

CHAPTER 9
SECTION 3

REFUSAL OF LEAVE TO ENTER

REFUSAL FORMULAE

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

ON ENTRY

** REMEMBER Unless s/he is in possession of a current entry clearance at the time of the refusal, a person will not be entitled to appeal against the refusal/n of leave to enter as a "visitor", a "short-term student" (on a course of study of not more than 6 months duration), a "prospective student" (yet to be accepted on a course), or as a "dependant of any of the above", by virtue of Section 60 of the Immigration and Asylum Act 1999). In the case of a family visitor there is an entitlement to appeal against refusal of entry clearance, but not the refusal of leave to enter.*

"You have asked for leave to enter the United Kingdom (as a visitor/student, etc)"

When Paragraph 320 is invoked in cases where the formal requirements of the rule under which entry is sought *are satisfied*, the formulae below should commence with the word "**but**"; in all other such cases the words "**in addition**" should be used.

No Provision in the Rules

"... but this is not a purpose covered by the Immigration Rules."

Paragraph 320(1)
{Refusal Code: H1}

Subject of a deportation order

"... but you are currently the subject of a deportation order signed on ...(date)."

Paragraph 320(2)
{Refusal Code: D2}

No acceptable travel document

"... but you have failed to produce a valid national passport or other document satisfactorily establishing your identity and nationality."

Paragraph 320(3)

** No entitlement to appeal by virtue of Section 60(7)(a)*

{Refusal Code: E1}

Forged/falsified document

"... but I have reason to believe that the passport/travel document you have produced to me is forged/falsified. In the light of this I consider that you should be refused leave to enter the United Kingdom, as you have failed to produce a valid national passport or other document satisfactorily establishing your identity and nationality".

Paragraph 320(3)

** No entitlement to appeal save for a preliminary issue appeal on the question of whether the document was forged / falsified.*

{Refusal Code: E1}

Unacceptable elsewhere in Common Travel Area

"... but you have arrived in the United Kingdom with the intention of entering [the Channel Islands/ the Isle of Man/ the Republic of Ireland] and I am not satisfied that you are acceptable to the immigration authorities there."

Paragraph 320(4)

{Refusal Code: A6}

(Paragraph 320(4) is ONLY relevant in cases where there is reason to believe that the passenger actually intends to enter another part of the common travel area.)

Visa nationals - Failure to produce valid Entry Clearance

"... 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)

** No entitlement to appeal by virtue of Section 60(7)(a)*

{Refusal Code: E4 (non settlement) F1 (settlement)}

Exclusion Conducive to the Public Good - Secretary of State's personal direction

"... but the Secretary of State has personally directed that your exclusion from the United Kingdom is conducive to the public good."

Paragraph 320(6)

** No entitlement to appeal by virtue of Section 60(9)*

{Refusal Code: D3}

Medical

"... but I have received confirmation from the Medical Inspector that it is undesirable to admit you to the United Kingdom for the following medical reasons.....; you are not a person settled in the United Kingdom and I am not satisfied that there are strong compassionate reasons justifying your admission."

(the "medical reasons" should be those stated in the Medical Inspector's certificate.)

Paragraph 320(7)

{Refusal Code: C1 (mental disorder) C2 (others)}

Failure to produce information required by the immigration officer

"... but you have failed to furnish information required for the purpose of deciding whether you require leave to enter the United Kingdom or, if you do, whether or on what terms leave should be given."

Paragraph 320(8)

{Refusal Code: H1}

Returning residents:

"You have asked for leave to enter the United Kingdom as a returning resident"

Not settled when last left

"... but I am not satisfied that you had indefinite leave to enter or remain in the United Kingdom when you last left."

Paragraph 320(9) with reference to Paragraph 18(i)

{Refusal Code: F4}

More than 2 years away

"...but I am not satisfied that you have not been away from the United Kingdom for more than 2 years and, having considered the circumstances of your case, I am not prepared to exercise discretion in your favour."

Paragraph 320(9) with reference to paragraph 18(ii) and 19

{Refusal Code: F4}

Public funds

"...but I am not satisfied that you did not receive assistance from public funds towards the cost of leaving the United Kingdom."

Paragraph 320(9) with reference to paragraph 18(iii)

{Refusal Code:F4}

Purpose not settlement

"...but I am not satisfied that you are seeking admission for the purpose of settlement."

