

## CHAPTER 5: SECTION 1 - WORK PERMIT EMPLOYMENT

Please note that this IDI does not contain up-to-date information and will be updated shortly. Details of the rules relating to work permit employment can be found in the [Immigration Rules](#).

### ANNEX G: REFUSAL FORMULAE

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ENTRY CLEARANCE

#### ON ENTRY

"You have asked for leave to enter the United Kingdom in order to seek/take employment..."

##### **Visa national - no entry clearance**

"... 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}

##### **No valid work permit**

"... but I am not satisfied that you hold a valid Work Permits (UK) work permit."

##### **Paragraph 130 with reference to Paragraph 128(i)**

*\* No entitlement to appeal by virtue of Section 13(3B)(a)*

{Refusal Code: B1}

##### **Wrong age**

" ... but I am not satisfied that you are not of an age which puts you outside the limits for employment"

##### **Paragraph 130 with reference to 128(ii)**

*\* No entitlement to appeal by virtue of Section 13(3B)(b)*

{Refusal Code: B5}

##### **Not capable**

"...but I am not satisfied that you are capable of taking the employment specified in the work permit which you hold."

##### **Paragraph 130 with reference to 128(iii)**

{Refusal Code: B5}

##### **Intention to take specified employment**

"... but I am not satisfied that you do not intend to take employment except as specified in your work permit."

##### **Paragraph 130 with reference to 128(iv)**

{Refusal Code: B5}

**Maintenance and Accommodation**

"... but I am not satisfied that you are able to maintain and accommodate yourself and any dependants adequately without recourse to public funds."

**Paragraph 130 with reference to 128(v)**

{Refusal Code: B5}

**Intention to leave**

"... but you hold a work permit which is valid for [less than} 12 months and I am not satisfied that you intend to leave the United Kingdom at the end of the period of approved employment."

**Paragraph 130 with reference to 128(vi)**

{Refusal Code: B5}

**False representations**

"... but I am satisfied that false representations were made [or material facts not disclosed] for the purpose of obtaining the work permit which you hold."

**Paragraph 320(15)**

{Refusal Code: B5}

**Forged permit**

"... You have presented a document which you claim is a current work permit which was duly issued to you but I have reason to believe that the document is forged. I am therefore not satisfied that you hold a valid Work Permits (UK) work permit"

**Paragraph 130 with reference to 128(i)**

{Refusal Code: B5}

# AFTER ENTRY

"You have applied for leave to remain in the United Kingdom for employment ..."

## **No current work permit**

"... but [? in view of ...] the Secretary of State is not satisfied that you have written approval from Work Permits (UK) for the continuation of your employment."

## **Wrong age**

"... but [? as you were born on .../as you have failed to produce [satisfactory] evidence of your date of birth/in view of ...] the Secretary of State is not satisfied that you are not of an age which puts you outside the limits for employment."

## **Incapable**

". but [? in view of ...] the Secretary of State is not satisfied that you are capable of undertaking the employment specified in your work permit."

## **Other employment**

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to take employment except as specified in your work permit."

## **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] without recourse to public funds."

## **Not a Working Holidaymaker**

"...but the Secretary of State is not satisfied that you entered the United Kingdom as a working holidaymaker in accordance with paragraphs 95 to 96 of the Immigration Rules."

## **Has not spent more than 12 months as working holidaymaker**

"...but the Secretary of State is not satisfied that you have spent more than 12 months in total in the UK in this capacity."

## **Employment not on the shortage occupations list**

"...but the Secretary of State is not satisfied that you hold a valid Home Office immigration employment document in an occupation listed on the Work Permits (UK) shortage occupations list."

## **Does not meet requirements of Paragraph 128 (ii) to (vi).**

"...but the Secretary of State is not satisfied that you meet each of the requirements of paragraph 128 (ii) to (vi)."

