

**CHAPTER 8
SECTION 9**

UNMARRIED & SAME SEX RELATIONSHIPS

REFUSAL FORMULAE

PLEASE NOTE: *The following wordings are examples - they do not constitute an exhaustive list of all possible formulae*

REFUSAL OF LIMITED LEAVE TO ENTER WITH A VIEW TO SETTLEMENT AS THE UNMARRIED OR SAME SEX PARTNER OF A PERSON PRESENT AND SETTLED IN THE UNITED KINGDOM OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT

ON ENTRY

"You have applied for leave to enter the United Kingdom as the [unmarried / same sex] partner of (.....)

No entry clearance - 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 clearance is sought, and you have no such entry clearance."

Paragraph 320(5) of HC 395

{See CH 8 Sec 9 paragraph 2.9 for Refusal Codes}

No entry clearance - non visa national

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

Paragraph 295C of HC 395

{See CH 8 Sec 9 paragraph 2.9 for Refusal Codes}

ENTRY CLEARANCE

"[You have applied/An application has been made on your behalf] for entry clearance to come to the United Kingdom as the [unmarried / same sex] partner of (.....)

Not related as claimed

"but [?in view of...] the Secretary of State is not satisfied that you are the [unmarried / same sex] partner of a person who is present and settled in the United Kingdom."

Paragraph 295A(i)**Unmarried or same sex partner not present/settled**

“but [?in view of...] the Secretary of State is not satisfied that the [unmarried / same sex] partner whom you are joining is [present and settled in the United Kingdom/to be admitted for settlement].”

Paragraph 295A(i)**Previous marriages or civil partnerships**

“but [?in view of...] the Secretary of State is not satisfied that any previous [marriage / civil partnership] entered into by [you/your partner] has permanently broken down.”

Paragraph 295A(ii)**Relationship akin to marriage or civil partnership**

“but [?in view of...] the Secretary of State is not satisfied that you and your partner have been living in a relationship akin to [marriage / civil partnership] which has subsisted for two years or more.”

Paragraph 295A(i)**Accommodation**

“but [?in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your partner [and your dependants] without recourse to public funds in accommodation which you and your partner own or occupy exclusively.”

Paragraph 295A(v)**Maintenance**

“but [?in view of...] the Secretary of State is not satisfied that you and your partner [and your dependants] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds.”

Paragraph 295A(vi)**Intention to live together**

“but [?in view of...] the Secretary of State is not satisfied that you and your partner intend to live permanently together .”

Paragraph 295A(vii)**Valid entry clearance**

“but [?in view of...] the Secretary of State is not satisfied that you hold a valid United Kingdom entry clearance for entry in this capacity.”

Paragraph 295A(viii)**REFUSAL OF LEAVE TO REMAIN**

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

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 295D(i) with reference to 295F

{Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Previous marriages or civil partnerships

but [?in view of...] the Secretary of State is not satisfied that any previous [marriage / civil partnership] entered into by [you/your partner] has permanently broken down.”

Paragraph 295D(ii) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Not related as claimed

“but [?in view of...] the Secretary of State is not satisfied that you are the [unmarried / same sex] partner of a person who is present and settled in the United Kingdom.”

Paragraph 295D(iii) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Breach of the immigration laws

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

Paragraph 295D(iv) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Consanguineous relationship

“but [?in view of...] the Secretary of State is not satisfied that you are involved in a non-consanguineous relationship.”

Paragraph 295D(v) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Relationship akin to marriage

“but [?in view of...] the Secretary of State is not satisfied that you and your partner have been living in a relationship akin to marriage or a civil partnership which has subsisted for two years or more.”

Paragraph 295D(vi) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K6}

{Same-sex partner STATISTICAL Code: D6}

Pre-dates decision to deport

“but [?in view of...] the Secretary of State is not satisfied that your relationship pre-dates any decision to deport you, recommend you for deportation, give you notice under Section 6(2) of the Immigration Act 1971, or give directions for your removal under Section 10 of the Immigration and asylum Act 1999.”

Paragraph 295D(vii) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Accommodation

“but [?in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your partner [and your dependants] without recourse to public funds in accommodation which you and your partner own or occupy exclusively.”

Paragraph 295D(viii) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7}

Maintenance

“but [?in view of...] the Secretary of State is not satisfied that you and your partner [and your dependants] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds.”

Paragraph 295D(ix) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K7}

{Same-sex partner STATISTICAL Code: D7?}

Intention to live together

“but [?in view of...] the Secretary of State is not satisfied that you and your partner intend to live permanently together .”

Paragraph 295D(x) with reference to 295F

{ Unmarried (opposite sex) partner STATISTICAL Code: K3}
{Same-sex partner STATISTICAL Code: D5}

REFUSAL OF INDEFINITE LEAVE TO REMAIN**Completion of probationary period**

“but [?in view of...] the Secretary of State is not satisfied that you [were admitted to the United Kingdom or given an extension of stay for a period of two years and] you have completed a period of two years as the unmarried or same sex partner of a person present and settled here.”

Paragraph 295G(i) with reference to 295I

{ Unmarried (opposite sex) partner STATISTICAL Code: X7 or K1}
{Same-sex partner STATISTICAL Code: X7 or D1}

Not related as claimed

“but [?in view of...] the Secretary of State is not satisfied that you are the unmarried or same sex partner of a person who is present and settled in the United Kingdom.”