Paragraph 320(9) with reference to paragraph 18(iv)

{Refusal Code: F4}

Passport/travel doc issued by authority not recognised by UK govt

"... but you have produced a national passport/travel document issued by a/an territorial entity/ authority which is not [recognised as a state/dealt with as a government] by Her Majesty's Government and is not dealt with as a government by them."

Paragraph 320(10)

{Refusal Code: E1}

Passport/travel document issued by authority which does not accept valid UK passports

"... but you have produced a national passport/travel document issued by an authority which does not accept valid United Kingdom passports for the purpose of its own immigration control."

Paragraph 320(10)

{Refusal Code: E1}

Passport/travel document which does not comply with international passport practice

"... but you have produced a travel document which does not comply with international passport practice."

Paragraph 320(10)

{Refusal Code: E2}

Failure to comply with conditions

"... but [when here previously in 19...] you [have] failed to observe the time limit/conditions/time limit and conditions attached to a previous grant of leave to enter/remain in the United Kingdom."

Paragraph 320(11)

{Refusal Code: H1}

Deception used to obtain previous leave

"... but [on.....] you obtained a previous leave to enter/remain by deception."

Paragraph 320(12)

{Refusal Code: H1}

Restricted returnability

"... but you are not a person eligible for admission to the United Kingdom for settlement or a spouse eligible for admission under paragraph 282 and I am not satisfied that you will be admitted to another country after your proposed stay in the United Kingdom."

Paragraph 320(13)

{Refusal Code: E3}

Refusal of sponsor to give written undertaking

"... However, ... (name of sponsor) has been requested to give a written undertaking to be responsible for your maintenance and accommodation in the United Kingdom for the period of any leave granted to you but he/she has refused to do so."

Paragraph 320(14)

{Refusal Code: H1}

Work Permit - False representations/material facts not disclosed

"... but you made false representations/ failed to disclose a material fact for the purpose of obtaining your work permit."

Paragraph 320(15)

{Refusal Code: B2}

No written consent for child under 18

"... but you are under the age of 18 years, seeking entry otherwise than in conjunction with an application made by your parent(s)/ legal guardian(s) and although you have been asked to provide written consent to the application from your parent(s) or legal guardian you have not done so."

Paragraph 320(16)

{Refusal Code: H1}

Refusal to submit to medical examination

" ... but you are not a person settled here and you have refused to undergo a medical examination when required to do so."

Paragraph 320(17)

{Refusal Code: H1}

Criminal conviction

"... but I have reason to believe that (on.....at.....)(in.....(country) you (were)(have been) convicted of and sentenced for.....(offence) which is an offence which, if committed in the United Kingdom, is punishable with imprisonment for a term of at least 12 months, and I am not satisfied that admission would be justified for strong compassionate reasons."

Paragraph 320(18)

{Refusal Code: D1}

Exclusion conducive to public good - immigration officer's discretion:**Coming to commit criminal offence**

"..... but I have reason to believe that you have come for the purpose of....., which involves the commission of a criminal offence, and in the light of this it seems right to me to refuse you leave to enter on the ground that your exclusion is conducive to the public good."

Paragraph 320(19)

{Refusal Code: D4}

Previous criminal conviction

"... but I have reason to believe that you have been convicted of the offence(s) shown below:

Date and place of offence/convection

and in the light of your conduct as evidenced by (this)(these) offence(s), it seems right to me to refuse you leave to enter on the ground that your exclusion is conducive to the public good."

Paragraph 320(19)

{Refusal Code: D4}

Danger to public order

"... but I have reason to believe that you have come for the purpose of....., which will endanger the maintenance of public order, and in the light of this it seems right to me to refuse you leave to enter on the ground that your exclusion is conducive to the public good."

Paragraph 320(19)

{Refusal Code: D4}

Association

"... but in the light of your association with.....(who.....), it seems right to me to refuse you leave to enter on the ground that your exclusion is conducive to the public good."

Paragraph 320(19)

{Refusal Code: D4}

Prosecution cases - where leave to enter has been withdrawn under Paragraph 6(2) of Schedule 2

"... but I have reason to believe that at.....(Port of entry) you were found to be in possession of.....(drug)(a prohibited drug)(contrary to Section 3(1) of the Misuse of Drugs Act 1971)(and Section 170(2) of the Customs and Excise Management Act 1979) and in the light of this it seems right to me to refuse you leave to enter on the ground that your exclusion is conducive to the public good."

