

Sep/04

IMMIGRATION DIRECTORATES' INSTRUCTIONS

**CHAPTER 6
SECTION 5**

ANNEX L

**SPOUSES & CHILDREN OF PERSONS INTENDING TO
ESTABLISH THEMSELVES IN BUSINESS**

REFUSAL FORMULAE

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

SPOUSES - ON ENTRY

"You have asked for leave to enter the United Kingdom as the spouse of a person admitted as [a/an] [businessman/investor/writer/composer/artist] ..."

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 242

** 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}

SPOUSES - AFTER ENTRY

{Where INDECS refusal codes are not supplied, use spouse's code + suffix "S"}

"[You have applied/An application has been made on your behalf] for leave to remain in the United Kingdom as the [husband/wife] of [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Sponsor's application refused - no switching

"... but your [husband/wife]'s application for leave to remain has been refused for reason that [he/she] was not admitted to the United Kingdom with a valid United Kingdom entry clearance as [a/an] [businessman/investor/writer/composer/artist]."

Paragraph 242 with reference to 240(i)

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

Sponsor's application refused - nationality grounds

"... but your [husband/wife]'s application for leave to remain has been refused on nationality grounds."

Paragraph 242 with reference to 240(i)

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

Sponsor's application refused - other reasons

"... but your [husband/wife]'s application for leave to remain has been refused."

Paragraph 242 with reference to 240(i)**Not related as claimed**

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 242 with reference to 240(i)

{INDECS Code: X6}

Spouse not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 242 with reference to 240(i)

{INDECS Code: X6}

Intention to live as husband and wife

"... but [? in view of ...] the Secretary of State is not satisfied that you and your spouse intend to live with each other as husband and wife during your stay."

Paragraph 242 with reference to 240(ii)

{INDECS Code: X6}

Marriage not subsisting

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage is subsisting."

Paragraph 242 with reference to 240(ii)

{INDECS Code: X6}

Accommodation

"... but [? in view of ...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 242 with reference to 240(iii)**Maintenance**

"... but [? in view of ...] the Secretary of State is not satisfied that you and your [husband/wife] are able to maintain yourselves [and your dependants] adequately without recourse to public funds."

Paragraph 242 with reference to 240(iv)

Intention to leave

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to stay in the United Kingdom beyond any period of leave granted to your [husband/wife]."

Paragraph 242 with reference to 240(v)

{INDECS Code: same as spouse + "S" or X6}

No switching

"... but the Secretary of State is not satisfied that you were admitted with a valid United Kingdom entry clearance for entry in this capacity."

Paragraph 242 with reference to 240(vi)

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

{INDECS Code: X6}

SPOUSES - REFUSAL OF INDEFINITE LEAVE

{Where INDECS refusal codes are not supplied, use spouse's code + suffix "S"}

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as the [husband/wife] of [a/an] [businessman/investor/writer/composer/ artist] ..."

No switching

"... but the Secretary of State is not satisfied that you were admitted with a valid United Kingdom entry clearance for entry in this capacity."

Paragraph 242

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

{INDECS Code: same as spouse + "S" or X7}

Sponsor's application refused - no switching

"... but your [husband/wife]'s application for indefinite leave to remain has been refused for reason that [he/she] was not admitted to the United Kingdom with a valid United Kingdom entry clearance as [a/an] [businessman/investor/writer/composer/ artist]."

Paragraph 242

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

Sponsor's application refused - nationality grounds

"... but your [husband/wife]'s application for indefinite leave to remain has been refused on nationality grounds."

Paragraph 242

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

Sponsor's application refused - other reasons

"... but your [husband/wife]'s application for indefinite leave to remain has been refused."

Paragraph 242

Not related as claimed

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 242 with reference to 240(i)

{INDECS Code: X7}

Spouse not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 242 with reference to 240(i)

{INDECS Code: X7}

Intention to live as husband and wife

"... but [? in view of ...] the Secretary of State is not satisfied that you and your spouse intend to live with each other as husband and wife."

Paragraph 242 with reference to 240(ii)

{INDECS Code: X7}

Marriage not subsisting

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage is subsisting."

