



Home Office

# **Suitability: refusal of entry on arrival in the United Kingdom and cancellation of extant entry clearance or permission**

Version 4.0

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# About this guidance

This guidance tells decision makers when, on suitability grounds under Section 3 of [Part 9 of the Immigration Rules](#), permission to enter may be refused on a person's arrival in the UK and when existing entry clearance or permission to enter or permission to stay may be cancelled on arrival.

## 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 Simplification of the Rules 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 'Introduction' section

### Related content

[Contents](#)

# Introduction

This guidance relates to refusal of permission to enter on a person's arrival in the United Kingdom (UK) and cancellation of existing entry clearance or permission to enter or stay under Section 3 of Part 9 of the Immigration Rules.

Different provisions apply to applications made under:

- [Appendix FM](#), except paragraphs 9.15.1 – 9.15.3 ([failure to produce a recognised passport or travel document](#)), 9.16.2 ([cancellation on medical grounds](#)), and 9.20.1 ([change of circumstances](#)) do apply
- [Appendix Adult Dependent Relative](#) except paragraphs 9.15.1 – 9.15.3 ([failure to produce a recognised passport or travel document](#)), 9.16.2 ([cancellation on medical grounds](#)), and 9.20.1 ([change of circumstances](#)) do apply
- [Appendix Private Life](#)
- [Appendix Settlement Family Life](#)
- [Appendix EU](#)
- [Appendix EU \(Family Permit\)](#)
- [Appendix Domestic Worker who is a Victim of Modern Slavery](#), except paragraphs 9.16.2 ([cancellation on medical grounds](#)), and 9.20.1 ([change of circumstances](#)) do apply
- [Part 11 \(Asylum\)](#) except section 3 of part 9 of the Immigration Rules does apply to paragraphs 352ZH to 352ZS and 352I to 352X of Part 11
- 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; and
- [Appendix Service Providers from Switzerland](#).

Please refer to the relevant guidance on how to handle cases in the categories listed above.

The power to refuse permission to enter the UK or to cancel entry clearance, or permission which is already in force, is not to be exercised by an Immigration Officer acting on their own. The authority of a Chief Immigration Officer or an Immigration Inspector must always be obtained.

## Effective date

These rules come into force on 1 December 2020 and apply to applications made on or after this date. Applications made before 1 December 2020 are subject to paragraphs 320, 321 and 322 of the [previous Immigration Rules](#).

## Overview

Permission to enter must be refused where a person is seeking entry on arrival:

- is required under the rules to hold entry clearance on arrival and [does not hold the required entry clearance](#)
- [fails to produce a recognised passport or travel document](#)
- their [entry is undesirable on medical grounds](#)

Permission to enter may be refused where a person seeking entry on arrival:

- [produces a passport or travel document which:](#)
  - was issued by a territorial entity or authority which is not recognised by Her Majesty's Government as a state, or is not dealt with as a government by them
  - was issued by a territorial entity or authority which does not accept valid UK passports for the purpose of its own immigration controls
  - does not comply with international passport practice
- is a [child seeking to enter without a parent or legal guardian](#), and written consent from their parent or legal guardian has not been provided
- is a [returning resident who fails to meet the requirements of paragraph 18](#) of the Immigration Rules, or they fail to satisfy the decision maker that they are seeking entry for the same reason as that for which their previous permission to enter was granted
- has committed a customs breach - for guidance on refusing entry clearance or cancelling entry clearance or permission on the grounds of a customs breach, please see Customs breaches

Entry clearance or permission to enter or permission to stay held by a person on arrival in the UK may be cancelled where:

- their entry is undesirable on medical grounds
- the person has committed a customs breach
- there has been such a [change in circumstances](#) since the entry clearance or permission was granted that cancellation is justified
- the person's purpose in seeking entry is different from the purpose specified in their entry clearance
- the person fails to produce a recognised travel document or passport

## Burden and standard of proof

The burden of proof is on the Home Office to show that grounds for refusal apply. 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 or cancel the persons permission to enter or stay.

## Where to check for evidence

You must always do full checks in line with the Operating Mandate.