Paragraph 320(19)

{Refusal Code: D4}

(If leave to enter has not been granted, the guidance given in Chapter 24 "Prosecution Cases at Ports" on the use of IS 81 procedure should be followed.)

Forged or falsified passports or travel document

"You have asked for leave to enter the United Kingdom as abut I have reason to believe that the passport/travel document you have produced to me is forged. In the light of this I consider that your exclusion from the United Kingdom is conducive to the public good."

Furthermore you have failed to produce a valid national passport or other document satisfactorily establishing your identity and nationality."

Paragraph 320(19) & 320(3)

See Chapter 12, Section 1 for advice on appeal rights

{Refusal Code: D4}

REFUSAL OF LEAVE TO ENTER IN RELATION TO A PERSON IN POSSESSION OF AN ENTRY CLEARANCE WHICH DOES NOT CONFER LEAVE TO ENTER (PARAGRAPH 321 OF HC 395)

In the case of a visa national who has been refused leave to enter under Paragraph 321 of HC 395, one of the formulae below, as appropriate, should be used alone, irrespective of the period for which he seeks entry. In the case of a non-visa national, however, the appropriate formula should appear as a separate paragraph preceding the statement of the primary ground for refusal of leave to enter.

"You hold an entry clearance endorsed ".....""

False representations employed/material facts not disclosed

"... but I am satisfied that (false representations were employed)(material facts were not disclosed) for the purpose of obtaining the entry clearance. Therefore leave to enter is refused."

Paragraph 321(i)

{Refusal Code: F1 (for settlement), E4 (other)}

Change of circumstances

"... but I am satisfied that a change of circumstances since it was issued has removed the basis of your claim to admission. Therefore leave to enter is refused."

Paragraph 321(ii)

{Refusal Code: F1 (for settlement), E4 (other)}

Restricted returnability/medical grounds

"... but I am satisfied that refusal is justified (on grounds of restricted returnability/on medical grounds, etc). Therefore leave to enter is refused."

Paragraph 321(iii)

{Refusal Code: F1 (for settlement), E4 (other)}

Forged entry clearance

When the formula below is used, it should appear as a separate paragraph preceding the statement of the primary ground for refusal of leave to enter.

"You have presented a document which you claim is a current entry clearance which was duly issued to you, but I am not satisfied that this is so."

See Chapter 12, Section 1 for advice on appeal rights in such cases

GENERAL GROUNDS FOR THE REFUSAL OF VARIATION OF LEAVE

"You have applied for leave to remain in the United Kingdom [as a .../in order to ...]"

MANDATORY GROUNDS FOR REFUSAL:**No Provision in the Rules**

"... but the Secretary of State is not satisfied that variation of leave to enter [or remain] is being sought for a purpose covered by the Immigration Rules."

Paragraph 322(1)

{INDECS Code: X6}

DISCRETIONARY GROUNDS FOR REFUSAL OF AN APPLICATION TO VARY LEAVE TO ENTER OR REMAIN:**False representations/material facts not disclosed**

"... but you [made false representations/failed to disclose [a] material fact[s]]for the purpose of obtaining [leave to enter/a previous variation of leave] and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(2)

{INDECS Code: X6}

Failure to comply with conditions

"... but you have failed to observe the [time limit/conditions/time limit and conditions] attached to the grant of your leave to enter or remain and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(3)

{INDECS Code: X6}

Recourse to public funds

"... but you have failed to maintain and accommodate yourself [and your dependants] without recourse to public funds and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(4)

{INDECS Code: X6}

Character, conduct, etc

"... but the Secretary of State considers it undesirable to permit you to remain in the United Kingdom [in the light of your [character/conduct/associations]/as you represent a threat to national security] and he is not prepared to exercise his discretion in your favour."

Paragraph 322(5)

{INDECS Code: X6}

Refusal of sponsor to give written undertaking

"... However, [... (name of sponsor)] has been requested to give a written undertaking to be responsible for your maintenance and accommodation in the United Kingdom but [he/she] has refused to do so and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(6)

{INDECS Code: X6}

Failure of sponsor to honour written undertaking

"... but [... (name of sponsor)] has failed to honour the written undertaking [he/she] gave to be responsible for your maintenance and accommodation in the United Kingdom and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(6)

{INDECS Code: X6}

Failure to honour declaration or undertaking

"... but you have failed to honour [an/a] [oral/ written] [declaration/undertaking] as to the intended duration and purpose of your stay and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(7)

{INDECS Code: X6}

Restricted returnability

"... but [you are not a person settled in the United Kingdom or the spouse of a person settled in the United Kingdom and] the Secretary of State is not satisfied that you will be admitted to another country if allowed to remain in the United Kingdom for a further period and he is not prepared to exercise his discretion in your favour."

