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**CHAPTER 8
SECTION 6****DEPENDENT RELATIVES****1. INTRODUCTION**

The dependants (other than a spouse or child) of a person present and settled in the United Kingdom may qualify for admission for settlement if they fall within one of the categories of relatives set out in paragraph 317 of HC 395. Paragraph 317 provides for the admission for settlement of **parents, grandparents and other relatives** of persons present and settled here. Other relatives are: a son, daughter, sister, brother and uncle or aunt over the age of 18, who is mainly dependent upon relatives settled here. Entry clearance as a dependent relative is mandatory, however paragraph 318 provides for such relatives to be granted indefinite leave to remain, even if they entered in a temporary capacity.

2. LEAVE TO ENTER AS A DEPENDENT RELATIVE OF A PERSON PRESENT AND SETTLED IN THE UNITED KINGDOM

The requirements to be met by a person seeking leave to enter in this capacity are set out in paragraph 317 in Part 8 of HC 395 and **must** be referred to when reading the following advice.

2.1. Key points

The main points on which the immigration officer needs to be satisfied are that:

- ◆ the passenger holds a valid United Kingdom entry clearance as a dependent relative of a person present and settled in the United Kingdom; and
- ◆ there is no reason to believe that false representations were made in order to obtain the entry clearance or that circumstances have changed since its issue.

2.2. Further guidance

The majority of passengers seeking leave to enter under these provisions of the Rules will be in possession of an entry clearance. However, where a person arrives without the required entry clearance further examination will be necessary to decide whether there are exceptional compassionate circumstances to warrant the exercise of discretion. Such consideration may arise more frequently in a category such as this, as the majority of passengers will be elderly or distressed relatives. For further guidance see also:

ANNEX V (below) *provides guidance about parents and grandparents*
ANNEX W *provides guidance about other relatives*
ANNEX X *provides guidance about village visits*

2.3. Granting leave to enter

Leave to enter for an indefinite period should normally be granted to a passenger holding an entry clearance for this purpose.

2.4. INDECS

SE Indefinite leave to enter - Elderly dependants of persons settled here

S ILE - Others given ILE

2.5. Refusal of leave to enter

- ◆ Where a **non-visa national** seeks indefinite leave to enter in this capacity without a valid United Kingdom entry clearance issued for this purpose and no compassionate circumstances exist, he should be refused entry under Paragraph 319 of HC 395.
- ◆ A **visa national** seeking entry without a valid United Kingdom visa falls to be refused under Paragraph 320(5). See **Chapter 9, Section 2** to these instructions.
- ◆ Where a passenger seeking entry in this capacity holds an entry clearance for this purpose, refusal may only be considered under Paragraph 321 (See **Chapter 9, Section 3** to these instructions).
- ◆ In the case of a person returning to the United Kingdom from a temporary absence abroad, within a period for which he was previously given leave, reference **must** be made, before refusal, to **Chapter 1, Section 9, "Persons returning to resume previous leave"**.

ANNEX Y (below) provides examples of refusal formulae.

2.6. On entry Refusal Codes

- F1 For settlement without required entry clearance, including holder of forged entry clearance, entry clearance obtained by deception, or entry clearance where a change in circumstances has removed basis of claim to admission.
- Z1 Other reasons

2.7. Right of appeal and corresponding refusal form

Where no entry clearance is held, there is no right of appeal against refusal of leave to enter as a dependent relative of a person present and settled in the United Kingdom under Section 13(3B)(a) of the Immigration Act 1971 (as set out in Section 11 of the Asylum and Immigration Appeals Act 1993).

Form IS 82D should therefore be used.

The "*Port Instructions for on-entry asylum applications*" provides details of the appropriate forms to use in mixed asylum/non-asylum cases.

3. LEAVE TO REMAIN AS A DEPENDENT RELATIVE OF A PERSON PRESENT AND SETTLEMENT

The requirements to be met by a person seeking to remain in the United Kingdom in this capacity are set out in Paragraph 318 of HC 395 and **must** be referred to when reading the following advice.

3.1. Key points

Caseworkers must satisfy themselves that the applicant:

- is related to a person who is present and settled in the United Kingdom in one of the following ways:
- mother or grandmother who is a widow aged 65 years or over
- father or grandfather who is a widower aged 65 years or over
- parent or grandparents travelling together of whom at least one is aged 65 or over
- a parent or grandparent aged 65 or over who has remarried but cannot look to the spouse or children of the second marriage for financial support and the person settled in the United Kingdom is able and willing to support him and any dependants
- a parent or grandparent under the age of 65 living alone in the most exceptional compassionate circumstances and mainly dependent financially on relatives settled in the United Kingdom
- the son, daughter, sister, brother, aunt or uncle over the age of 18 if living alone in the most exceptional circumstances and mainly dependent financially on relatives settled in the United Kingdom;
- is financially mainly dependent on the relative present and settled in the United Kingdom;
- can, and will be maintained and accommodated with any dependants without recourse to public funds;
- has no other relatives in his own country to whom he could turn for financial support.

3.2. Further guidance

Where the applicant is over the age of 65 detailed enquiries will not be necessary. However the sponsor should still be requested to complete a RON 112 (sponsorship declaration form).

In accordance with paragraph 6 of the Immigration Rules a 'sponsor' means **the** person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé, unmarried partner or dependant relative, as the case may be.

Occasionally an applicant may claim that he is supported jointly by two or more relatives in the United Kingdom. This is **not** an acceptable arrangement for the purposes of the Immigration Rules. Such an applicant should be advised that he will need to nominate one sponsor, who he has been financially wholly or mainly dependent upon, and who will be singularly responsible for his maintenance and accommodation in the United Kingdom. The sponsor will need to complete a sponsorship declaration form.

Where the applicant is a young single or divorced woman, living in a country where it is claimed that it is socially unacceptable for her to live there alone, this may be taken into account. But such a situation is not **on its own** a sufficiently compelling reason to grant leave to enter or remain.

ANNEX V (below) provides guidance relating to parents and grandparents

ANNEX W (below) provides guidance about other relatives

ANNEX X (below) provides guidance about village visits

3.3. Granting leave to remain

If all the requirements of Paragraph 318 are met indefinite leave to remain should be granted.

3.4. INDECS

3E ILR - Parents joining children

3F ILR - Grandparents joining grandchildren

3G ILR - Other relatives

3.5. Refusal of leave to remain

Chapter 9, Section 1 "Adverse decisions - General Guidance" provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

Refusal of extension of stay as a dependent relative of a person present and settled in the United Kingdom is under Paragraph 319 of HC 395 on the grounds that each of the provisions of Paragraph 317 (i) - (v) are not satisfied.

ANNEX Y (below) provides examples of refusal formulae.

3.6. INDECS

X8 Refusal - Settlement refusal - application other than as a spouse refused - no extension of stay granted