# AFTER ENTRY - REFUSAL OF INDEFINITE LEAVE TO REMAIN

"You have applied for indefinite leave to remain in the United Kingdom as a work permit holder..."

## **Not 5 years in category**

"... but [? in view of ...] the Secretary of State is not satisfied that you have spent a continuous period of 5 years in the United Kingdom in this capacity."

### **Paragraph 135 with reference to 134(i)**

{INDECS Code: X7}

## **No switching**

"... but [? in view of ...] the Secretary of State is not satisfied that you entered the United Kingdom with a valid Work Permits (UK)work permit."

### **Paragraph 135 with reference to 134(ii), 131(i) and 129**

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

{INDECS Code: W7}

## **No Work Permits (UK) approval throughout 5 year period**

"... but [? in view of ...] the Secretary of State is not satisfied that you have had Work Permits (UK) approval for the continuation of your employment throughout the 5 year period you have spent in this capacity."

### **Paragraph 135 with reference to 134(ii) and 131(ii)**

{INDECS Code: X8}

## **Wrong age**

"... but [? in view of ...] the Secretary of State is not satisfied that you were not of an age that put you outside the limits for employment throughout the 5 year period you have spent in the United Kingdom in this capacity."

### **Paragraph 135 with reference to 134(ii), 131(iii) and 128(ii)**

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

{INDECS Code: X8}

## **Incapable**

"... but [? in view of ...] the Secretary of State is not satisfied that you were capable of undertaking the employment specified in your work permit throughout the 5 year period you have spent in the United Kingdom in this capacity."

### **Paragraph 135 with reference to 134(ii), 131(iii) and 128(iii)**

{INDECS Code: X8}

## **Other employment**

"... but [? in view of ...] the Secretary of State is not satisfied that you did not take employment other than as specified in your work permit throughout the 5 year period you have spent in the United Kingdom in this capacity."

### **Paragraph 135 with reference to 134(ii), 131(iii) and 128(iv)**

{INDECS Code: X8}

## **Maintenance and accommodation**

"... but [? in view of ...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the 5 year period you have spent in the United Kingdom in this capacity."

### **Paragraph 135 with reference to 134(ii), 131(iii) and 128(v)**

{INDECS Code: X8}

**Still required**

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

**Paragraph 135 with reference to 134(iii)**

{INDECS Code: W6}

# ENTRY CLEARANCE

"You have applied for entry clearance to the United Kingdom to [seek/take] employment..."

## **No work permit**

"... but [? in view of ...] the Secretary of State is not satisfied that you hold a valid Work Permits (UK) work permit."

### **Paragraph 130 with reference to 128(i)**

*\* No entitlement to appeal by virtue of Section 13(3B)(a)*

## **Wrong age**

"... but [? as you were born on .../as you have failed to produce [satisfactory] evidence of your date of birth/in view of ...] the Secretary of State is not satisfied that you are not of an age which puts you outside the limits for employment."

### **Paragraph 130 with reference to 128(ii)**

*\* No entitlement to appeal by virtue of Section 13(3B)(b)*

## **Incapable**

". but [? in view of ...] the Secretary of State is not satisfied that you are capable of undertaking the employment specified in your work permit."

### **Paragraph 130 with reference to 128(iii)**

## **Other employment**

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to take employment except as specified in your work permit."

### **Paragraph 130 with reference to 128(iv)**

## **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 any dependants adequately without recourse to public funds."

### **Paragraph 130 with reference to 128(v)**

## **Intention to leave**

"... but your work permit is valid for a period of 12 months or less and [? in view of ...] the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of your approved employment."

### **Paragraph 130 with reference to 128(vi)**

## **False representations/material facts not disclosed when obtaining Work Permit**

"... but [? in view of ...] the Secretary of State is not satisfied that [false representations were not made/a material fact was not disclosed] for the purpose of obtaining your work permit and he is not prepared to exercise his discretion in your favour."

### **Paragraph 320(15)**