



Home Office

Immigration Directorate Instruction

Family Migration:

Part 8: Annex F

Adequate Maintenance & Accommodation

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1. Introduction

On 9 July 2012 the Immigration Rules were changed to introduce new requirements for non-EEA nationals applying to enter or remain in the UK on the basis of their relationship with a family member who is a British Citizen, settled in the UK or in the UK with refugee leave or humanitarian protection.

From 9 July 2012 Appendix FM to the Immigration Rules replaced the previous maintenance requirement to be met by non-EEA nationals applying as a partner or dependent children with a new financial requirement based on a minimum income threshold.

Some categories of applicant under Appendix FM are not required to meet the minimum income threshold – partners and dependent children whose sponsor is in receipt of a specified benefit (on the 5-year route to settlement as a partner); parents of child in the UK (on the 5-year route to settlement as a parent); and adult dependent relatives – and have instead to meet a requirement for ‘adequate’ maintenance.

Most applicants applying under Part 8 of the Immigration Rules are also not required to meet the minimum income threshold and have instead to meet a requirement for ‘adequate’ maintenance. These categories are set out in Section 2.1., below

Most applicants applying under Part 8 of the Immigration Rules, whether they are required to meet the minimum income threshold (a small number of adoption cases) or a requirement for adequate maintenance (the majority of applicants), are also required to meet a requirement for ‘adequate’ accommodation. This guidance applies to the requirements for ‘adequate’ maintenance and accommodation under Part 8 of the Immigration Rules, including for those who may apply under Part 8 relying on transitional arrangements.

This guidance does not apply to the requirements for ‘adequate’ maintenance and accommodation under Appendix FM of the Immigration Rules. For guidance on those requirements in Appendix FM, please refer to [FM1.7A - Maintenance Guidance](#).

Some case examples featured in this guidance may remain useful for appeal cases, where those routes are closed to new applicants.

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2. Definition of ‘adequate’ maintenance

Paragraph 6 of the Immigration Rules sets out the definition of ‘adequate’ and ‘adequately’ that must be applied in all cases in relation to a maintenance and accommodation requirement:

“adequate” and **“adequately”** in relation to a maintenance and accommodation requirement shall mean that, after income tax, National Insurance contributions and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of Income Support.

This reflects the 2006 determination by the Upper Tribunal in KA and Others (Pakistan). See: <http://www.bailii.org/uk/cases/UKIAT/2006/00065.html>

The Immigration Rules do not specify the level of income or amount of funds sufficient for ‘adequate’ maintenance. This will be case specific and depend on the number of dependants in the family unit. If dependants of the main applicant are going to accompany them to, or remain with them in, the UK, then sufficient resources must be available for the whole family unit to be adequately maintained, regardless of their nationality or immigration status.

2.1. Who needs to meet the adequate maintenance requirement?

A requirement for adequate maintenance has to be met by the following categories of applicant under Part 8 of the Immigration Rules:

Child of a settled person(s)

- Paragraph 297 – Indefinite Leave to Enter
- Paragraph 298 – Indefinite Leave to Remain
- Paragraph 298A – Limited Leave to Remain

Adopted children

- Paragraphs 309A – Paragraph 316F (except for adoption cases subject to the minimum income threshold in Appendix FM, which are applications made under paragraph 314(i)(a), 314(i)(d), 316A(i)(d) or 316A(i)(e) where a parent is or will be subject to the income threshold themselves).

Post flight child of relative with limited leave as a refugee or with humanitarian protection

- Paragraph 319X

Decision makers should check if transitional provisions apply to the application. The relevant Immigration Rules are set out in [paragraphs A277 to paragraph A281](#) of Part 8.

Adequate maintenance must be met by the following categories in Part 8 of the Immigration Rules where an applicant may rely on transitional provisions:

Spouses and civil partners

- Paragraph 284 – Limited Leave to Remain

- Paragraph 287 – Indefinite Leave to Remain

Unmarried and same sex partners

- Paragraph 295D – Limited Leave to Remain
- Paragraph 295G – Indefinite Leave to Remain

Child of a person with limited leave

- Paragraph 301 – Limited Leave to Enter or Remain

Dependent relative of a person with limited leave to remain as a refugee or beneficiary of humanitarian protection

- Paragraph 319V – Limited Leave To Remain
- Paragraph 319W – Indefinite Leave To Remain

Some routes in Part 8 subject to transitional arrangements are not referenced as they are not expected to have further new applications. However, this guidance may still have relevance in appeal cases in Part 8 categories not referenced above.