If you have reason to doubt whether an individual should be allowed to enter the UK based on initial checks, you must also do all other appropriate standard checks:

- Police National Computer (PNC) for all risk assessments for temporary admissions
- internal Border Force and/or UKVI systems (such as CID and CRS)
- interviews
- referring the passenger to Port Medical Inspector in line with the related chapter in the Border Force Operations Manual

You must also consider any evidence provided by the person, whether at interview or otherwise.

### **Related content**

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# No entry clearance

This section tells Border Force Officers (also known as Immigration Officers) when to refuse permission to enter to a person seeking entry on arrival where they do not hold the required entry clearance.

## Who requires entry clearance?

All of the following are required to hold entry clearance on arrival in the UK:

- a [visa national](#) (subject to the exceptions below)
- a non-visa national who is seeking entry for more than 6 months, or for a purpose for which prior entry clearance is required under the Immigration Rules
- a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these rules

They must either:

- when requested produce to the Border Force Officer a [passport or other identity document](#) endorsed with a United Kingdom entry clearance, or a biometric residence permit (BRP) if they hold existing permission, issued to them for the purpose for which they seek entry, which is still in force
- where they have been issued with a United Kingdom entry clearance in electronic form issued for the purpose for which they seek entry and which is still in force, produce to the Border Force Officer a recognised passport or other identity document

If the person does not hold the required entry clearance and none of the [exceptions](#) to the entry clearance requirement, or the general exceptions, apply they must be refused permission to enter.

## What is entry clearance?

Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non visa nationals). A visa or an entry certificate may be issued in electronic form. An entry clearance is to be taken as evidence of the holder's eligibility for entry into the UK, and accordingly accepted as "entry clearances" within the meaning of the Immigration Act 1971.

An entry clearance which satisfies the requirements set out in article 3 of the [Immigration \(Leave to Enter and Remain\) Order 2000](#) will have effect on the person's arrival in the UK as leave to enter the UK. The requirements are that the entry clearance must specify the purpose for which the holder wishes to enter the UK and must be endorsed with the conditions to which it is subject, or with a statement that it has effect as indefinite leave to enter the UK.

The holder of such an entry clearance does not require permission to enter on arrival and, for the purposes of the rules, will be treated as a person who has arrived in the



UK with permission to enter which is in force and which was given to them before their arrival.

For further information on who requires entry clearance please see Visas and entry clearance guidance.

## Refusing permission to enter

Paragraph 9.14.1 of Part 9 of the Immigration Rules provides for a mandatory refusal of permission to enter if the person seeking entry is required under the rules to hold on arrival valid entry clearance for the purpose for which entry is sought, or the person is a visa national and does not hold the required entry clearance.

You must examine the person's travel documents and where appropriate check Home Office records to satisfy yourself whether the person holds the required entry clearance. If the person refuses to provide you with evidence of entry clearance or the information you need to establish that they do not require entry clearance you must refuse them permission to enter. For further information, please see Suitability failure to provide guidance.

If, on checking the available evidence, you are satisfied the person does not hold the required entry clearance you must refuse permission to enter.

If the person holds an entry clearance but is seeking entry for a different purpose than the purpose for which the entry clearance was issued you must consider whether there has been a [change of circumstances or a change of purpose](#) since the entry clearance was issued.

## Exceptions to the entry clearance requirement

Entry clearance is mandatory for visa nationals seeking entry to the UK in all categories. Visa nationals are listed in [Appendix 2 of Appendix V](#) of the Immigration Rules. In addition, Entry clearance is mandatory for non-visa nationals wishing to stay in the UK for more than 6 months, regardless of nationality or intentions.

There are exceptions to the requirement to hold a valid entry clearance:

- visa nationals who are in transit can transit without a visa if they have a valid exemption document and the purpose of their transit visit is to travel to the state in which they are ordinarily resident (see Transit guidance)
- the following people do not need a visa before they travel to the UK as a visitor (unless they are visiting the UK to marry or to form a civil partnership, or to give notice of this, unless they are a 'relevant national' as defined in section 62 of the [Immigration Act 2014](#), or if they are visiting the UK for more than 6 months):
  - nationals or citizens of the People's Republic of China who hold a passport issued by the Hong Kong Special Administrative Region
  - nationals or citizens of the People's Republic of China who hold a passport issued by the Macao Special Administrative Region

- nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan
- people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See
- nationals or citizens of Oman who hold a diplomatic or special passport issued by Oman
- nationals or citizens of Qatar who hold a diplomatic or special passport issued by Qatar
- nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates
- nationals or citizens of Turkey who hold a diplomatic passport issued by Turkey
- nationals or citizens of Kuwait who hold a diplomatic or special passport issued by Kuwait
- nationals or citizens of Bahrain who hold a diplomatic or special passport issued by Bahrain
- nationals or citizens of South Africa who hold a diplomatic passport issued by South Africa
- nationals or citizens of Vietnam who hold a diplomatic passport issued by Vietnam
- nationals or citizens of Indonesia who hold a diplomatic passport issued by Indonesia
- holders of a valid [electronic visa waiver document](#) (see Electronic Visa Waiver guidance)

## **Related content**

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# Failure to produce recognised passport or travel document

This section contains guidance for Border Force Officers when a person who is seeking entry to the UK fails to produce a recognised passport or travel document on arrival, and when to cancel existing entry clearance or permission held by the person on this ground.

## Evidence of identity and nationality

A person must, on arrival in the UK produce on request by the Border Force Officer a recognised passport or other travel document satisfactorily establishing their identity and nationality.

'Passport' is defined as:

'a document which:

- a) is issued by or on behalf of the government of any country recognised by the UK, or dealt with as a government by the UK, and which complies with international passport practice; and
- b) shows both the identity and nationality of the holder; and
- c) gives the holder the right to enter the country of the government which issued the document; and
- d) is authentic and not unofficially altered or tampered with; and
- e) is not damaged in a way that compromises the integrity of the document; and
- f) has not expired'

## European Economic Area (EEA) nationals

An EEA national may produce either a passport or national identity card in order to establish their identity and nationality.

Until 11:00pm on 31 December 2020, persons claiming to be EEA nationals who arrive at the UK border (including at juxtaposed controls locations) without adequate documentation must be given a reasonable opportunity to demonstrate that they are entitled to a right of free movement. As individual circumstances and the evidence required to satisfy a Border Force Officer will vary, it is not possible to provide a definitive list of alternative acceptable documents. However, common documents produced in support of a claim may include:

- residence cards issued by other member states, which state the nationality of the holder
- 'livres de famille'
- marriage certificates
- police ID

It is important to note that passengers are not required to provide proof; rather they must satisfy you as to their nationality and identity. This means taking into account all information produced, but where a person has been given ample opportunity to satisfy by other means that they are an EEA national, but nevertheless fail to do so, they must be denied permission to enter.

## Mandatory refusal

When a person fails to produce a recognised passport or travel document which satisfies you of their identity and nationality you must refuse permission to enter under paragraph 9.15.1 of Part 9 of the Immigration Rules unless an [exception](#) to the requirement to produce a passport or travel document on arrival, or a general exception, applies.

This provision also applies where the person produces a passport or travel document but it is forged or fraudulently obtained, or the person is not the rightful holder. In such a case you must also consider whether to refuse on grounds of false representations. For further information, see False representations guidance

## Discretionary refusal

Under paragraph 9.15.2. of Part 9 of the Immigration Rules, permission to enter may be refused if the person seeking entry produces a passport or other travel document which:

- [was issued by a territorial entity or authority which is not recognised by the UK Government](#) as a state, or is not dealt with as a government by the UK Government
- [was issued by a territorial entity or authority which does not accept valid UK passports for the purpose of its own immigration controls](#)
- [does not comply with international passport practice](#)

## Passport or travel document not recognised by the UK Government, or other unacceptable travel document

The following documents from these territories or entities are not recognised by the UK government as passports or travel documents:

- Turkish Republic of Northern Cyprus (TRNC) documents
- Republic of China (Nationalist China – Taiwan) passports
- Somali passports
- Yemen (Royalist authorities) documents
- Iraq (S-, M- and N- series passports)
- South African temporary passports

When a person seeks entry with only a document referred to above, you should normally refuse permission to enter under paragraph 9.15.2. of Part 9, unless one of the following applies:

- they have a declaration of entry for visa purposes (also known as a uniform format form (UFF))
- they have a current UK entry clearance

If you grant permission to enter, you must endorse the UFF if the person has one. In cases where you grant permission to enter and the person does not have entry clearance, you must use form IS.116.

## Turkish Republic of Northern Cyprus (TRNC)

The TRNC is not recognised as a state by the UK government. You must not endorse TRNC passports. If you grant permission to enter you must endorse the UFF.