Paragraph 295G(ii) with reference to 295I

{ Unmarried (opposite sex) partner STATISTICAL Code: J1}
{Same-sex partner STATISTICAL Code: J2}

Intention to live together

“but [?in view of...] the Secretary of State is not satisfied that you and your partner intend to live permanently together ”

Paragraph 295G(iii) with reference to 295I

{ Unmarried (opposite sex) partner STATISTICAL Code: J1}
{Same-sex partner STATISTICAL Code: J2}

Accommodation

“but [?in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your partner [and your dependants] without recourse to public funds in accommodation which you and your partner own or occupy exclusively.”

Paragraph 295G(iv) with reference to 295I

{ Unmarried (opposite sex) partner STATISTICAL Code: J3}
{Same-sex partner STATISTICAL Code: J4}

Maintenance

“but [?in view of...] the Secretary of State is not satisfied that you and your partner [and your dependants] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds.”

Paragraph 295G(v) with reference to 295I

{ Unmarried (opposite sex) partner STATISTICAL Code: J3}

{Same-sex partner STATISTICAL Code: J4}

REFUSAL OF LEAVE TO ENTER OR REMAIN AS THE UNMARRIED OR SAME SEX PARTNER OF A PERSON WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE UNITED KINGDOM UNDER PARAGRAPHS 128-193; 200-239; OR 263-270**No entry clearance - 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 clearance is sought, and you have no such entry clearance."

{Refusal Code E4}

Paragraph 320(5) of HC 395**No entry clearance - non visa national**

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

{Refusal Code E4}

Paragraph 295L of HC 395**Not related as claimed**

“but [?in view of...] the Secretary of State is not satisfied that you are the [unmarried / same sex] partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270.”

Paragraph 295J(i) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: X6}

{Same-sex partner STATISTICAL Code: X6}

Unmarried or same sex partner not in the UK under correct provisions

“but [?in view of...] the Secretary of State is not satisfied that the [unmarried / same sex] partner whom you are joining or remaining with has limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270.”

Paragraph 295J(i) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Previous marriages / civil partnerships (or similar relationships)

“but [?in view of...] the Secretary of State is not satisfied that any previous [marriage / civil partnership] entered into by [you/your partner] has permanently broken down.”

Paragraph 295J(ii) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Consanguineous relationship

“but [?in view of...] the Secretary of State is not satisfied that you are involved in a non-consanguineous relationship.”

Paragraph 295J(iii) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Relationship akin to marriage or civil partnership

“but [?in view of...] the Secretary of State is not satisfied that you and your partner have been living in a relationship akin to [marriage / civil partnership] which has subsisted for two years or more.”

Paragraph 295J(iv) with reference to 295L

{Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Intention to live together

“but [?in view of...] the Secretary of State is not satisfied that you and your partner intend to live with each other permanently.”

Paragraph 295J(v) with reference to 295L

{Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Accommodation

“but [?in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your partner [and your dependants] without recourse to public funds in accommodation which you and your partner own or occupy exclusively.”

Paragraph 295J(vi) with reference to 295L

{Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Maintenance

“but [?in view of...] the Secretary of State is not satisfied that you and your partner [and your dependants] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds.”

Paragraph 295J(vii) with reference to 295L

{Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

Intention to leave

“but [?in view of...] the Secretary of State is not satisfied that you do not intend to stay in the United Kingdom beyond any period of leave granted to your partner.”

Paragraph 295J(viii) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: X6}
{Same-sex partner STATISTICAL Code: X6}

No entry clearance for entry in this capacity

“but [?in view of...] the Secretary of State is not satisfied that you were admitted with a valid entry clearance for entry in this capacity.”

Paragraph 295J(ix) with reference to 295L

{ Unmarried (opposite sex) partner STATISTICAL Code: E4}
{Same-sex partner STATISTICAL Code: E4}

REFUSAL OF INDEFINITE LEAVE TO REMAIN AS THE BEREAVED UNMARRIED OR SAME SEX PARTNER OF A PERSON PRESENT AND SETTLED IN THE UNITED KINGDOM

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

Completion of probationary period

“but [?in view of...] the Secretary of State is not satisfied that you were admitted to the United Kingdom or given an extension of stay for a period of two years as the [unmarried / same sex] partner of a person present and settled in the United Kingdom.”

Paragraph 295M(i) in conjunction with 295O

{Common-law spouse STATISTICAL Code: X7}
{Same-sex partner STATISTICAL Code: X7}

Death of applicant's partner

“but [?in view of...] the Secretary of State is not satisfied that the person whom you were admitted or granted an extension of stay to join died in the period of two years after you [were admitted to the UK/were granted an extension of stay].”

Paragraph 295M(ii) in conjunction with 295O

{ Unmarried (opposite sex) partner STATISTICAL Code: J3}

{Same-sex partner STATISTICAL Code: J4}

Not the unmarried partner as claimed

“but [?in view of...] the Secretary of State is not satisfied that you were still the unmarried or same sex partner of the person you were admitted or granted an extension of stay to join at the time of [his/her]death.”

Paragraph 295M(iii) in conjunction with 295O

{ Unmarried (opposite sex) partner STATISTICAL Code: J3}

{Same-sex partner STATISTICAL Code: J4}

Intention to live together

“but [?in view of...] the Secretary of State is not satisfied that you and your partner intended to live permanently with each other at the time of your partner’s death.”

Paragraph 295M(iv) in conjunction with 295O

{ Unmarried (opposite sex) partner STATISTICAL Code: J3}

{Same-sex partner STATISTICAL Code: J4}

Relationship not subsisting

“but [?in view of...] the Secretary of State is not satisfied that your relationship was subsisting at the time of your partner's death.”

Paragraph 295M(iv) in conjunction with 295O

{Unmarried (opposite sex) partner STATISTICAL Code: J3}

{Same-sex partner STATISTICAL Code: J4}