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3. Assessing adequate maintenance

3.1. How to assess adequate maintenance

The Upper Tribunal case of [Ahmed \[benefits; proof of receipt; evidence\] Bangladesh \[2013\] UKUT 84 \[IAC\]](#) directed the Home Office to evidence financial figures in all decision letters in which refusal was based on inadequate maintenance.

Therefore, decision makers considering an application for entry clearance, leave to remain, further leave to remain or indefinite leave to remain which has to meet a requirement for adequate maintenance must set out the financial position of the applicant/sponsor in **all** cases that fall for refusal using the following formula:

$$A - B \geq C$$

A minus **B** is greater than or equal to **C**.

Where:

A is the net income (after deduction of income tax and National Insurance contributions);
B is housing costs (i.e. what needs to be spent on accommodation); and
C is the amount of Income Support an equivalent British family of that size can receive.

The decision maker must take the following steps to assess the adequacy of the funds available:

- a) Establish the sponsor's and/or applicant's (if they are in the UK with permission to work) current total weekly net income (**A**).
 - If the net income varies, calculate a weekly mean average.
 - Include all net income currently received, including benefits currently received to which the person is entitled, and including third party support.
 - An entry clearance applicant may say they will be entitled to claim public funds in their own right in the UK, e.g. under reciprocal arrangements between the UK and their home country, and ask for this to be included in their net income. However, any potential future entitlement to benefits after the applicant arrives in the UK does not count towards net income when assessing adequate maintenance.
 - Where there are permitted cash savings, include a weekly equivalent figure (see 3.2).
- b) Establish the sponsor's current weekly housing costs from the evidence provided (**B**).
- c) Deduct the weekly housing costs from the weekly net income (**A**).
- d) Calculate how much a British family unit (of equivalent size to the sponsor and their family unit) would receive if they were in receipt of Income Support (**C**).
 - For details of current benefit rates see the document at the following link:

http://www.rightsnet.org.uk/pdfs/rightsnet_benefit_rates_poster_2015_16.pdf

- Decision makers **must always** use the correct rates which apply at the date of their decision. Case studies in this guidance show the method for setting out a calculation and do not necessarily represent current rates.

e) Compare the weekly net income after deduction of weekly housing costs with the equivalent level of Income Support using the following formula:

$$A - B \geq C$$

A minus B is greater than or equal to **C**

Personal debt, including loans and credit card debt, should **not** be taken into account in this assessment. Only the weekly housing costs are deducted from the weekly net income.

Where the weekly equivalent of income or housing costs is calculated to part of a penny, decision makers should always round this figure down.

3.2. Example assessment of adequate maintenance

Mr X wishes to sponsor his wife and his two children from country Y. Currently Mr X receives weekly net income of £460.17.

Please use the following format to show the assessment of adequate maintenance as directed in the case of Ahmed.

a) Calculation of current total weekly net income (**A**):

Income source	Interval received	Equivalent weekly amount
Net income from employment (after deduction of income tax and NI contributions)	Weekly	£161.30
Working Tax Credit	£364.71 every four weeks Divided by 4 =	£91.18
Child Benefit	£134.80 every four weeks Divided by 4 =	£33.70
Child Tax Credit	Weekly	£93.99
Housing Benefit	Weekly	£80.00
Total Income (A)		£460.17

b) Calculation of current weekly housing costs (**B**):

Mr X's accommodation costs £150 per week to rent. The family do not have to pay Council Tax. Add together weekly rental or mortgage payments and Council Tax.

