secretary of State is not satisfied that you are unmarried or married to a person who [meets the requirements for leave to enter the United Kingdom as a working holidaymaker and who] intends to take a working holiday with you."

Paragraph 95(iii)

Funds

"In view of ..., the Secretary of State is not satisfied that you have the means to pay for your return or onward journey."

Paragraph 95(iv)

Maintenance and accommodation

"In view of ..., the Secretary of State is not satisfied that you are able and intend to maintain and accommodate yourself without recourse to public funds."

Paragraph 95(v)

Employment not incidental

"In view of ..., the Secretary of State is not satisfied that you are intending to take only employment which is incidental to a holiday."

Intention to engage in business

"In view of ..., the Secretary of State is not satisfied that you do not intend to engage in business."

Intention to provide services as a professional sports person

"In view of ..., the Secretary of State is not satisfied that do not intending to provide services as a professional sports person."

Intention to work for more than 12 months of the stay

"In view of ..., the Secretary of State is not satisfied that you do not intending to work for more than 12 months during your stay."

Paragraph 95(vi)

Dependent children

"In view of ... the Secretary of State is not satisfied that you do not have [dependent children/a dependent child] over 5 years of age [or who will reach 5 years of age before you complete your working holiday]."

Paragraph 95(vii)

Intention to leave

"In view of ..., the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of your working holiday."

Paragraph 95(viii)

Previous stay as a working holidaymaker

"In view of ..., the Secretary of State is not satisfied that you have not previously entered the United Kingdom as a working holidaymaker."

Paragraph 95(ix)

CHILDREN OF WORKING HOLIDAYMAKERS

ON ENTRY

"You have asked for leave to enter the United Kingdom as the child of a working holidaymaker, but your application is refused."

No entry clearance

" Under the Immigration Rules you are required to have a valid entry clearance for this purpose and you have no such entry clearance."

Paragraph 103 with reference to 101(v)

{Refusal code: E4}

AFTER ENTRY

"You have applied/An application has been made on your behalf] for leave to remain in the United Kingdom as the child of a working holidaymaker, but your application is refused."

No switching

"The Secretary of State is not satisfied that you entered the United Kingdom with a valid United Kingdom entry clearance as the child of a working holidaymaker."

Paragraph 103 with reference to 101(v)

{INDECS Code: ZAC}

Not related as claimed

"In view of ..., the Secretary of State is not satisfied that you are the child of a parent admitted to, and present in, the United Kingdom as a working holidaymaker."

Paragraph 103 with reference to 101(i)

{INDECS Code: Z9C}

Parent's application refused - no switching

"Your [mother/father]'s application for leave to remain as a working holidaymaker has been refused for reason that the Secretary of State was not satisfied that the variation of leave to enter s/he was seeking was being sought for a purpose covered by the Immigration Rules "

Paragraph 103 with reference to 101(i)

{INDECS Code: ZAC}

Parent not in UK or not in appropriate category

"In view of ..., the Secretary of State is not satisfied that you are the child of a parent in the United Kingdom with valid leave to enter as a working holidaymaker."

Paragraph 103 with reference to 101(i)

{INDECS Code: Z9C}

Over 5 years of age

"As you were born on .../as your parents have failed to produce [satisfactory] evidence of your date of birth] the Secretary of State is not satisfied that you are under the age of 5."

Paragraph 103 with reference to 101(ii)

{INDECS Code: Z5C}

Nearly 5 years of age

"As you were born on ... and your [mother/father/ parents] [intend/intends] to remain in the United Kingdom on a working holiday [for 2 years/until ...], the Secretary of State is not satisfied that you will leave the United Kingdom before reaching the age of 5."

Paragraph 103 with reference to 101(ii)

{INDECS Code: Z5C}

Maintenance and accommodation

"In view of ..., the Secretary of State is not satisfied that you can and will be maintained and accommodated adequately without recourse to public funds or without your

[mother/father/parents] taking employment that is other than incidental to a holiday.

Paragraph 103 with reference to 101(iii)

{INDECS Code: Z9C}

Not accompanying both parents

"In view of ..., the Secretary of State is not satisfied that both your parents are to be, or have been, admitted to the United Kingdom as Working Holidaymakers, or that the parent you are accompanying is your sole surviving parent or has had sole responsibility for your upbringing, or that there are serious and compelling family or other considerations which make your exclusion from the United Kingdom undesirable."

Paragraph 103 with reference to 101(iv)

{INDECS Code: Z9C}

ENTRY CLEARANCE

"You have applied/An application has been made on your behalf] for entry clearance to the United Kingdom as the child of a working holidaymaker, but your application is refused."

Not related as claimed

"In view of ..., the Secretary of State is not satisfied that you are the child of a parent [to be] admitted to the United Kingdom as a working holidaymaker."

Paragraph 101(i)

Parent refused entry clearance

"As your [mother/father]'s application for entry clearance in that capacity has been refused, the Secretary of State is not satisfied that you are the child of a parent who is to be admitted to the United Kingdom as a working holidaymaker."

Paragraph 101(i)

Parent not in UK or not in appropriate category

"In view of ..., the Secretary of State is not satisfied that you are the child of a parent admitted to and currently present in the United Kingdom as a working holidaymaker."

Paragraph 101(i)**Over 5 years of age**

"As you were born on .../as your parents have failed to produce [satisfactory] evidence of your date of birth, the Secretary of State is not satisfied that you are under the age of 5."

Paragraph 101(ii)**Nearly 5 years of age**

"As you were born on ... and your parent [s] intend to remain in the United Kingdom on a working holiday [for 2 years/until ...], the Secretary of State is not satisfied that you will leave the United Kingdom before reaching the age of 5."

Paragraph 101(ii)**Maintenance and accommodation**

"In view of ..., the Secretary of State is not satisfied that you can and will be maintained and accommodated adequately without recourse to public funds or without your parent[s] engaging in employment other than employment incidental to a holiday."

Paragraph 101(iii) with reference to 95**Not accompanying both parents**

"In view of ..., the Secretary of State is not satisfied that both your parents [are being/have been] admitted to the United Kingdom as Working Holidaymakers (and if already admitted, one of your parents is currently present in) the United Kingdom as a Working Holidaymaker, or that the parent you are to accompany, or join, is your sole surviving parent or has had sole responsibility for your upbringing, or that there are serious and compelling family or other considerations which make your exclusion from the United Kingdom undesirable."

Paragraph 101(iv)