Paragraph 322(8)

{INDECS Code: X5}

Unreasonable delay in producing documents or other evidence

"... but you were requested on ... [and again on ...] to submit [...] to this department and you have not done so. The Secretary of State is not satisfied that you have produced [documents/evidence/documents or other evidence] required to establish your claim to remain under the Immigration Rules within a reasonable time and he is not prepared to exercise his discretion in your favour."

Paragraph 322(9)

{INDECS Code: X6}

Failure to attend interview

"... but you were requested on [...] (date/dates) to attend [for interview on/interviews arranged for] [...] (date/dates) and you failed to do so. The Secretary of State is not satisfied that you have complied with a request on his behalf to attend for interview, or that you have provided a reasonable explanation for not attending and he is not prepared to exercise his discretion in your favour."

Paragraph 322(10)

{INDECS Code: X6}

No written consent for child under 18

"... but you are under the age of 18 years and although you have been asked to provide written consent to the application from your parent(s) or legal guardian you have not done so and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 322(11)

{INDECS Code: X6}

GROUND ON WHICH LEAVE TO ENTER OR REMAIN MAY BE CURTAILED

"On ...(date) you were granted leave to [enter/remain in] the United Kingdom until ... (date) [as a .../in order to ...]

Ceases to meet requirements of the Rules

"... but you have ceased to meet the requirements of the Immigration Rules under which your leave to [enter/remain] was granted and, having considered the exercise of his discretion, the Secretary of State has decided to restrict the limit on the duration of your leave. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on ...(date)"

Paragraph 323

{INDECS Code: L5 (spouse), L6 (other)}

False representations/material facts not disclosed

"... but [? in view of ...] you [made false representations/failed to disclose [a] material fact[s]] for the purpose of obtaining [leave to enter/a previous variation of leave] and, having considered the exercise of his discretion, the Secretary of State has decided to restrict the limit on the duration of your leave. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on ... (date)."

Paragraph 323 with reference to 322(2)

{INDECS Code: L5 (spouse), L6 (other)}

Failure to comply with conditions

"... but you have failed to comply with the conditions attached to the grant of your leave to [enter/remain] and, having considered the exercise of his discretion, the Secretary of State has decided to restrict the limit on the duration of your leave. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on ...(date)"

Paragraph 323 with reference to 322(3)

{INDECS Code: L5 (spouse), L6 (other)}

Recourse to public funds

... but you have failed to maintain and accommodate yourself [and your dependants] without recourse to public funds and, having considered the exercise of his discretion, the Secretary of State has decided to restrict the limit on the duration of your leave. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on ...(date)"

Paragraph 323 with reference to 322(4)

{INDECS Code: L5 (spouse), L6 (other)}

Character, conduct, etc

"... but the Secretary of State considers it undesirable to permit you to remain in the United Kingdom [in the light of your [character/conduct/associations]/as you represent a threat to national security] and, having considered the exercise of his discretion, has decided to restrict the limit on the duration of your leave. The Secretary of State therefore curtails your leave to [enter/remain in] the United Kingdom so as to expire on ..."

Paragraph 323 with reference to 322(5)

{INDECS Code: L5 (spouse), L6 (other)}

CREW MEMBERS:

Purpose other than to fulfil reason for entry or for marriage

"... but you were given leave to enter [to join [a/an] [ship/ aircraft/ hovercraft/ hydrofoil/ international train service] as a member of its crew/as a crew member of [a/an] [ship/ aircraft/ hovercraft/ hydrofoil/ international train service] for [hospital treatment/ repatriation/ transfer to another [ship/ aircraft/ hovercraft/ hydrofoil/ international train service]] and the Secretary of State is not satisfied that an extension of stay is necessary to fulfil the purpose for which you were given leave to enter or that you qualify for an extension of stay as a spouse of a person present and settled here."

Paragraph 324 with reference to 284

{INDECS Code: X6}

ENTRY CLEARANCE - GENERAL GROUNDS

"You have applied for entry clearance to the United Kingdom [as a/in order to ...]"