Housing costs	Interval paid	Equivalent weekly amount
Rent	Weekly	£150.00
Council Tax	£0.00	£0.00
Total housing costs (B)		£150.00

c) Deduction of weekly housing costs from the weekly net income:

Weekly net income **£460.17** minus weekly housing costs **£150 = £310.17**

d) Calculation of weekly income the family would receive if in receipt of Income Support (C):

To assess whether the sum of (A – B) is greater than or equal to the level of Income Support (C) a British family of that size would be entitled to receive, decision makers must in all cases demonstrate calculations in the following format:

An equivalent sized British family could receive the following Income Support:

Element	Interval	Amount
Income Support rate for a couple	Weekly	£113.70
Each dependent child from birth to age 20 £66.33 x 2	Weekly	£132.66
Family premium	Weekly	£17.45
Total Income Support (C)		£263.81

e) Compare the weekly net income less weekly housing costs to the equivalent Income Support figure:

(A – B) £310.17 must be greater or equal to **(C) £263.81**

In this example **A minus B** is greater than **C** so the weekly net income less weekly housing costs is more than the weekly level of Income Support a British family of that size would be entitled to receive and therefore the 'adequate' maintenance requirement is met.

3.3. Cash savings

Specified cash savings may be used instead of or in addition to income in assessing whether the adequate maintenance requirement is met.

Paragraph 12B of [Appendix FM-SE](#) sets out the requirements, to which paragraphs 11 and

11A of [Appendix FM-SE](#) apply, where cash savings are relied upon in full or in part to meet an adequate maintenance requirement under Part 8. The level of cash savings relied upon must have been held by the person (or by them and their partner jointly) for a period of at least 6 months prior to the date of application and must be under their control.

Cash savings can be held in any form of bank/savings account which allows immediate access to the funds (with or without a penalty for withdrawing funds without notice). This can include savings held in a pension savings account which can be immediately withdrawn. For the current requirements as to the cash savings which may be used and the specified evidence which must be provided, decision makers should refer to paragraphs 11 and 11A of [Appendix FM-SE](#). If the total savings figure fluctuates over the period of 6 months prior to the date of the application, the decision maker should use the lowest figure evidenced for that period.

3.3.1. Entry Clearance and Leave to Remain

Under paragraph 12B of [Appendix FM-SE](#), once the total amount of cash savings which meets the requirements of paragraphs 11 and 11A has been calculated and evidenced, this can be divided by the number of weeks of limited leave which would be issued if the application was granted, and then expressed as a figure which can be used in the assessment at paragraph 3.1. above.

Example – The sponsor has savings of £3,000. This is then divided by the number of weeks in the period of leave which would be granted (e.g. 2 years' limited leave to remain = 104 weeks).

So if the application is for leave to remain, £3,000 divided by 104 weeks = £28.85.

This means that £28.85 can be added to any weekly income received by the applicant or sponsor for the purpose of assessing adequate maintenance.

3.3.2. Indefinite Leave to Enter or Indefinite Leave to Remain

In these cases decision makers should divide the figure for cash savings by 52 weeks (1 year) to arrive at a figure which can be used in the assessment at paragraph 3.1. above.

Example – The sponsor has savings of £3,000, divided by 52 weeks = £57.69

This means that £57.69 can be added to any weekly income received by the applicant or sponsor for the purpose of assessing adequate maintenance.

3.4. Example assessment of adequate maintenance including cash savings

Mr M wishes to sponsor his wife and his two children from country Y. Currently Mr M receives £410.17 per week net income from employment, benefits and tax credits. Mr M has held a savings account for the last 18 months. He has provided bank statements for the period of 6 months prior to the date of application. The balance of the savings account has increased over that period from £2,345.52 to £2,500.

a) Calculation of current total weekly income (**A**):

Cash savings: for Mr M's savings account a figure of £2,345.52 can be taken into account as this is the lowest level of cash savings held for the 6-month period prior to the date of application. £2,345.52 divided by 143 weeks = £16.40 per week that can be added to the weekly net income.

