



Home Office

# Suitability: Additional grounds for refusal of permission to stay: Crew members

Version 4.0

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# About this guidance

This guidance is for decision makers and sets out the grounds for refusing an application for permission to stay made by a crew member.

It should be read in conjunction with the Grounds for refusal and cancellation guidance, which also contains grounds for refusal of applications for permission to stay.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email Administrative Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **4.0**
- published for Home Office staff on **1 June 2023**

## Changes from last version of this guidance

Appendix Adult Dependent Relative added in the 'Application of this guidance' section.

### Related content

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# Application of this guidance

## Exemptions

The ground referenced in this guidance is set out in full in paragraph 9.22.1. of [Part 9 of the Immigration Rules](#).

This guidance sets out the sorts of considerations that will be relevant when considering a crew member's application for permission to stay

This guidance does not apply to applications made under the following routes:

- [Appendix FM](#)
- [Appendix Private Life](#)
- [Appendix Settlement Family Life](#)
- [Appendix Armed Forces](#)
- [Appendix EU](#)
- [Appendix EU \(Family Permit\)](#)
- [Appendix Domestic Worker who is a Victim of Modern Slavery](#)
- [Part 11 \(Asylum\)](#), except paragraphs 352ZH to 352ZS, and 352I to 352X
- Applications for entry clearance or permission to stay granted by virtue of the ECAA Association Agreement
- Applications for permission to stay under [Appendix ECAA Extension of Stay](#)
- [Appendix S2 Healthcare Visitor](#)
- [Appendix Service Providers from Switzerland](#)
- [Appendix Adult Dependent Relative](#)

## Burden and standard of proof

The burden of proof is on the Home Office to show that grounds for refusal of an application apply, for example, that their permission to enter was granted only for a particular function, but the applicant when applying for permission to stay will need to show that they are continuing to undertake that function.

The standard of proof is the balance of probabilities (it is more likely than not). You must be able to show what the relevant grounds are and why, as a result, it is appropriate to refuse their application for permission to stay. This will usually be clear for the context.

You should consider whether fairness requires you to provide the person with an opportunity to say why their application for permission should not be refused and, if you do so, you should include in your decision any representations made and your response to them.

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# Considering an application for permission to stay

When considering an application for permission to stay made by a crew member, you must check that they are applying to continue, or fulfil, the purpose for which they were last granted permission to enter.

The purpose for which a person was granted permission to enter can be found on their passport or may be on the case card of the person summary screen in Atlas.

For example, if the crew member was originally granted permission to enter as a seaman, they must be applying for permission to stay on that basis to fulfil the original purpose.

If you are satisfied, based on the information given and the burden and standard of proof, that the purpose for which they are seeking to stay in the UK has changed from that which they were granted permission to enter for, then you may refuse their application.

When refusing the application, you may use the example refusal text and tailor accordingly to the case specifics.

## Example refusal paragraph

You were granted permission to enter as a crew member on [date].

You have applied for permission to stay to [insert reasons given for application], but your permission to enter was granted to [insert reasons]. Under paragraph 9.22.1. of Part 9 of the Immigration Rules your application may be refused if you are seeking to stay in the UK for a different purpose.

I have therefore decided to refuse your application for permission to stay because [explain].

### Related content

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