## Taiwan (The Republic of China)

Taiwan is not recognised as a state by the UK government, nor is Taiwanese recognised as a nationality. However, you can endorse ordinary Taiwanese passports as long as they contain an ID card number. Holders of these passports do not need entry clearance to enter the UK. Holders of Taiwanese passports which do not have an ID card number need a visa to visit the UK. You must not endorse official or diplomatic Taiwanese passports. In such cases, you must ask holders of these passports for their ordinary Taiwanese passports. However, you may grant permission to enter on an IS.116 as an alternative to endorsing official or diplomatic Taiwanese passports. Taiwanese officials based in the UK must have an entry clearance endorsed in their ordinary passport.

## The Occupied Palestinian Territories

The UK government recognises Palestinian Authority travel documents for travel to the UK as long as the holder also has a valid UK entry clearance (including visit visa). If you grant permission to enter you must endorse the Palestinian Authority travel document in the usual way.

The UK does not recognise a separate State of Palestine; however, the UK recognises the Palestinian Authority as the government of The Occupied Palestinian Territories. Palestinian officials posted to the UK are not to be treated as exempt. If posted to the UK they should have an entry clearance. Serving government Ministers are exempt but they will usually have a vignette indicating that fact.

## Other unacceptable travel documents

The following are not accepted as travel documents and the holder should normally be refused permission to enter under paragraph 9.15.2. of Part 9 unless a general [exception](#) applies.

- a passport or travel document issued by a government that does not accept valid UK passports for its own immigration control
- a travel document which does not comply with international passport practice, for example, ‘fantasy’ documents such as world service passports

## Exception to requirement to produce a recognised passport or travel document on arrival

Where a person holds a travel document issued by the national authority of a state of which the person is not a national and the person’s statelessness or other status prevents the person from obtaining a document satisfactorily establishing their identity and nationality, you must not refuse permission to enter on this ground. This includes, for example, a person who has been recognised as a refugee under the Refugee convention and has a refuge travel document or evidence of a right to enter the UK, but does not hold a recognised passport or travel document of the state of which they are a national. It will also include a person who has been accepted by the UK to be stateless and therefore does not hold a national passport or travel document as they have not been recognised as a citizen by any country.

## Cancelling entry clearance or permission on the grounds of failure to produce a recognised passport or travel document on arrival

Where a person fails on arrival in the UK to produce a recognised passport or other travel document you may cancel their existing entry clearance permission under paragraph 9.15.3. of Part 9 of the Immigration Rules. This is a discretionary decision and should not be exercised automatically.

### Example

A passenger is seeking entry into the UK with an expired passport containing an entry clearance. In accordance with paragraph 9.15.1 of part 9 of the Immigration Rules, you have refused permission to enter. As their passport cannot be accepted as a recognised passport under the Immigration Rules, you should cancel their entry clearance.

A passenger is seeking entry into the UK as a visitor with a Malaysian passport. You suspect the passport is forged and therefore refuse permission to enter under paragraph 9.15.1 of part 9 of the Immigration Rules. You should cancel their permission as the person has not been able to satisfy you as to their identity and nationality.

A passenger seeks permission to enter and claims to have arrived from Morocco. He does not produce his passport and informs you he has lost it on the plane. You decide to refuse permission to enter. In this case, it may not be appropriate to cancel existing permission as the passenger may be in a position to relocate his passport or replace it before his permission expires.

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# Medical grounds

This section tells Border Force Officers about referring a passenger to a medical inspector on arrival into the United Kingdom (UK), and when to refuse permission to enter, or cancel entry clearance or permission, where for medical reasons, it is undesirable to allow entry to the UK.

## When to refer a person to a medical inspector

When a person arrives into the UK and you have reason to believe they may not be admitted on medical grounds you must refer them to the medical inspector or equivalent.

For example, if the person is carrying documents, medical equipment or medication, has travelled from a country with a known occurrence of high consequence infectious disease, or their appearance suggests, if admitted, one or more of the following may happen:

- they are likely to endanger the health of others, for example if you suspect they have any serious communicable or infectious disease, such as severe acute respiratory syndrome (SARS/Covid-19) or Ebola
- they may be unable for medical reasons to support themselves or their dependants
- they may require medical treatment of any kind (including psychiatric treatment and medical services for pregnancy which will result in a burden on the NHS)
- they may have a serious mental health condition

For further information on how to refer a case, see Port medical inspectors - referrals guidance.