Income source	Interval received	Equivalent weekly amount
Net income from employment (after deduction of income tax and NI contributions)	Weekly	£111.30
Working Tax Credit	£364.71 every four weeks Divided by 4 =	£91.18
Child Benefit	£134.80 every four weeks Divided by 4 =	£33.70
Child Tax Credit	Weekly	£93.99
Housing Benefit	Weekly	£80.00
Cash savings	Weekly	£16.40
Total Income (A)		£426.57

b) Calculation of current weekly housing costs (**B**):

Mr M's rental accommodation costs £150 per week. The family do not have to pay Council Tax.

Housing Costs	Interval paid	Equivalent weekly amount
Rent	Weekly	£150.00
Council Tax	£0.00	£0.00
Total housing costs (B)		£150.00

c) Deduction of weekly housing costs from the weekly net income:

Net income **£426.57** minus housing costs **£150** = **£276.57**

d) Calculation of income the family would receive if in receipt of Income Support (**C**):

An equivalent sized British family could receive the following Income Support:

Element	Interval	Amount
Income Support Rate for a couple	Weekly	£113.70
Each dependant child from birth to age 20 £66.33 x 2	Weekly	£132.66
Family premium	Weekly	£17.45
Total Income Support (C)		£263.81

e) Compare the weekly net income less weekly housing costs to the equivalent Income Support figure:

(A – B) £276.57 must be greater or equal to **(C) £263.81**

In this example **A minus B** is greater than **C** so the weekly net income less weekly housing costs is more than the weekly level of Income Support a British family of that size would be entitled to receive and therefore the 'adequate' maintenance requirement is met.

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4. Income

All legal income for the family unit can be included, such as:

- Income from salaried or non-salaried employment.
- Income from self-employment or as a director of a specified limited company in the UK.
- Non-employment income, e.g. income from property rental or dividends from shares.
- Income from Working Tax Credit, Child Tax Credit, Child Benefit, income-related benefits, contributory benefits and benefits/pensions payable to Armed Forces veterans and their partner.
- State (UK or foreign) or private pension.
- Cash savings held for at least 6 months prior to the date of application.

Undertakings of third party support – If the applicant is unable to produce sufficient evidence to meet the adequate maintenance requirement, they may provide a written undertaking from members of their family that those members will support the applicant until they are able to support themselves from their own resources. The caseworker will need to assess and verify an offer of third party support in order to determine whether the applicant satisfies the requirement that they can be adequately maintained in the UK without recourse to public funds. The caseworker may request recent evidence of the third party's assets (e.g. original bank statements or a reasonable equivalent over a period of at least three months). It is open to the caseworker to ask a third party offering long-term support to become a joint sponsor and to give an undertaking (under paragraph 35 of Part 1 of the Immigration Rules) to underwrite this commitment.

Prospective employment earnings – The application may rely on a confirmed job offer or an expectation of achieving income from employment based on the skills, qualifications or present employment of the sponsor, the applicant or both. These can be included if satisfactory evidence is provided that the job offer or prospect of obtaining employment is genuine, credible and realistic. **Jobs that are unrealistic in the light of the applicant's skills or jobs that appear to have been manufactured and lack any prospect of continuing will not suffice.**

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5. Evidential requirements

5.1. General

Decision makers should request evidence to the extent that they are satisfied that the details of the application are as claimed, but be mindful that the rules do not require specified evidence to be provided to meet adequate maintenance under Part 8, other than for cash savings. However where evidence is not specified, an application may be refused if satisfactory evidence that there will be adequate maintenance has not been supplied to the decision maker.

5.2. Cash savings

Where cash savings are relied upon to meet an adequate maintenance requirement in Part 8, the specified evidence required is contained at Paragraph 11 and 11A of [Immigration Rules appendix FM-SE: family members specified evidence - Publications - GOV.UK](#)

5.3. Housing costs

The applicant should provide evidence of the monthly (and/or weekly) housing and council tax costs for the accommodation in the UK in which the applicant (and any other family members who are or will be part of the same household) lives or will live if the application is granted.

As the calculations at 3 above refer to a weekly housing cost, any evidence received which is not weekly should be converted to a weekly figure.

As the calculations at Section 3 above refer to a weekly housing cost, any costs evidenced which are not weekly should be converted to a weekly figure, rounding down when this leads to a part of a penny.