** REMEMBER an applicant will not be entitled to appeal against the refusal of entry clearance on any ground if seeking entry as a "visitor" (except family visitors), a "short-term student" (on a course of study of not more than 6 months duration), a "prospective student"*

(yet to be accepted on a course), or as a "dependant of any of the aforementioned", by virtue of Section 60(4) and (5) of the Immigration and Asylum Act 1999.

No Provision in the Rules

"... but the Secretary of State is not satisfied that entry is being sought for a purpose covered by the Immigration Rules."

Paragraph 320(1)

Subject to a deportation order

"... but you are currently subject to a deportation order signed on ...(date)."

Paragraph 320(2)

No acceptable travel document

"... but you have failed to produce a valid national passport or other document satisfactorily establishing your identity and nationality."

Paragraph 320(3)

** No entitlement to appeal by virtue of Section 60(7)(a)*

Unacceptable elsewhere in Common Travel Area

"... but you intend to enter [the Channel Islands/the Isle of Man/the Republic of Ireland] and [? in view of ...] the Secretary of State is not satisfied that you are acceptable to the immigration authorities there."

Paragraph 320(4)

Conducive exclusion

"... but the Secretary of State has personally directed that your exclusion from the United Kingdom is conducive to the public good."

Paragraph 320(6)

** No entitlement to appeal by virtue of Section 60(9) except where the Appellant seeks to rely on an enforceable community right or any provision made under s.2(2) of the European Communities Act 1971, or seeks entry to exercise rights of access to a child, or as a spouse, fiancée, parent or grandparent or other dependent relative.*

Medical

"... but the Secretary of State has received confirmation from the Medical Inspector that it is undesirable to admit you to the United Kingdom for medical reasons and he is not satisfied that you are a person settled in the United Kingdom or that there are strong compassionate reasons justifying your admission."

Paragraph 320(7)***Failure to furnish information***

"... but you have failed to furnish suitable information for the purpose of deciding whether you require leave to enter the United Kingdom or, if you do, whether or on what terms leave should be given, and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(8)**Returning residents**

"You have applied for entry clearance to the United Kingdom as a returning resident but [? in view of...] the Secretary of State is not satisfied that you had indefinite leave to enter or remain in the United Kingdom when you last left."

Paragraph 320(9) with reference to paragraph 18(i)**Passport/travel doc issued by authority not recognised by UK govt**

"... but you have produced a [national passport/travel document] [issued by [a/an] [territorial entity/ authority] which [is not [recognised as a state/dealt with as a government] by Her Majesty's Government/does not accept valid United Kingdom passports for the purpose of its own immigration control]/which does not comply with international passport practice] and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(10)**Failure to comply with conditions**

"... but [? in view of ...] you have failed to observe the [time limit/conditions/time limit and conditions] attached to a previous grant of leave to enter or remain in the United Kingdom and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(11)

Deception used to obtain previous leave

"... but [? in view of ...] you obtained a previous leave to [enter/remain] by deception and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(12)**Restricted returnability**

"... but [? in view of ...] the Secretary of State is not satisfied that you will be admitted to another country after your proposed stay in the United Kingdom and he is not prepared to exercise his discretion in your favour."

Paragraph 320(13)**Refusal of sponsor to give written undertaking**

"... However, [... (name of sponsor)] has been requested to give a written undertaking to be responsible for your maintenance and accommodation in the United Kingdom but [he/she] has refused to do so and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(14)**Work Permit - False representations/material facts not disclosed**

"... but you [made false representations/ failed to disclose a material fact] for the purpose of obtaining your work permit and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(15)**No written consent for child under 18**

"... but you are under the age of 18 years and although you have been asked to provide written consent to the application from your parent(s) or legal guardian you have not done so and the Secretary of State is not is not prepared to exercise his discretion in your favour."

Paragraph 320(16)**Criminal record**

"... but you have been convicted of an offence which, if committed in the United Kingdom, is punishable with imprisonment for a term of at least 12 months, and the Secretary of State is not prepared to exercise his discretion in your favour."

Paragraph 320(18)

Exclusion conducive to public good

"... but and in the light of your [character/ conduct/associations] the Secretary of State considers it undesirable to issue you an entry clearance and he is not prepared to exercise his discretion in your favour."

Paragraph 320(19)
