

**CHAPTER 8 SPOUSES  
SECTION 1**

**REFUSAL WORDINGS**

**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 the spouse of (.....)

**No entry clearance - non-visa national**

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

**Paragraph 282 of HC 395 with reference to Paragraph 281 (vi) of HC 395 as set out in paragraph 1 of HC 26**

See chapter 12 on appeal rights  
{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)**

See chapter 12 on appeal rights  
{Refusal Code: E4}

**AFTER ENTRY**

"[You have applied/An application has been made on your behalf] for leave to remain in the United Kingdom as the spouse of (...sponsor..)

**Child spouse**

"... but [? as [you/your [husband/wife]] [were/was] born on .../ as you have failed to produce [satisfactory] evidence of [your/ your [husband/wife]'s] date of birth] the Secretary of State is not satisfied that [you/your [husband/wife]] [are/is] aged 16 [18] or over."

**Paragraph 277**

See chapter 12 on appeal rights  
{Refusal Code: Q2}

**Polygamous marriage**

"... but your husband is also married to ... another woman who has been [in the United Kingdom since her marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband] and the Secretary of State is not satisfied that you were either admitted to the United Kingdom before 1 August 1988 for the purpose of settlement as the wife of your husband or that you have been in the United Kingdom at any time since your marriage to your husband (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) when there was no such other woman living who has been [in the United Kingdom since her marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband]."

**Paragraph 278 with reference to 279 and 280**

{Refusal Code: Q2}

**Applicant without limited leave**

"... but [? in view of ...] the Secretary of State is not satisfied that you have limited leave to remain in the United Kingdom."

**Paragraph 286 with reference to 284(i) of HC 395 as set out in paragraph 2 of HC 26**

See chapter 12 on appeal rights  
{Refusal Code: Q9}

**No Switching**

"... You have applied for leave to remain in the United Kingdom on the basis of your marriage to [\*\*\*\*\*]. However the immigration rules direct that a person seeking such leave is to be refused if they do not meet the requirements set out in the immigration rules as amended by HC 538. This includes that the applicant has limited leave to remain in the United Kingdom other than where that leave is of 6 months' duration or less. On \*\*/\*\*/\*\* you were granted limited leave to enter as a [visitor/student/other] for a period of \*\* months from \*\*/\*\*/\*\* until \*\*/\*\*/\*\* therefore you do not meet the requirements of having limited leave for a period of more than 6 months in the United Kingdom.

**Paragraph 286 with reference to 284(i) of HC 395 as set out in paragraph 14 of HC 538**

{Refusal Code: Q9}

**Not related as claimed**

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom."

**Paragraph 286 with reference to 284(ii) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code:Q9}

**Spouse not present/settled**

"... but [? in view of ...] the Secretary of State is not satisfied that your [husband/wife] is present and settled in the United Kingdom [or is to be admitted for settlement]."

**Paragraph 286 with reference to 284(ii)**

{Refusal Code: Q9}

**Met spouse**

"... but [? in view of ...] the Secretary of State is not satisfied that you and your [husband/wife] have met."

**Paragraph 286 of HC 395 with reference to 284(iii) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: QA}

**Marriage not subsisting**

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

**Paragraph 286 of HC 395 with reference to 284(vi) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: QC}

**Intention to live together**

"... but [? in view of ...] the Secretary of State is not satisfied that each of the parties intends to live permanently with each other as husband and wife."

**Paragraph 286 of HC 395 with reference to 284(vi) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: QC}

**Death of a partner**

"...You have since notified us that your [husband/wife] died on [...]. We sympathise with you in the loss of your spouse. However, in the matter of your application, as you were not admitted to the United Kingdom or given an extension of 2 years as the spouse of a person present and

settled in the United Kingdom, the unfortunate death of your spouse means that you no longer have a basis on which to remain here. Your application must therefore be refused."

***After the signature of the deciding caseworker, the words "acting on behalf of the Secretary of State" should be added.***

**Paragraph 286 of HC395 with reference to 284(vi) of HC395 as set out in paragraph 2 of HC26**

{Refusal Code: Q9}

### **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 286 of HC 395 with reference to 284(vii) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: Q3}

### **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 your dependants] adequately without recourse to public funds."

**Paragraph 286 of HC 395 with reference to 284(viii) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: Q4}

### **Breach of immigration laws**

"... but [? in view of ...] the Secretary of State is not satisfied that you have not remained in breach of the immigration laws."

**Paragraph 286 of HC 395 with reference to 284(iv) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: Q9}

### **Marriage post decision/recommendation to deport**

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage did not take place after [a decision had been made to deport you/you had been recommended for deportation/you had been given notice (of your liability to deportation) under section 6(2) of the Immigration Act 1971]."