Example:

If a calendar monthly Council Tax figure is evidenced, then multiply it by 12 and divide by 52 to arrive at the weekly equivalent.

Monthly Council Tax = £100 x12 divided by 52 = £23.07 weekly equivalent cost of Council Tax.

Applicants should supply documentary evidence of rent or mortgage payments and Council Tax, along the lines of:

- a) A letter from the landlord or mortgage provider detailing the weekly or monthly rental or mortgage cost of the property;
- b) At least one personal bank statement to show the rent/mortgage payment leaving the account of the sponsor, their partner or the couple jointly;
- c) Rent book (if available);
- d) Letter from the local authority detailing whether and how much Council Tax is payable.

6. Conversion of foreign currency

Income or cash savings in a foreign currency will be converted to pounds sterling (£) using the closing spot exchange rate which appears on www.oanda.com on the date of application. Where there is income or cash savings in different foreign currencies, each will be converted into pounds sterling (£) before being added together, and then added to any UK income or savings, to give a total amount.

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7. Accommodation

7.1. General

Applications under Part 8, including where an applicant may rely on transitional arrangements to make such an application, must meet a requirement for adequate accommodation where specified.

An applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household. This must be accommodation which the family own or which they occupy exclusively.

There are not expected to be any further new entry clearance applications for partners under Part 8 in the family route, although there may be ongoing appeals which may need to consider the approach to prospective accommodation. Accommodation for the couple may be prospective rather than available on arrival because the marriage or civil partnership has not yet taken place. The decision maker must be satisfied that adequate permanent accommodation will be available after the marriage or the civil partnership has taken place and that adequate temporary accommodation will be available in the meantime, e.g. provided by family or friends. Evidence relating to the temporary address and the proposed long term address after marriage or civil partnership should be provided with the entry clearance application as a fiancé(e) or proposed civil partner. An entry clearance application may be refused if the temporary or proposed long term address is not considered to be adequate accommodation. An application made after the marriage or civil partnership has taken place should not rely on prospective accommodation. Accommodation should not generally be prospective in child applications made under Part 8.

Accommodation is not adequate if it is not owned or legally occupied by the family unit.

Accommodation can be shared with others. 'Occupy exclusively' is defined in paragraph 6 of the Immigration Rules and means that at least part of the accommodation must be for the exclusive use of the family.

Decision makers should expect to see evidence that the family unit of the applicant/sponsor and any dependants have or will have exclusive use of at least the bedroom(s) required for the number, age and gender of members of their family unit (see section 7.4.3 below). The rest of the accommodation outside those exclusive areas which are for the exclusive use of the family unit can be shared with others. For example, the required number of bedrooms for the applicant/sponsor and their dependants may be in a home shared with and owned by the parents of the sponsor (and the parents have their own exclusive bedroom which they occupy).

Accommodation is not adequate if it is, or will be, overcrowded. Under paragraph 6 of the Immigration Rules, the meaning of overcrowded is the meaning in the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988 (as appropriate).

Accommodation is not adequate if it does or will contravene public health regulations.

7.2. Ownership/occupation

The applicant should provide evidence as to the basis on which the accommodation is or will be owned or occupied (including rented) by the family unit. This may for example be in the form of a copy of the property deeds, a letter from a bank or building society as to the mortgage arrangements, a lease agreement and rent book, or a letter from a family member or friend who is making the accommodation available to the applicant and their family unit.

Where the accommodation is rented from a local authority or housing association, correspondence from them can normally be relied upon as sufficient evidence. Greater care needs to be taken in respect of a private tenancy. If there are any aspects of the accommodation arrangements which raise substantial doubts as to whether the requirements of the Immigration Rules are met, further evidence should be sought.

Where the accommodation is not 'owned' by the sponsor (in the sense that they are not the head of the household but, for example, are living with their parents or are living alongside other tenants in a house in multiple occupation), the Rules require there to be adequate accommodation which the sponsor and any partner and dependants will occupy for their exclusive use. This need not be a separate house or self-contained flat but, where it is as little as one bedroom of their own, enquiries should be made about the number of rooms in the property, the number of occupants and whether this is only intended to be a short-term arrangement.