## Passengers in transit: inside and outside the Common Travel Area

Passengers arriving from outside the Common Travel Area and travelling on to the Channel Islands, Isle of Man, or Republic of Ireland or transiting landside to another country should be referred to the medical inspector in the same way as if they had intended to enter or remain in the UK.

## Children with disabilities arriving for treatment or education

Children (under the age of 18) with disabilities who arrive in the UK for treatment or education at a specialist school should be referred to the medical inspector if they intend to stay in the UK for more than 6 months. If the medical inspector decides that the child is incapable of education or issues a certificate that it is undesirable that the child should be admitted to the UK, you must refuse permission to enter under



paragraph 9.16.1. of Part 9 of the Immigration Rules, unless you are satisfied that there are [strong compassionate reasons justifying admission](#).

## Exemption from medical examination

British citizens and others with the right of abode and individuals exempt from immigration control should not be referred to the medical inspector under the Immigration Rules.

## Refusal of entry on medical grounds

Where the medical inspector advises that it is undesirable for medical reasons that a person should be admitted, you must refuse permission to enter on that basis, unless you are satisfied that there are [strong compassionate reasons justifying admission](#). In such circumstances you must have the full agreement of the port medical inspector. They may wish to refer the passenger to the medical officer of environmental health.

A person refused permission to enter on this ground must be informed of the reason for their refusal and, only after consultation medical inspector, they should be informed of the content of the medical advice or certificate.

A returning resident should not normally be refused permission to enter, or have existing entry clearance or permission to enter or stay cancelled on medical grounds – see Returning resident cases. If recommended by the medical inspector or equivalent, if entry is allowed, you should give the returning resident a notice requiring them to report to a consultant in communicable disease control designated by the medical inspector for further examination and any necessary treatment where they would be refused permission to enter or have existing entry clearance or permission on medical grounds if they were not a returning resident.

## Refusal to have medical examination

When a person refuses to have a medical examination, you should consider if a decision to refuse permission to enter under paragraph 9.8.1 of Part 9 of the Immigration Rules, or to cancel existing entry clearance or permission under paragraph 9.8.2 in the absence of a medical report is appropriate. When making this decision, see Suitability: failure to provide guidance.

## Strong compassionate reasons justifying admission

Before you refuse, or cancel, on medical grounds you must consider whether there are any strong compassionate reasons which may justify admission.

If there are such reasons, you also need to consider whether to grant permission for the purpose the person intends to enter, or whether to refuse permission but grant immigration bail, for example to enable the person to receive urgent medical treatment.

## Example

The passenger is seeking to enter the UK to visit a close family member suffering from a long-term illness and who has a few days to live. The passenger has a medical condition but it not in immediate need of treatment. Their medical condition does not endanger others. You may decide to refuse entry as a visitor as they may become a burden on public funds but put them on immigration bail to enable them to see their close relative.

## cancelling entry clearance or permission to enter on medical grounds

Where a medical inspector has advised for medical reasons it is undesirable to grant entry to a person, you must consider whether you should cancel entry clearance or temporary permission held by that person on medical grounds under paragraph 9.16.2 of Part 9 of the Immigration Rules.

This is a discretionary decision and should not be exercised automatically. Factors which will be important to consider include:

- the medical report and the medical inspector's findings, particularly on the recovery period
- the seriousness of their medical condition and whether it's a temporary or permanent condition
- whether they were required to disclose their medical condition in their application for entry clearance or permission and they failed to do so
- the basis on which the entry clearance or permission was granted
- the impact of their condition on their ability to fulfil the purpose of their entry clearance or permission
- risk to the public associated with their medical condition if the person re-attempted entry
- the impact of cancellation on the person and any family members (including in particular the impact on any child in the UK affected by the decision) – see UKVI Safeguarding children strategy

## Dependants

If you decide to cancel permission in respect of an individual, you must consider whether the person has any dependants and, if so, whether their permission should also be cancelled. For further information see Grounds for refusal and cancellation guidance.

### Related content

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# Consent for a child to travel

This section contains guidance for Border Force Officers on what to consider when a person under the age of 18 is seeking permission to enter without a parent or parents or legal guardian and you have asked for written consent to the child seeking entry from the child's parent or legal guardian and it has not been provided.

