

CHAPTER 7: SECTION 4 - RETIRED PERSONS OF INDEPENDENT MEANS

ANNEX H - RETIRED PERSONS OF INDEPENDENT MEANS CLOSE CONNECTION TO THE UNITED KINGDOM AND THE INTENTION TO MAKE IT THE MAIN HOME

1. INTRODUCTION

The close connection requirement should be looked at on the individual merits of the case. Whilst there may not be one major factor which by itself establishes a close connection, there may be several which may constitute a reasonable claim when taken together.

2. WHAT CONSTITUTES A CLOSE CONNECTION?

The Tribunal have ruled that the close connection requirement should be viewed "in the round". The following is a list of what would *normally* be considered to be a close connection to the United Kingdom:

Close relatives settled in the United Kingdom would be a sufficient claim. This should be taken to mean parents, children, brothers or sisters. Relatives who are more distantly related will only be acceptable if they have recently formed an established part of the applicant's household or if they are the closest surviving relatives of the applicant. The emotional closeness of the relationship should, however, be given more weight than the actual relationship.

Periods of previous residence can count if long and fairly recent; lengthy periods of study here can also be taken into account. Short periods here, particularly as visitors should not count unless they are very frequent and there are other factors which prove a close connection. Similarly the presence of children studying here should not count on its own but may be taken together with other circumstances.

Other factors which may be included as *part* of a close connection are:

- * the long standing possession of substantial property in the United Kingdom
- * long periods of Crown employment on behalf of the Government of the United Kingdom or Crown service on behalf of the Government of a Dependent Territory
- * employment with a British company which may have included frequent business visits to the United Kingdom or working exclusively with other British nationals or contacts with other British firms.
- * past service to the United Kingdom through which close business or other contacts have been established
- * letters of support from eminent British citizens

These factors would *not* amount to a close connection on their own but *should* be taken into account. The weight such factors should be given will depend on the nature and length of the job, together with any other connections to the United Kingdom that the applicant may have.

British nationality (other than British citizenship which carries the right of abode) does not constitute a close connection with the United Kingdom.

3. INTENTION TO MAKE THE UNITED KINGDOM THE MAIN HOME

An application for entry clearance should *not* be granted as a person of independent means if the applicant will retain his main home abroad and intends to spend only short periods of time in the United Kingdom. A verbal or written statement of intentions is normally sufficient. Applications for variation of leave should also be refused if it is clear that the applicant has not made the United Kingdom his main home.

The amount of time spent in the United Kingdom and the applicant's home country should be checked carefully when considering applications for further or indefinite leave to remain. Where it appears that the applicant is still retaining a home abroad further enquiries as to why so much time has been spent abroad should be made. If the explanation fails to satisfy the requirement that he has made the United Kingdom his main home then the application should be refused.