7.3. Housing standards

Local authorities have the power to set the housing standards that must be met in their area. While it will not generally be necessary to approach the local authority in each case to see whether their standards are met, the applicant should provide sufficient evidence that the accommodation will be adequate. This may take the form for example of a letter from a housing authority or building society or a description of the property that the decision maker can be satisfied is accurate and genuine.

7.4. Definition of overcrowding

In England and Wales, under the Housing Act 1985 if either **the room standard** and/or **the space standard** is breached a dwelling will be regarded as **overcrowded** under the Act. The overcrowding definition covers privately owned homes and those owned by local authorities.

7.4.1. The room standard

The room standard is contravened under the Act when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons aged 10 or over of the opposite sex who are not living together as a couple must sleep in the same room.

7.4.2. The space standard

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

For immigration purposes we do not look at the floor area for each room as it is complex to evidence and assess. We focus on the number of permitted occupants based on the number of rooms.

7.4.3 Method of assessing whether accommodation is overcrowded

1. Count the number of people who would be occupying the accommodation.

This includes everyone who would be occupying the house, including those who are not parties to the application for leave. Children under one year old are not counted; children aged between one and 10 are counted as a half.

2. Count the number of rooms available as sleeping accommodation.

When counting the number of rooms to assess whether a property is or will be overcrowded, the decision maker should look at how the sleeping arrangements within the premises *could* be organised rather than at how they are currently organised. In practice, this means counting the number of rooms that are bedrooms or are living rooms which could be used as a bedroom. Bathrooms and kitchens should not be counted as sleeping accommodation.

Rooms of less than 50 square feet are not counted.

3. Compare the number of people who would be occupying the accommodation with the number of rooms available as sleeping accommodation to assess whether it would be overcrowded.

The following table represents what would, subject to their age, gender and whether they are a couple, be an acceptable maximum number of people to occupy a house with the relevant number of rooms available as sleeping accommodation:

Number of rooms in the accommodation available for sleeping	Number of people permitted to sleep in the accommodation without it being overcrowded
1	2
2	3
3	5
4	7.5
5	10
More than 5 rooms	10 plus an additional 2 persons for each room in excess of 5 rooms e.g 6 rooms = 12 people, 7 rooms = 14 people.

Additionally, the decision maker should consider whether there are an acceptable number of rooms available as sleeping accommodation to accommodate those who must have a separate bedroom (as set out in section 7.4.1.). The decision maker does not have to go on to consider this issue if they have already assessed the accommodation as overcrowded based on the above table.

Example A

The accommodation has 1 room available as sleeping accommodation. The house would be occupied by a couple, and one child aged 5. The housing is overcrowded and therefore does not provide adequate accommodation under the Immigration Rules because only 2 people are permitted to sleep in the property without it being overcrowded whereas 2.5 people wish to sleep there.

Example B

The sponsor rents a one bedroom flat with a living room. There are two rooms available for sleeping. His wife wishes to join him in the UK. The housing is not overcrowded as up to 3 people are permitted to sleep at the property without it being overcrowded.

Houses in multiple occupation

A house in multiple occupation (HMO) is defined as “a house which is occupied by persons who do not form a single household”. This covers hotels and hostels, as well as houses lived in by two or more family units or by a couple (and their dependent children) living with the parents or other family members of one of them.

There are separate overcrowding provisions for HMOs. Local authorities have the power to serve an overcrowding notice in relation to a HMO specifying the maximum number of people permitted in the house or preventing any further residents. Where an overcrowding notice renders an occupant homeless, the local authority may be obliged to provide them with accommodation under the Housing Act 1985, e.g. if they have dependent children or are old or infirm. Such accommodation would count as recourse to public funds under the Immigration Rules. In the case of HMOs, it may be necessary for the decision maker to obtain written confirmation from the local authority that there is no objection to an additional resident moving in.

7.4.4 When is overcrowding allowed?

Overcrowding is only allowed if it is:

- due to a new-born child or a child who has just turned one of the specified ages above and alternative accommodation arrangements have not yet been made.
- temporary, e.g. if a member of the family comes to live in the home for a short time.
- licensed overcrowding, where the local authority has given permission.

