

CHAPTER 5  
SECTION 12

DOMESTIC WORKERS IN  
PRIVATE HOUSEHOLDS

**REFUSAL FORMULAE**

*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 domestic worker in a private household....."

**Person without entry clearance**

**- Visa National**

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

Paragraph 320(5) of HC395

***\* The right of Appeal against refusal of leave to enter on the grounds that the applicant did not have entry clearance is limited by Section 60(7)(a) of the Immigration & Asylum Act 1999 and entry clearance is defined as a relevant document in S60(8)(A).***

{INDECS code E4}

**- Non-visa national**

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

Paragraph 159C of HC395

***\*The right of Appeal against refusal of leave to enter on the grounds that the applicant did not have entry clearance is limited by Section 60(7)(a) of the Immigration & Asylum Act 1999 and entry clearance is defined as a relevant document in S60(8)(A).***

{INDECS code E4}

**Person with entry clearance**

\* Where a passenger seeking entry as a domestic worker possesses an entry clearance for this purpose, refusal may only be considered under paragraph 321 of HC 395. Please refer to Chapter 9 Section 3 of these instructions for further guidance.

***\*Appeal: ROA under Section 61 if as a result of that decision, he may be required to leave the United Kingdom within 28 days of being notified of the decision***

{INDECS code: E4}

### **Person resuming previous leave**

Please refer to **Chapter 1, Section 9** of these instructions for further guidance.

***\*ROA by virtue of Section 59 as long as refusal is not on any of the grounds mentioned in 60(7)***

{INDECS code: E4}

### **AFTER ENTRY**

“You have applied for leave to remain in the United Kingdom as a domestic worker in a private household.....

### **No Switching**

...but the Secretary of State is not satisfied that you entered the United Kingdom with valid United Kingdom entry clearance as a domestic worker.”

Paragraph 159F with reference to para 159D(I) of HC395

***\*No entitlement to appeal by virtue of Section 62(1)(a) of the Immigration & Asylum Act 1999.***

### **Not working in a private household**

...but [in view of ] the Secretary of State is not satisfied that you are still engaged in employment as a domestic worker in a private household.”

Paragraph 159F with reference to paragraph 159D(ii)

***\*Right of Appeal under Section 61***

### **Not required for employment in question**

...but the Secretary of State is not satisfied that your employer has certified that you are required for the employment in question.”

Paragraph 159F with reference to 159D(iii)

***\*Right of Appeal under Section 61***

**Full-time employment**

...but [in view of ] the Secretary of State is not satisfied that you intend to work full time as a domestic worker in a private household(s).”

Paragraph 159F with reference to 159D(iv) and 159A(iv)

***\*Right of Appeal under Section 61***

**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 domestic worker in a private household.”

Paragraph 159F with reference to 159D(iv) & 159A(v)

***\*Right of Appeal under Section 61***

**Maintenance and accommodation**

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

Paragraph 159F with reference to 159D(iv) & 159A(vi)

***\*Right of Appeal under Section 61***

{INDECS code for refusal of leave to remain: F9}

**INDEFINITE LEAVE TO REMAIN**

“You have applied/an application has been made on your behalf for indefinite leave to remain as a domestic worker in a private household ...

**Four years in the United Kingdom**

...but the Secretary of State is not satisfied that you have spent a continuous four years in the United Kingdom in this capacity.”

Paragraph 159H with reference to 159G(i)

***\*Right of Appeal under Section 61***

**Four years in domestic employment**

...but the Secretary of State is not satisfied that you have been engaged in the type of employment throughout the four year period you have spent in the United Kingdom for which your entry clearance was granted.”

Paragraph 159H with reference to 159G(i)

***\*Right of Appeal under Section 61***

### **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] without recourse to public funds throughout the four year period you have spent in the United Kingdom in this capacity.”

Paragraph 159H with reference to 159G(ii)

***\*Right of Appeal under Section 61***

{INDECS Code X7 – premature or inappropriate application, applicant still has concurrent leave to remain

INDECS Code X8 – settlement refused, no further leave to remain granted}

### **ENTRY CLEARANCE**

“You have applied for entry clearance to the United Kingdom as a domestic worker in a private household...

#### **Under age**

...but [as you were born on/as you have failed to produce satisfactory evidence of your date of birth] the Secretary of State is not satisfied that you are aged 18 or over”

Paragraph 159A(i)

***\*No entitlement to appeal by virtue of Section 60(7)(b)***

#### **Length of employment**

“...but the Secretary of State is not satisfied that you have been employed by your current employer for one year or more”

Paragraph 159A(ii)

***\*Entitlement to Appeal under Section 59(2)***

#### **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 domestic worker in a private household”

Paragraph 159A(v)

***\*Entitlement to Appeal under Section 59(2)***

#### **Intentions**

...but in view of ....(the fact you stated in interview) the Secretary of State is not satisfied that you intend to continue employment with your current employer once in the United Kingdom”

Paragraph 159A(iv)

***\*Entitlement to Appeal under Section 59(2)***

**Maintenance and accommodation**

“... but in view of.....the Secretary of State is not satisfied that you can maintain (and accommodate) yourself (and your dependants) adequately without recourse to public funds.”

Paragraph 159A(vi)

***\*Entitlement to Appeal under Section 59(2)***