You must take into account the duty to have regard to the welfare and best interests of the child when making this decision. See UKVI safeguarding children strategy.

## Refusing permission to enter to a child

Where a person who is under the age of 18 seeks permission to enter without their parent or legal guardian you must first decide whether to require written consent to the child seeking entry.

Factors you should consider include:

- age of the child
- reasons for travelling without a parent or legal guardian
- whether the child travelling with another appropriate adult, who is not their parent or legal guardian, for example as part of a school trip or with a grandparent
- whether either of the child's parents or their legal guardian are already in the UK
- if travelling alone, does the child have other family members over the age of 18 in the UK
- is the child leading an independent life for example are they at university, married or in a civil partnership, financially independent
- reason for seeking entry
- where the child will be staying in the UK
- who will be caring for the child in the UK

You should make enquiries of anyone who takes responsibility for the child before deciding whether you need written consent from the parent or legal guardian. If you have concerns you should contact the child's parent or parents or legal guardian by phone or email in the first instance.

If you require written consent you must be clear what form it must take and where it should be provided such as emailed/faxed, etc. and within what timescale.

Only if written consent is required and not provided should you consider whether permission to enter should be refused under paragraph 9.17.1. of Part 9 of the Immigration Rules. This is a discretionary decision and must not be automatically exercised. You must have regard to the welfare and best interest of the child. You must also consider whether any of the [general exceptions](#) apply.

## Written consent

Where written consent is required it can be in the form of a letter from either parent or legal guardian and it should include:

- child's name
- child's date of birth
- confirmation that they consent to the child seeking entry to UK
- purpose for which the child is seeking entry (and for how long)
- arrangements for the child's care in the UK
- contact details for the parent or legal guardian who has provided consent

## Examples: child seeking entry

A 16 year old boy has travelled to the UK with his uncle, who is not his legal guardian. His parents are already in the UK and will be collecting him from the airport. The child provides his father's phone number and the father confirms he is waiting to meet the child in the arrival hall. Given the child's age, that he has travelled with an appropriate adult and that his parents are already in the UK and confirmed they are meeting him there is normally no need to require written consent and, if the other requirements for entry are met you should grant permission to enter.

A 12 year old Spanish national has travelled to the UK alone. She does not have any family in the UK but states that the purpose of her visit is tourism and she will be staying with a friend and their adult siblings. You may want to confirm with whoever is meeting the child what are the arrangements for her care in the UK. If the answers are unsatisfactory, from a child welfare perspective, you may want to contact the parent or legal guardian. If you still have doubts about the arrangements you should require written consent.

A school group of 13 and 14 year olds are seeking entry into the UK and are accompanied by 3 teachers. They are seeking entry to take part in a sports competition. There is normally no need to seek written consent from a parent or legal guardian in such a case.

### Related content

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# Returning resident

This section contains guidance for Border Force Officers on when to consider refusing permission to enter to a person who claims to be a returning resident.

This section should be read in conjunction with the guidance on returning residents.

## Who is a returning resident

The requirements of a returning resident are set out in [paragraph 18 of the Immigration Rules](#). This makes provision for a person to be readmitted for settlement provided that the Border Force Officer is satisfied that the person concerned meets all the following requirements:

- had indefinite leave to enter or remain in the UK when they last left
- has not been away from the UK for more than 2 years, unless the person has indefinite leave to remain under the EU Settlement Scheme (EUSS), in which case they must not have been away from the UK for more than 5 years
- did not receive assistance from public funds towards the cost of leaving the UK
- now seeks admission for the purpose of settlement

## How to check a person's immigration status

Evidence of a person's immigration status (including whether they have indefinite leave to enter or remain in the UK) is normally found in their passport, on an immigration status document or a biometric residence permit (BRP). These include the following:

- indefinite leave to enter (ILE) endorsement or BRP
- indefinite leave to remain (ILR) endorsement or BRP
- no time limit endorsement or BRP
- returning resident visas
- open date stamps in passport after ILE/ILR has been granted

If evidence cannot be provided a person's status may still be confirmed through:

- records on databases, such as central reference system (CRS) or case information database (CID), or paper files that show indefinite leave has been granted
- proof the applicant was settled in the UK on or before 1 January 1973 and this status has not been lost or revoked. For further information, go to guidance on the Windrush Scheme

## Absence from the UK

Where a person with indefinite leave has been absent from the UK for less than 2 years (continuously) or less than 5 years (continuously) where they have indefinite

leave under the EU Settlement Scheme (EUSS), they will retain their indefinite leave. It is often possible to check absences from the UK through entry and (old) embarkation stamps. However, there will be people who do not have such stamps for legitimate reasons, such as use of e-gates, entry via common travel area (CTA), European Economic Area (EEA) nationals prior to 1 January 2021. In cases of doubt you may need to make further checks regarding their travel history.