**Paragraph 286 of HC 395 with reference to 284(v) of HC 395 as set out in paragraph 2 of HC 26**

{Refusal Code: Q9}

**INDEFINITE LEAVE TO REMAIN**

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as the spouse of ...(sponsor) ..."

**Has not completed 2 years as a spouse**

"... but [? in view of ...] the Secretary of State is not satisfied that you [were admitted to or given an extension of stay in the United Kingdom for a period of 2 years and] have completed a period of 2 years as the spouse of a person settled here."

**Paragraph 289 with reference to 287(i)**

{Refusal Code: X7 or G1, G2 or G4 if a 12 month extension is being granted}

**Divorced**

"... but [? in view of ...] the Secretary of State is not satisfied that you are still the spouse of the person you were [admitted/granted an extension of stay] to join."

**Paragraph 289 with reference to 287(ii)**

{Refusal Code: J8}

**Separated**

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

**Paragraph 289 with reference to 287(ii)**

{ Refusal Code: J8 }

**Polygamous marriage**

"...but your husband is also married to ... another woman who has been [in the United Kingdom since her marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted and entry clearance to enter the United Kingdom as the wife of your husband] and the Secretary of State is not satisfied that you were either admitted to the United Kingdom before 1 August 1988 for the purpose of settlement as the wife of your husband (other than as a visitor, and illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband]."

**Paragraph 278 with reference to 279 and 280**

{Refusal Code: X7}

**Intention to live together**

"...but [? in view of...] the Secretary of State is not satisfied that each of the parties intends to live permanently with each as husband and wife."

**Paragraph 289 with reference to 287(iii)**

{Refusal Code: J8}

**Death of a partner**

"...- You have since notified us that your husband [wife] died on [...]. We sympathise with you in the loss of your spouse. However, in the matter of your application, as you were not admitted to the United Kingdom or given an extension of 2 years as the spouse of a person present and settled in the United Kingdom, the unfortunate death of your spouse means that you no longer have a basis on which to remain here. Your application must therefore be refused."

***After the signature of the deciding caseworker, the words "acting on behalf of the Secretary of State" should be added.***

**Paragraph 289 with reference to 287 (ii)**

{Refusal Code: J8}

**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 your dependants] adequately without recourse to public funds."

**Paragraph 289 of HC 395 with reference to 287 of HC 395 as amended by paragraph 6(v) of Cm 3365**

{Refusal Code: J9}

**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 dependents] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

**Paragraph 289 of HC 395 with reference to 287 of HC 395 as amended by paragraph 6(iv) of Cm 3365**

{Refusal Code: J9}

**DOMESTIC VIOLENCE**

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as a victim of domestic violence..."

**Domestic violence not proven**

"...but [? in view of...] we are not satisfied that your marriage [relationship] broke down within the probationary period due to domestic violence".

**Paragraph 289A of HC 395 as amended by HC538****ENTRY CLEARANCE**

"[You have applied/An application has been made on your behalf] for entry clearance with a view to settlement in the United Kingdom as the spouse of ...(sponsor) ..."

**Child spouse**

"... but [? as [you/your [husband/wife]] [were/was] born on .../ as you have failed to produce [satisfactory] evidence of [your/ your [husband/wife]'s] date of birth] the Secretary of State is not satisfied that [you/your [husband/wife]] will be aged 16 or over on the date of your arrival in the United Kingdom."

**Paragraph 277**

See chapter 12 for details on appeal rights.

**Polygamous marriage**

"... but your husband is also married to ..., who has been [in the United Kingdom since her marriage/granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband]."

**Paragraph 278****Not present/settled**

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

**Paragraph 281(i) as set out in paragraph 1 of HC 26****Not related as claimed**

"...but [? in view of...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

**Paragraph 281(i) as set out in paragraph 1 of HC 26****Spouse refused entry clearance**

"... but your [wife/husband]'s application for entry clearance

to settle in the United Kingdom has been refused and consequently the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

**Paragraph 281(i) as set out in paragraph 1 of HC 26**

See chapter 12 for details on appeal rights

**Met spouse**

"... but [? in view of...] the Secretary of State is not satisfied that you and your [husband/wife] have met."

**Paragraph 281(ii) of HC 395 as set out in paragraph 1 of HC 26**

**Intention to live together**

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

**Paragraph 281(iii) of HC 395 as set out in paragraph 1 of HC 26**

**Marriage not subsisting**

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

**Paragraph 281(iii) of HC 395 as set out in paragraph 1 of HC 26**

**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 281(iv) of HC 395 as set out in paragraph 1 of HC 26**

**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 your dependants] adequately without recourse to public funds."

**Paragraph 281(v) of HC 395 as set out in paragraph 1 of HC 26**