Paragraph 242 with reference to 240(ii)

{INDECS Code: X7}

Accommodation

"... but [? in view of ...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 242 with reference to 240(iii)

Maintenance

"... but [? in view of ...] the Secretary of State is not satisfied that you and your [husband/wife] are able to maintain yourselves [and your dependants] adequately without recourse to public funds."

Paragraph 242 with reference to 240(iv)

Intention to leave

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to stay in the United Kingdom beyond any period of leave granted to your [husband/wife]."

Paragraph 242 with reference to 240(v)

{INDECS Code: same as spouse + "S" or X7}

SPOUSES - ENTRY CLEARANCE

"[You have applied/An application has been made on your behalf] for entry clearance to the United Kingdom as the [husband/wife] of [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Not related as claimed

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person [who is to be] admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 240(i)**Spouse refused entry clearance**

"... but your [wife/husband]'s application for entry clearance in that capacity has been refused and consequently the Secretary of State is not satisfied that you are married to a person who is to be admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/investor/writer/composer/artist]."

Paragraph 240(i)

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

Spouse not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 240(i)**Intention to live as husband and wife**

"... but [? in view of ...] the Secretary of State is not satisfied that you and your spouse intend to live with each other as husband and wife during your stay."

Paragraph 240(ii)**Marriage not subsisting**

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage is subsisting."

Paragraph 240(ii)**Accommodation**

"... but [? in view of ...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 240(iii)

Maintenance

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

Paragraph 240(iv)**Intention to leave**

"... but [? in view of ...] the Secretary of State is not satisfied that you do not intend to stay in the United Kingdom beyond any period of leave granted to your [husband/wife]."

Paragraph 240(v)**CHILDREN - ON ENTRY**

"[You have asked /... has asked on your behalf] for leave to enter the United Kingdom as the child of a person admitted as [a/an] [businessman/investor/writer/composer/artist] ..."

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 245

** 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}

CHILDREN - AFTER ENTRY

{Where INDECS refusal codes are not supplied, use parent's code + suffix "C"}

"[You have applied/An application has been made on your behalf] for leave to remain in the United Kingdom as the child of [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Parent's application refused - no switching

"... but your [mother/father]'s application for leave to remain has been refused for reason that [he/she] was not admitted to the United Kingdom with a valid United Kingdom entry clearance as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 244 with reference to 243(i)

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

Parent's application refused - nationality grounds

"... but your [mother/father]'s application for leave to remain has been refused on nationality grounds."

Paragraph 245 with reference to 243(i)

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

Parent's application refused - other reasons

"... but your [mother/father]'s application for leave to remain has been refused."

Paragraph 245 with reference to 243(i)**Not related as claimed**

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 245 with reference to 243(i)

{INDECS Code: X6}

Parent not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 245 with reference to 243(i)

{INDECS Code: X6}

Over 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 under the age of 18."

Paragraph 245 with reference to 243(ii)

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

{INDECS Code: X6}

Married

"... but [? in view of ...] the Secretary of State is not satisfied that you are unmarried."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X6}

Independent family unit

"... but [? in view of ...] the Secretary of State is not satisfied that you have not formed an independent family unit."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X6}

Independent life

"... but [? in view of ...] the Secretary of State is not satisfied that you are not leading an independent life."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X6}

Maintenance and accommodation

"... but [? 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 in accommodation which your [mother/father/parents] [own/owns] or [occupy/ occupies] exclusively."

Paragraph 245 with reference to 243(iv)**Intention to leave**

"... but [? in view of ...] the Secretary of State is not satisfied that you will not stay in the United Kingdom beyond any period of leave granted to your [mother/father/parents]."

Paragraph 245 with reference to 243(v)

{INDECS Code: same as parent + "C" or X6}

Not accompanying both parents

"... but [? in view of ...] the Secretary of State is not satisfied that both your parents have been admitted to or allowed to remain in the United Kingdom, or that the parent you are to accompany 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 245 with reference to 243(vi)

{INDECS Code: X6}

No switching

"... but the Secretary of State is not satisfied that you were admitted with a valid United Kingdom entry clearance for entry in this capacity."

