

Sep/04

IMMIGRATION DIRECTORATES' INSTRUCTIONS

**CHAPTER 5
SECTION 6**

ANNEX V

**MINISTERS OF RELIGION, MISSIONARIES AND
MEMBERS OF RELIGIOUS ORDERS**

REFUSAL FORMULAE

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

ON ENTRY

"You have asked for leave to enter the United Kingdom as a (minister of religion) (missionary) (member of a religious order)"

No entry clearance - non-visa national

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

Paragraph 172

** No entitlement to appeal by virtue of Section 13 (3B)(a)*
{Refusal Code E4}

Visa national

"... but under the Immigration Rules you are required to produce a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance."

Paragraph 320(5)

** No entitlement to appeal by virtue of Section 13(3B)(a)*
{Refusal Code: E4}

AFTER ENTRY

"You have applied for leave to remain in the United Kingdom as a [minister of religion/missionary/member of a religious order] ..."

No switching

"... but the Secretary of State is not satisfied that you entered the United Kingdom with a valid United Kingdom entry clearance as a minister of religion, missionary or member of a religious order."

Paragraph 175 with reference to 173(i)

** No entitlement to appeal by virtue of Section 14(2A)(a)*

{INDECS Code: F9}

No longer engaged in employment for which EC granted

"... but [? in view of ...] the Secretary of State is not satisfied that you are still engaged in the employment for which your entry clearance was granted."

Paragraph 175 with reference to 173(ii)

{INDECS Code: F9}

No longer required for the employment in question

"... but [? in view of ...] the Secretary of State is not satisfied that [the leadership of your congregation/your employer/the head of your religious order] has certified that you are still required for the employment in question."

Paragraph 175 with reference to 173(iii)

{INDECS Code: F9}

Intention to work part-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intend to work full-time in this employment."

Paragraph 175 with reference to 173(iv) and 170(ii)

{INDECS Code: F9}

Other employment

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to take employment other than as a [minister of religion/missionary/member of a religious order] ..."

Paragraph 175 with reference to 173(iv) and 170(iii)

{INDECS Code: F9}

Minister of religion - not to fulfil appropriate functions

"... but [? in view of ...] the Secretary of State is not satisfied that you will be a religious functionary whose main duties will comprise the leading of a congregation in performing the rites and rituals of the faith and preaching the essentials of the creed."

Paragraph 175 with reference to 173(iv), 170(iii) and 169(i)

{INDECS Code: F9}

Missionary - not directly engaged in spreading religious doctrine

"... but [? in view of ...] the Secretary of State is not satisfied that you will be directly engaged in spreading a religious doctrine [or that your work will not of the essence be administrative or clerical]."

Paragraph 175 with reference to 173(iv), 170(iii) and 169(ii)

{INDECS Code: F9}

Member of religious order - not going to live in community

"... but [? in view of ...] the Secretary of State is not satisfied that you are going to live in a community maintained by the religious order of which you are a member."

Paragraph 175 with reference to 173(iv), 170(iii) and 169(iii)

{INDECS Code: F9}

Maintenance and accommodation

"... but [? in view of ...] the Secretary of State is not satisfied that you will be able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds."

Paragraph 175 with reference to 173(iv) and 170(iv)

{INDECS Code: F9}

ENTRY CLEARANCE

"You have applied for entry clearance to the United Kingdom as a [minister of religion/missionary/member of a religious order] ..."

Minister of religion - lacking relevant experience/training

"... but [? in view of ...] the Secretary of State is not satisfied that you have either been working for at least one year as a minister of religion, or that you have been ordained as a minister of religion as prescribed by a religious faith as the sole means of entering the ministry, following at least one year's full-time or two year's part-time training for the ministry."

Paragraph 170(i)(a)

Missionary - lacking relevant experience/training

"... but [? in view of ...] the Secretary of State is not satisfied that you have been trained or have worked as a missionary."

Paragraph 170(i)(b)

Missionary - not sent by overseas organisation

"... but [? in view of ...] the Secretary of State is not satisfied that you are being sent to the United Kingdom by an overseas organisation."

Paragraph 170(i)(b)

Member of religious order - not going to live in community

"... but [? in view of ...] the Secretary of State is not satisfied that you are going to live in a community maintained by the religious order of which you are a member."

Paragraph 170(i)(c)

Member of religious order - to teach outside order

"... but you are intending to teach and [? in view of ...] the Secretary of State is not satisfied that you do not intend to do so save at an establishment maintained by your order."

Paragraph 170(i)(c)

Intention to work part-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intend to work full-time in this employment."

Paragraph 170(ii)

Other employment

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to take employment other than as a [minister of religion/missionary/member of a religious order]."

Paragraph 170(iii)

Minister of religion - not to fulfil appropriate functions

"... but [? in view of ...] the Secretary of State is not satisfied that you will be a religious functionary whose main duties will comprise the leading of a congregation in performing the rites and rituals of the faith and preaching the essentials of the creed."

Paragraph 170(iii) with reference to 169(i)

Missionary - not directly engaged in spreading religious doctrine

"... but [? in view of ...] the Secretary of State is not satisfied that you will be directly engaged in spreading a religious doctrine [or that your work will not of the essence be administrative or clerical]."

Paragraph 170(iii) with reference to 169(ii)

Maintenance and accommodation

"... but [? in view of ...] the Secretary of State is not satisfied that you can maintain and accommodate yourself and any dependants adequately without recourse to public funds."

Paragraph 170(iv)

SETTLEMENT

"You have applied for indefinite leave to remain in the United Kingdom as a [minister of religion/missionary/member of a religious order] ..."

Not 4 years in category

"... but [? in view of ...] the Secretary of State is not satisfied that you have spent a continuous period of 4 years in the United Kingdom in this capacity."

Paragraph 177 with reference to 176(i)

{INDECS Code: X7}

No switching

"... but the Secretary of State is not satisfied that you entered the United Kingdom with a valid United Kingdom entry clearance as a minister of religion, missionary or member of a religious order."

Paragraph 177 with reference to 176(ii) and 173(i)

* *No entitlement to appeal by virtue of section 14(2A)(a)*

{INDECS Code: X8}

Not engaged in employment for which EC granted

"... but [? in view of ...] the Secretary of State is not satisfied that you were engaged in the employment for which your entry clearance was granted throughout the 4 year period you have spent in the United Kingdom in this capacity."

Paragraph 177 with reference to 176(ii) and 173(ii)

{INDECS Code: X8}

Not required for the employment in question

"... but [? in view of ...] the Secretary of State is not satisfied that [the leadership of your congregation/your employer/the head of your religious order] has certified that you were required for the employment in question throughout the 4 year period you have spent in the United Kingdom in this capacity."

Paragraph 177 with reference to 176(ii) and 173(iii)

{INDECS Code: X8}

Did not intend to work full-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intended to work full-time as a [minister of religion/missionary/member of a religious order] throughout the 4 year period you have spent in the United Kingdom in this capacity."

Paragraph 177 with reference to 176(ii), 173(iv) and 170(ii)

{INDECS Code: X8}
