

CHAPTER 7: SECTION 4 - RETIRED PERSONS OF INDEPENDENT MEANS

ANNEX I - RETIRED PERSONS OF INDEPENDENT MEANS DISCRETION

1. INTRODUCTION

There may be cases which arise where the applicant does not meet all the requirements of the Rules, but where there are exceptional compelling grounds which would warrant the exercise of discretion. **The decision to grant an application involving discretion should not be taken below Deputy Director level.**

2. USE OF DISCRETION

Occasionally, a person may seek to qualify on various grounds, none of which, **when looked at individually**, meets the requirements of the Rules. Where such a situation arises caseworkers should consider the case "in the round" to see whether these grounds meet the **spirit** of the Rules **when taken together**.

A person of high international standing in his own field, whether it be artistic, social, political or economic, may exceptionally be granted an entry clearance if his presence here will reflect well on the United Kingdom, or if his abilities are likely to be used to the direct benefit of people here other than by taking employment.

In **all** cases where discretion is exercised the applicant **must** have sufficient funds to maintain and accommodate himself and any dependants for an indefinite period without working or recourse to public funds.

2.1. General interest of the United Kingdom

The concession to admit people with funds in excess of £500,000, who are willing to invest that sum of money in the United Kingdom in the general interest of the United Kingdom has been withdrawn. A person who is under 60 and who has no close connection with the United Kingdom, but who is in possession of substantial funds should now be considered under the **"Investor"** category.

2.2. Applications for variation of leave from those admitted under the general interest concession

An applicant admitted under the general interest concession because he intended to bring funds of more than £500,000 to the United Kingdom should continue to be considered on that basis. He must still, however, continue to meet all the requirements of the concession. He must have transferred funds in excess of £500,000 to the United Kingdom. Although the funds do not have to be transferred here before entry clearance is granted they **must** be transferred **before** an extension is granted. When calculating the funds half the cost of an **unmortgaged** property and the value of any permanent asset may be taken into account.

2.3. Applications affected by United Nations sanctions

Under the United Nations sanctions, nationals of Iraq have had their funds in the United Kingdom frozen by the Bank of England. These restrictions do not apply to anyone who has been given 5 years leave to enter or remain or indefinite leave. An applicant who cannot show that he has the required income and any additional funds needed for his maintenance and accommodation **under his control** because his funds are frozen, but who can otherwise meet the requirements of the Rules and in particular show that he has close family connections with the United Kingdom, need not be refused and leave to enter for 5 years should normally be given.

In cases where less than 5 years leave is given and the Bank of England has kept the funds frozen the applicant will still be able to draw funds for all reasonable living expenses. This will include the cost of renting accommodation since people affected by these sanctions are not allowed to withdraw money to purchase property.

Since the funds authorised by the bank may not amount to £25,000 a year discretion will have to be exercised. However, it should be borne in mind that the bank will not block funds for reasonable living expenses.