



Home Office

# **General grounds for refusal**

## **Section 3 of 5 – Considering entry at UK port**

This guidance is based on the Immigration Rules

## General grounds for refusal

### Considering entry at UK port – mandatory and discretionary refusals

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This section contains guidance for Border Force officers on what to consider when you refuse leave to enter or variation of leave to enter on general grounds.</p> <p>It explains each part of <a href="#">paragraphs 320 and 321A</a> and identifies which are mandatory refusals and which are discretionary. For visitors, this relates to part <a href="#">V3 and V 9.1-7 of Appendix V</a>.</p> <p>This guidance is based on the <a href="#">Immigration Rules</a>.</p> <p><b>Mandatory or discretionary</b></p> <p>The Immigration Rules have 2 types of refusal on general grounds and it will depend on the grounds you are using to refuse as to how you consider the application. If it is a mandatory ground for refusal you must refuse entry. If it is a discretionary ground for refusal then you can consider whether the circumstances justify exercising discretion in the passenger's favour.</p> <p><a href="#">Paragraphs 320 and 321A of the rules</a> set out a number of different general grounds for refusal:</p> <ul style="list-style-type: none"><li>• mandatory refusals are set out in paragraphs 320(1) to (7D)</li><li>• discretionary refusals are set out in paragraphs 320(8) to 320(23)</li><li>• paragraph 321A sets out mandatory grounds on which you must cancel leave to enter or remain which is in force at port</li></ul> <p>For visitors <a href="#">part V3 of Appendix V</a> sets out the general grounds for refusal. See the table training briefing for operational staff for how the rules at part V3 match the rules in paragraph 320.</p> <p><b>Considering leave to enter for all categories of applications made to enter the UK</b></p>	<p><b>Related links</b></p> <p>Checks</p> <p>Exclusion conducive to public good</p> <p>Safeguard and Promote Child Welfare</p> <p>Exceptional circumstances</p>
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	<p>You must consider both:</p> <ul style="list-style-type: none"><li>• whether there are any general grounds for refusal</li><li>• whether you should refuse under the category the person is entering under because the person does not meet the requirements for that category</li></ul> <p>You may refuse leave to enter on general grounds, as set out in <a href="#">paragraphs 320 and 321A of the Immigration Rules</a>, if there is any evidence of:</p> <ul style="list-style-type: none"><li>• adverse behaviour (using deception, false representation, fraud, forgery, non-disclosure of material facts or failure to cooperate)</li><li>• a direction from the Secretary of State that the person is to be excluded on non conducive grounds</li><li>• adverse character, conduct or associations, or a criminal history</li><li>• a deportation order, travel ban or threat to national security</li><li>• adverse immigration history (overstaying, breaching conditions, illegal entrant, using deception in an application)</li><li>• adverse health (medical grounds)</li><li>• NHS or litigation debt</li></ul> <p>For more information on the specific reasons above, see <a href="#">Grounds for refusal</a>.</p> <p><b>Where to check for the evidence</b></p> <p>You must always do full checks in line with the Border Force Operating Mandate.</p> <p>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:</p> <ul style="list-style-type: none"><li>• Police National Computer (PNC) for all risk assessments for temporary admissions</li><li>• internal Border Force and/or UKVI systems (such as CID and CRS)</li><li>• interviews</li><li>• referring the passenger to Port Medical Inspector in line with the related chapter in the Border Force Operations Manual</li></ul>	
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	<p>You must carefully consider your statutory duty to children, under section 55 of the Borders, Citizenship and Immigration Act 2009, before you apply the instructions in this guidance either to children or people with children.</p> <p>For more information on section 55 see: Safeguard and promote child welfare.</p> <p>You must consider if there are any human rights reasons such as:</p> <ul style="list-style-type: none"><li>• the right to family life under Article 8 of the European Convention on Human Rights (ECHR)</li><li>• any exceptional, compelling circumstances which would justify you giving leave to enter outside the rules</li></ul>	
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## General grounds for refusal

### Entry at UK port - mandatory refusals

<a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a>	<p>This page sets out the mandatory general grounds for refusal under <a href="#">paragraph 320 of the Immigration Rules</a> and <a href="#">part V3 of Appendix V</a> for visitors.</p>		
	Refusal paragraph	Refusal paragraph under part V3 for visitors	General grounds when leave to enter must be refused
	320(1)	V 4.2(c)	The passenger is seeking entry for a purpose not covered by the rules.
	320(2)(a)	V 3.2(b)	The passenger is the subject of a deportation order.
	320 (2)(b)	V 3.4(a)	The passenger has been convicted of an offence for which they have been sentenced to a period of at least 4 years.
	320 (2)(c)	V 3.4(b)	The passenger has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence.
	320 (2)(d)	V 3.4(c)	The passenger has been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.
	320 (3)	V 3.12(a)	The passenger seeking entry fails to produce a valid national passport or other document to establish their identity and nationality.
	320(4)	V 3.15	The passenger is in transit to another part of the common travel area but is not acceptable there.
320(5)	V 1.2 and V 9.3	A passenger who is a visa national fails to show a valid entry clearance issued for the purpose of entry.	

