

Aug/03

**IMMIGRATION DIRECTORATES' INSTRUCTIONS**

**ANNEX P**

**CHAPTER 1  
SECTION 3**

**RETURNING RESIDENTS**

**REFUSAL FORMULAE**

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

---

**ON ENTRY**

"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 embarked."

**Paragraph 320(9) with reference to Paragraph 18(i)**  
{Refusal Code: F4}

**More than 2 years away**

"...but I am satisfied that you have 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 satisfied that you received 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}

-----

**AFTER ENTRY**

"You have applied for indefinite leave to remain in the United Kingdom on the basis that you were previously settled here..."

**No provision**

"...but although the immigration Rules provide for indefinite leave to enter to be given to returning residents they do not provide for indefinite leave to remain to be granted after entry to a person admitted in a temporary capacity and, consequently, the Secretary of State is not satisfied that variation of leave to remain is being sought for a purpose covered by the Immigration Rules."

**Paragraph 322(1) with reference to paragraphs 18-20**  
{Refusal Code: X8}

\_\_\_\_\_

**ENTRY CLEARANCE**

"You have applied for entry clearance to the United Kingdom as a returning resident..."

**Not settled when last left**

"...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 embarked."

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

**More than 2 years away**

"...but [? in view of...] the Secretary of State is satisfied that you have been away from the United Kingdom for more than 2 years and, having considered the circumstances of your case, he is not prepared to exercise his discretion in your favour."

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

**Public funds**

"...but [? in view of...] the Secretary of State is satisfied that you received assistance from public funds towards the cost of leaving the United Kingdom."

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

**Purpose not settlement**

"...but [? in view of...] the Secretary of State is not satisfied that you are now seeking admission for the purpose of settlement."

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

archived