

**CHAPTER 7
SECTION 1**

**PERSONS EXERCISING RIGHTS OF ACCESS
TO A CHILD RESIDENT IN THE UK**

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 person exercising rights of access to a child who is resident in the United Kingdom

No entry clearance - non-visa national

{Refusal Code: ...}

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

Paragraph 248 with reference to Paragraph 246(viii)

Visa nationals

".....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 60(2) Immigration and Asylum Act 1999**

{Refusal Code F1}

AFTER ENTRY (LEAVE TO REMAIN)

"You have asked for leave to remain in the United Kingdom as a person exercising rights of access to a child who is resident here

Not related as claimed

".....but [? in view of....] the Secretary of State is not satisfied that you are the parent of a child who is resident in the United Kingdom as you have claimed"

Paragraph 248C with reference to Paragraph 248A(i)

{INDECS Code: ...}

Other parent or carer not resident in the United Kingdom

".....but under the Immigration Rules the other parent of your child or the carer with whom your child resides is required to be resident in the United Kingdom, but they are not so resident."

Paragraph 248C with reference to Paragraph 248A(ii)

{INDECS Code: ...}

No proof of rights of access to the child

".....but you have not produced the required evidence by way of a Residence Order or a Contact Order granted by a Court in the United Kingdom or a (sworn) statement issued from your child's other parent (or if contact is supervised, from the supervisor), that you are maintaining contact with your child."

Paragraph 248C with reference to Paragraph 248A(iii)

{INDECS Code: ...}

Applicant does not take, or does not intend to continue to take an active role in the child's upbringing

".....but [? in view of....] the Secretary of State is not satisfied that you take / intend to continue to take an active role in your child's upbringing. "

Paragraph 248C with reference to Paragraph 248A(iv)

{INDECS Code: ...}

The Child does not visit or stay with the applicant on a frequent and regular basis / does not intend this to continue

".....but [? in view of....] the Secretary of State is not satisfied that your child visits or stays with you on a frequent or regular basis and that you intend this to continue. "

Paragraph 248C with reference to Paragraph 248A(v)

{INDECS Code: ...}

Child not under 18

".....but you have requested leave to remain in order to exercise rights of access to a child who is aged 18 or over."

Paragraph 248C with reference to Paragraph 248A(vi)

{INDECS Code: ...}

Applicant does not have limited leave to enter or remain as the spouse, civil partner or unmarried partner of a person present and settled in the United Kingdom who is the other parent of the child

".....but you do not have limited leave to enter or remain as the spouse, civil partner or unmarried partner of a person present and settled in the United Kingdom who is the other parent of the child."

Paragraph 248C with reference to Paragraph 248A(vii)

{INDECS Code: ...}

Applicant has remained in breach of the immigration laws

".....but you have remained in the United Kingdom in breach of the immigration laws."

Paragraph 248C with reference to Paragraph 248A(viii)

{INDECS Code: ...}

Maintenance & accommodation

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

Paragraph 248C with reference to Paragraph 248A(ix & x)

{INDECS Code: ?}

AFTER ENTRY (INDEFINITE LEAVE TO REMAIN)

"You have asked for indefinite leave to remain in the United Kingdom as a person exercising rights of access to a child who is resident here

Applicant was not admitted to the U.K. to exercise rights of access / or / has not spent 12 months in the U.K. as a person exercising access rights

".....but you [were not admitted to the United Kingdom or granted leave to remain in the United Kingdom / have not completed a period of 12 months in the United Kingdom] as a person exercising rights of access to a child who is resident in the United Kingdom"

Paragraph 248F with reference to Paragraph 248D(i)

{INDECS Code: ...}

Applicant does not take, or does not intend to continue to take an active role in the

child's upbringing

".....but [? in view of] the Secretary of State is not satisfied that you take / intend to continue to take an active role in your child's upbringing."

Paragraph 248F with reference to Paragraph 248D(ii)

{INDECS Code: ...}

The Child does not visit or stay with the applicant on a frequent and regular basis / does not intend this to continue

".....but [? in view of] the Secretary of State is not satisfied that your child visits or stays with you on a frequent or regular basis and that you intend this to continue."

Paragraph 248F with reference to Paragraph 248D(iii)

{INDECS Code: ...}

Maintenance & accommodation

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

Paragraph 248F with reference to Paragraph 248D(iv & v)

{INDECS Code: ...}

Child not under 18

".....but you have requested leave to remain in order to exercise rights of access to a child who is aged 18 or over."

Paragraph 248F with reference to Paragraph 248D(vi)

{INDECS Code: ...}

ENTRY CLEARANCE

"You have asked for entry clearance to come to the United Kingdom as a person exercising rights of access to a child who is resident in the United Kingdom

Not related as claimed

".....but [? in view of....] the Secretary of State is not satisfied that you are the parent of a child who is resident in the United Kingdom as you have claimed"

Paragraph 248 with reference to Paragraph 246(i)

{INDECS Code: ...}

Other parent or carer not resident in the United Kingdom

".....but under the Immigration Rules the other parent of your child or the carer with whom your child resides is required to be resident in the United Kingdom, but they are not so resident."

Paragraph 248 with reference to Paragraph 246(ii)

{INDECS Code: ...}

No proof of rights of access to the child

".....but you have not produced the required evidence by way of a Residence Order or a Contact Order granted by a Court in the United Kingdom or a sworn statement issued from your child's other parent (or if contact is supervised, from the supervisor), that you are maintaining contact with your child."

Paragraph 248 with reference to Paragraph 246(iii)

{INDECS Code: ...}

Applicant does not intend to take an active role in the child's upbringing

".....but [? in view of] I am not satisfied that you intend to take an active role in your child's upbringing. "

Paragraph 248 with reference to Paragraph 246(iv)

{INDECS Code: ...}

Child not under 18

".....but you have requested entry clearance to go to the United Kingdom in order to exercise rights of access to a child who is aged 18 or over."

Paragraph 248 with reference to Paragraph 246(v)

{INDECS Code: ...}

Maintenance & accommodation

".....but [in view of] I am not satisfied that you can and will be [maintained/accommodated/maintained and accommodated] adequately without recourse to public funds [in accommodation which you] own or occupy exclusively."

Paragraph 248 with reference to Paragraph 246(vi & vii)

{INDECS Code: ...}