## Assistance from public funds towards the cost of leaving the UK

A person whose departure from the UK was financed from public funds (see Voluntary and assisted returns guidance) will not normally qualify for re-entry under paragraph 18 of the Rules.

## Seeking entry for the purposes of settlement

Under paragraph 18 a returning resident must show that they are seeking re-entry for the purposes of settlement. Whilst in most cases a person would be returning to settle at the point of entry, there may be other circumstances where a person is in work or study for long periods overseas, but still intends to ultimately settle in the UK on completion of the employment/study. This will not disqualify a person from admission as a returning resident, provided:

- they are normally resident in the UK (for example, a person has property or family or other interests in the UK which are being maintained through regular contact)
- at the time of their entry, they consider the UK to be their permanent home
- they have not been away from the UK for more than 2 years and intend to return to the UK for settlement in the future

Further enquiries should not be necessary unless there is substantial evidence to doubt the person's travel history, true intentions or their status.

## Entry at the border

A returning resident should be allowed entry where they meet the requirement of paragraph 18 of the rules or are seeking entry for the same purpose as that for which their previous permission was granted.

A person who meets the above requirements should have their passport endorsed with an open date stamp. This is not a grant of permission (as the person has indefinite leave) but is simply evidence of the person's arrival in the UK. Entry clearance holders who are nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea, and the United States of America (B5JSSK) no longer routinely receive an endorsement of their vignette on arrival.

Where you believe it is likely, but are not yet satisfied, that they qualify for entry, you may put them on immigration bail and ask them to provide further evidence of their

status or to allow them to apply for a biometric residence permit by making a no time limit application (see No time limit guidance).

A person who had indefinite leave when they last left the UK and who have not been away for more than 2 years, or 5 years where indefinite leave has been granted under the EU Settlement Scheme, occasionally seek entry not as returning residents, but as visitors. You must not grant entry as a visitor where the person meets the requirements under paragraph 18 of the Rules. Instead, you should endorse their passport with an open date stamp, except in B5JSSK ([see above](#)), which confirms they continue to hold indefinite leave.

## Refusing entry to the UK

If the passenger claims to be a returning residence but you are not satisfied that they qualify for entry, or that they have permission for another purpose for which they are seeking entry, you may refuse them permission to enter under paragraph 9.18.1. of Part 9 of the Immigration Rules unless a [general exception](#) applies.

A returning resident who has been outside the UK for more than 2 years must apply for entry clearance as a returning resident.

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# Change of circumstances or purpose

This section explains how to consider whether to cancel entry clearance or permission held by a person on arrival because their circumstances have changed since entry clearance or permission was granted, or where their purpose in seeking entry is different from the purpose for which entry clearance was granted.

These are discretionary decisions under paragraphs 9.20.1 and 9.20.2 of Part 9 of the Immigration Rules and must not be exercised automatically.

## Change of circumstances

When a person's circumstances have changed since their entry clearance or permission was granted you must consider whether the change is sufficient to justify cancelling their entry clearance or permission.

You should consider whether the person continues to meet the eligibility requirements of the rules under which they were granted. For example, where a person with entry clearance as a Skilled Worker has had their offer of employment withdrawn it would normally be appropriate to cancel the entry clearance and refuse entry.

Where there is a change of circumstances justifying cancellation of entry clearance this can be done before the person arrives in the UK or on arrival, but entry clearance cannot be cancelled once it has been "triggered" on entry as the person then has permission to enter: see [Immigration \(Leave to Enter and Remain\) Order 2000](#).

Permission to enter or stay can be cancelled for change of circumstances where the person is in the UK or overseas.

