

CHAPTER 5: SECTION 3 - SOLE REPRESENTATIVES OF OVERSEAS FIRMS

ANNEX L: 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 the sole representative of ... "

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 146

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)

AFTER ENTRY

"You have applied for leave to remain in the United Kingdom as the sole representative of ..."

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 sole representative of an overseas firm."

Paragraph 149 with reference to 147(i)

HQ/principal place of business no longer outside the UK

"... but [? in view of ...] the Secretary of State is not satisfied you can show that the firm still has its headquarters and principal place of business outside the United Kingdom."

Paragraph 149 with reference to 147(ii)

Not employed full-time

"... but [? in view of ...] the Secretary of State is not satisfied that you are employed full-time as a representative of that overseas firm."

Paragraph 149 with reference to 147(iii)

Has not established registered branch or wholly owned subsidiary

"... but [? in view of ...] the Secretary of State is not satisfied that you have established and are in charge of its registered branch or wholly-owned subsidiary."

Paragraph 149 with reference to 147(iii)

No longer required for the employment in question

"... 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 149 with reference to 147(iv)

Intention to work only part-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intend to be employed full-time as a representative of that overseas firm."

Paragraph 149 with reference to 147(v) and 144(iii)

Majority shareholder

"... but [? in view of ...] the Secretary of State is not satisfied that you are not a majority shareholder of that overseas firm."

Paragraph 149 with reference to 147(v) and 144(iv)

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 representative of that overseas firm."

Paragraph 149 with reference to 147(v) and 144(v)

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 149 with reference to 147(v) and 144(vi)

SETTLEMENT

"You have applied for indefinite leave to remain in the United Kingdom as the sole representative of..."

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 151 with reference to 150(i)

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 sole representative of an overseas firm."

Paragraph 151 with reference to 150(ii) and 147(i)

HQ/principal place of business not outside the UK

"... but [? in view of ...] the Secretary of State is not satisfied you can show that the firm had its headquarters and principal place of business outside the United Kingdom throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii) and 147(ii)

Not employed full-time or as manager throughout 5 years

"... but [? in view of ...] the Secretary of State is not satisfied that you were employed full-time as a representative of that overseas firm throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii) and 147(iii)

Has not established registered branch or wholly owned subsidiary

"... but [? in view of ...] the Secretary of State is not satisfied that you established and were in charge of its registered branch or wholly-owned subsidiary throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii) and 147(iii)

Not required for the employment in question throughout 5 years

"... but [? in view of ...] the Secretary of State is not satisfied that your employer has certified that you were required for the employment in question throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii) and 147(iv)

Did not intend to work full-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intended to be employed full-time as a representative of that overseas firm throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii), 147(v) and 144(iii)

Majority shareholder

"... but [? in view of ...] the Secretary of State is not satisfied that you were not a majority shareholder of that overseas firm throughout the 5 year period you have spent in the United Kingdom in this capacity."

Paragraph 151 with reference to 150(ii), 147(v) and 144(iv)

Other employment

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

Paragraph 151 with reference to 150(ii), 147(v) and 144(v)

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 151 with reference to 150(ii), 147(v) and 144(vi)

No longer required for the employment in question

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

Paragraph 151 with reference to 150(iii)

ENTRY CLEARANCE

"You have applied for entry clearance to the United Kingdom as the sole representative of..."

Not recruited or taken on as an employee outside the UK

"... but [? in view of ...] the Secretary of State is not satisfied that you have been recruited and taken on as an employee outside the United Kingdom as a representative of the firm."

Paragraph 144(i)

Firm already represented in the UK

"... but [? in view of ...] the Secretary of State is not satisfied that the firm does not already have a [branch office/ subsidiary/representative] in the United Kingdom."

Paragraph 144(i)

HQ/principal place of business not outside UK

"... but [? in view of ...] the Secretary of State is not satisfied that the firm has its headquarters and principal place of business outside the United Kingdom."

Paragraph 144(i)

Authority

"... but [? in view of ...] the Secretary of State is not satisfied that you are a senior employee with full authority to take operational decisions on behalf of the overseas firm for the purpose of representing it in the United Kingdom, by establishing and operating a branch office or wholly owned subsidiary of the firm."

Paragraph 144(ii)

Intention to work only part-time

"... but [? in view of ...] the Secretary of State is not satisfied that you intend to be employed full-time as a representative of that overseas firm."

Paragraph 144(iii)

Majority shareholder

"... but [? in view of ...] the Secretary of State is not satisfied that you are not a majority shareholder of that overseas firm."

Paragraph 144(iv)

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 representative of that overseas firm."

Paragraph 144(v)

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 144(vi)