Paragraph 245 with reference to 243(vii)

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

{INDECS Code: X6}

CHILDREN - REFUSAL OF INDEFINITE LEAVE

{Where INDECS refusal codes are not supplied, use parent's code + suffix "C"}

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as the child of [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

No switching

"... but the Secretary of State is not satisfied that you were admitted with a valid United Kingdom entry clearance for entry in this capacity.

Paragraph 245

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

{INDECS Code: X7}

Parent's application refused - no switching

"... but your [mother/father]'s application for indefinite leave to remain has been refused for reason that [he/she] was not admitted to the United Kingdom with a valid United Kingdom entry clearance as [a/an] [businessman/investor/writer/composer/ artist]."

Paragraph 245

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

Parent's application refused - nationality grounds

"... but your [mother/father]'s application for indefinite leave to remain has been refused on nationality grounds."

Paragraph 245

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

Parent's application refused - other reasons

"... but your [mother/father]'s application for indefinite leave to remain has been refused."

Paragraph 245**Not related as claimed**

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 245 with reference to 243(i)

{INDECS Code: X7}

Parent not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist]."

Paragraph 245 with reference to 243(i)

{INDECS Code: X7}

Over 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 under the age of 18 or have current leave to enter or remain in this capacity."

Paragraph 245 with reference to 243(ii)

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

{INDECS Code: X7}

Married

"... but [? in view of ...] the Secretary of State is not satisfied that you are unmarried."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X7}

Independent family unit

"... but [? in view of ...] the Secretary of State is not satisfied that you have not formed an independent family unit."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X7}

Independent life

"... but [? in view of ...] the Secretary of State is not satisfied that you are not leading an independent life."

Paragraph 245 with reference to 243(iii)

{INDECS Code: X7}

Maintenance and accommodation

"... but [? 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 in accommodation which your [mother/father/parents] [own/owns] or [occupy/ occupies] exclusively."

Paragraph 245 with reference to 243(iv)**Intention to leave**

"... but [? in view of ...] the Secretary of State is not satisfied that you will not stay in the United Kingdom beyond any period of leave granted to your [mother/father/parents]."

Paragraph 2450 with reference to 243(v)

{INDECS Code: same as parent + "C" or X7}

Not accompanying both parents

"... but [? in view of ...] the Secretary of State is not satisfied that both your parents have been admitted to or allowed to remain in the United Kingdom, or that the parent you are to accompany 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 245 with reference to 243(vi)

{INDECS Code: X7}

CHILDREN - 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/an] [businessman/ investor/ writer/ composer/ artist] ..."

Not related as claimed

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent [who is to be] admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Paragraph 243(i)

Parent refused entry clearance

"... but your [mother/father]'s application for entry clearance in that capacity has been refused and consequently the Secretary of State is not satisfied that you are the child of a parent to be admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Paragraph 243(i)

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

Parent not in the United Kingdom or not in appropriate category within the United Kingdom

"... but [? in view of ...] the Secretary of State is not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as [a/an] [businessman/ investor/ writer/ composer/ artist] ..."

Paragraph 243(i)**Over 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 under the age of 18."

Paragraph 243(ii)

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

Married

"... but [? in view of ...] the Secretary of State is not satisfied that you are unmarried."

Paragraph 243(iii)**Independent family unit**

"... but [? in view of ...] the Secretary of State is not satisfied that you have not formed an independent family unit."

Paragraph 243(iii)**Independent life**

"... but [? in view of ...] the Secretary of State is not satisfied that you are not leading an independent life."

Paragraph 243(iii)**Maintenance and accommodation**

"... but [? in view of ...] the Secretary of State is not satisfied that you can, and will be, maintained and accommodated adequately in accommodation which your parent[s] own or occupy exclusively without recourse to public funds."

Paragraph 243(iv)**Intention to leave**

"... but [? in view of ...] the Secretary of State is not satisfied that you will not stay in the United Kingdom beyond any period of leave granted to your parent[s]."

Paragraph 243(v)**Not accompanying both parents**

"... but [? in view of ...] the Secretary of State is not satisfied that both your parents [are being/have been] [admitted to/allowed to remain in] the United Kingdom, or that the parent you are to accompany 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 243(vi)