## Change of purpose

Where a person holds entry clearance and is seeking entry for a purpose different to that for which the entry clearance was granted you must consider whether the change of purpose justifies cancellation of their entry clearance or permission to enter under paragraph 9.20.2. of Part 9 of the Immigration Rules.

Examples of change of purpose include a person who arrives with a visit visa but there is evidence from documents in their luggage that their true purpose is to work in the UK.

A visitor who holds a visit visa (entry clearance) may do any of the permitted activities in [Appendix Visitor](#). Visitors who hold a visit visa with endorsements for, for example permitted paid engagements, may do the wider range of activities permitted under Appendix Visitor: Permitted Activities. For further information see Visit guidance.



If entry clearance is cancelled on grounds of change of purpose you must then consider whether to grant permission to enter for the intended purpose, although in most cases it will be appropriate to refuse under paragraph 9.14.1. of Part 9 of the Immigration Rules on grounds of no entry clearance where it is required for the intended purpose.

## Dependants

If you cancel entry clearance or permission in respect of an individual, you must consider whether the person has any dependants and if so, whether their entry clearance or permission should also be cancelled. For further information see Grounds for refusal and cancellation guidance.

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# General exceptions to refusals and cancellation

Whether refusal or cancellation is mandatory or discretionary you must always consider the following exceptions:

- the duty to have regard to the need to safeguard the welfare and best interests of any child in the UK (section 55 children duty): see UKVI safeguarding children strategy
- whether the decision to refuse or cancel would breach a person's Convention rights under the [Human Rights Act 1998](#)
- whether the decision to refuse or cancel would be a breach of the UK's obligations under [the Refugee Convention](#)
- whether there are any exceptional compelling or compassionate circumstances which would justify admission

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# Case notes and decision notice

## Refused applications

You must fully record your reasons for the decision, including the evidence that you considered.

You must explain your decision to refuse the application/cancel the entry clearance or permission and you must record in the decision notice that you considered whether or not to refuse/cancel and explain why you decided to refuse/cancel.

You may use the following wording (adapted to fit the circumstances of the case):

“Your application for permission to enter is refused on suitability grounds under paragraph [enter relevant paragraph] of Part 9 of the Immigration Rules. This is because [you do not hold the required entry clearance/failed to produce a recognised passport or travel document/ you were examined by the medical inspector who advised that your entry was undesirable on medical grounds, etc].

In deciding whether or not to refuse your application I have carefully considered the circumstances of your case. I am satisfied that refusal is appropriate because [reasons including what evidence has been considered].”

If any exceptions/general exceptions raised/considered [I have also considered – explain what has been considered]. I am satisfied that refusal is appropriate because [explain].”

## Approved applications

Where there are grounds for refusal but you decide to grant permission to enter you should record your reason for doing so on the case working system and in your decision notice. You may use the following wording in your decision notice (adapted to fit the circumstances of the case):

“You have sought permission to enter the UK. On arrival [you failed to produce a recognised passport or travel document/ your parent or legal guardian was required to provide their written consent to your application [date of request etc] but have failed to do so/you failed to meet the requirements of a returning resident under paragraph 18 of the Immigration Rules/, etc].

I have carefully considered the circumstances of your case including [evidence considered] and on this occasion I have decided to grant you permission to enter because {reasons}.

This does not mean that the same decision will be made on any future application.”

## Cancelling entry clearance or permission

If cancelling entry clearance or permission, you may use following wording (adapted to fit the circumstances of the case) in the decision notice:

“On [insert date] you were granted entry clearance/ permission to enter/ permission to stay as a [route e.g. visitor/skilled worker/student, etc].

Upon your arrival in the UK on [date][you failed to produce a recognised passport or travel document/ you were examined by the medical inspector who advised that your entry was undesirable on medical grounds /there has been a change in circumstances since the entry clearance or permission was granted/your purpose in seeking entry is different from the purpose specified in your entry clearance.

I have therefore cancelled your entry clearance/permission under paragraph [enter paragraph] of Part 9 of the Immigration Rules because [reasons].

In deciding whether or not to cancel your entry clearance/permission I have carefully considered the circumstances of your case. I am satisfied that cancellation is appropriate because [reasons including what evidence has been considered].”

If any exceptions/general exceptions raised/considered [I have also considered – explain what has been considered]. I am satisfied that cancellation is appropriate because [explain].”

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