7.4.5 Public health regulations

It is likely to be rare that the property contravenes public health regulations. However, if the decision maker has satisfactory evidence that that is or will be the case, they may determine that the accommodation is not adequate.

8. Refusal Wording

Where an applicant fails to provide evidence, including specified evidence, that there will be 'adequate' maintenance, the following wording must be used in refusal notices and letters:

You have failed to evidence that there will be 'adequate' maintenance for yourself, your partner/sponsor and any dependants without recourse to public funds.

The calculation below sets out your net income after housing costs have been deducted. These figures demonstrate that your net income after accommodation costs have been deducted is less than the level a family of that size would be entitled to under Income Support.

The following formula has been used to calculate the income available to maintain you and your partner and any dependants in the UK, taking into account your projected income and your accommodation costs:

$$A - B \geq C$$

A minus **B** is greater than or equal to **C**.

Where:

A is net income (after deduction of income tax and National Insurance contributions);
B is housing costs (i.e. what needs to be spent on accommodation); and
C is the amount of Income Support that would be received by a British family of equivalent size.

INCOME CALCULATION

Income source	Interval received	Equivalent weekly amount
TOTAL INCOME		

HOUSING COSTS

Housing Costs	Interval paid	Equivalent weekly amount
Rent or mortgage		

Council Tax		
Total housing costs		

INCOME SUPPORT EQUIVALENT CALCULATION

Element	Interval	Amount

Using the figures provided in your application, as listed above, the formula has been completed as follows:

A (insert figure showing weekly net income) – B (insert figure showing weekly housing costs)
= (insert sum of two previous figures)

In order to meet the requirement of adequate maintenance, your net weekly income after housing costs have been deducted which is (insert A minus B) must be greater than or equal to (insert figure from Income Support equivalent calculation). From the evidence provided, it appears that your income is less than the level of Income Support that a British family of equivalent size would be entitled to. The adequate maintenance requirement for you and your partner/sponsor (and any dependants) is not met. (Move to wording for the particular route below).

If the refusal is based on missing evidence, use this wording:

You have suggested you/you and your partner/ your sponsor receive(s) a weekly income/have housing costs of (xxx.xx). However, you have not provided any evidence to demonstrate that this income/housing cost is received/charged as claimed. Specifically, you have not provided (*list missing evidence, including missing specified evidence relating to cash savings*)

Then use the wording below which applies to the application type.

If the refusal is based on not having provided evidence of adequate accommodation, use this wording:

Accommodation will not be regarded as adequate if it is, or will be, overcrowded within, under paragraph 6 of the Immigration Rules, the meaning of the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988 (as appropriate).

Accommodation will also not be regarded as adequate if it contravenes public health regulations. You have not provided sufficient evidence that the accommodation in which you reside or intend to reside meets the requirements set out above. This is because (*insert reasons*).

Then use the wording below which applies to the application type.

Child applying for indefinite leave to enter as the child of a parent, parents or a relative present and settled or being admitted for settlement in the UK

- *For refusal on adequate accommodation*
You have therefore failed to meet the requirement contained at paragraph 297(iv) of the Immigration Rules.
- *For refusal on adequate maintenance*
You have therefore failed to meet the requirement contained at paragraph 297(v) of the Immigration Rules.

Child applying for indefinite leave to remain as the child of a parent, parents or a relative present and settled or being admitted for settlement in the UK

- *For refusal on adequate accommodation*
You have therefore failed to meet the requirement contained at paragraph 298(iv) of the Immigration Rules.
- *For refusal on adequate maintenance*
You have therefore failed to meet the requirement contained at paragraph 298(v) of the Immigration Rules.

For the remainder of the applications to which this requirement applies, the decision maker should identify the applicable rule and corresponding adequate maintenance and accommodation requirement as above and use the same or similar wording in the refusal which clearly shows that the relevant requirement is not met and why.

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9. Contact for Further Information

This guidance is owned by the Family Policy Team.

Any queries should be directed to FamilyOpsPolicy@homeoffice.gsi.gov.uk

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