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	320(6)	V 3.2 (a)	The Secretary of State has personally directed that the passenger's exclusion from the UK is conducive to the public good.	
	320(7)	V 3.13	A medical inspector confirms that it is undesirable to admit a person to the UK on medical grounds.	
	320(7A)	V 3.6	The passenger has made false representations or submitted false documents (whether or not material to the application, whether or not to the applicant's knowledge and despite the applicant's age or category of visa sought), or material facts have not been disclosed. You must also consider whether paragraph 320(11) applies (or paragraph V 3.9(d) of Appendix V for visitors).	
	320(7B)	V 3.7-11	<p>The passenger has previously breached the UK's immigration laws (and was 18 or over at the time of the most recent breach) by:</p> <ul style="list-style-type: none"> <li>• overstaying</li> <li>• breaching a condition attached to his leave</li> <li>• being an illegal entrant</li> <li>• using deception in an application for a visa, entry clearance, leave to enter or leave to remain</li> </ul> <p>unless the passenger:</p> <ul style="list-style-type: none"> <li>• overstayed for 90 days or less and left the UK voluntarily, not at the expense of the Secretary of State (whether directly or indirectly)</li> <li>• used deception in an application for entry clearance more than 10 years ago</li> <li>• left the UK voluntarily, not at the expense of the Secretary of State (whether directly or indirectly) more than 12 months ago</li> </ul>	

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			<ul style="list-style-type: none"> <li>• left the UK voluntarily, at the expense (directly or indirectly) of the Secretary of State, more than 2 years ago, and the date the person left the UK was no more than 6 months after the date on which the person was given notice of the removal decision, or no more than 6 months after the date on which the person no longer had a pending appeal, whichever is the later</li> <li>• left the UK voluntary at the expense of the Secretary of State (directly or indirectly), more than 5 years ago</li> <li>• was removed or deported from the UK more than 10 years ago</li> <li>• left or was removed from the UK as a condition of a caution issued in accordance with Section 22 of the Criminal Justice Act 2003 more than 5 years ago</li> </ul>	
	320(7D)	V 3.12(b)(i)	Failure to comply with a request made on behalf of the Entry Clearance Officer to attend for interview without providing a reasonable explanation.	

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	-	V 3.12(b)(ii-iv)	Failure to do the following, without reasonable excuse, are mandatory grounds for refusal for visitors: <ul style="list-style-type: none"><li>• (ii) provide information</li><li>• (iii) provide biometrics</li><li>• (iv) undergo a medical examination or provide a medical report</li></ul>	
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## General grounds for refusal

### Entry at a UK port: purpose not covered by the rules

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger is seeking entry to the UK in a category which is not covered by the Immigration Rules. This relates to <a href="#">general grounds for refusal under paragraph 320(1) of the rules</a>.</p> <p>For visitors, permitted activities are covered by Appendices 3-4 of <a href="#">Appendix V</a> and prohibited activities under V 4.5-10. Applicants who are coming to do a prohibited activity must be refused under paragraph V 4.2(c).</p> <p>When you consider whether a passenger can be given leave to enter, you must take into account whether they are seeking entry for a purpose covered by the Immigration Rules. If they are not, you must refuse leave to enter under paragraph 320(1) when either of the following applies:</p> <ul style="list-style-type: none"><li>• there is no concession which allows you to use discretion either within or outside the rules for passengers in that category</li><li>• there is a concession which allows you to grant leave within in outside the rules for passengers in that category, but the passenger does not meet the requirements of that concession</li></ul> <p>This is a mandatory refusal reason. However, if there are overwhelmingly strong compassionate reasons to grant leave to enter for a purpose outside the rules where there is no concession under which the passenger qualifies, you may exceptionally exercise discretion. However, you must only exceptionally grant leave to enter outside the rules on the specific direction of the Home Secretary, Immigration Minister or director.</p>	
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## General grounds for refusal

### Deportation order

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page tells Border Force officers what to do when they identify a passenger who is subject to a deportation order.</p> <p>When you identify a passenger as the subject of a deportation order, you must refuse them leave to enter under <a href="#">paragraph 320(2)(a)</a>. For visitors, <a href="#">paragraph V 3.2(b) of Appendix V</a>. Before you refuse, you must check <a href="#">paragraph 389</a>. This is because a person who has been deported as a family member may return to the UK, without applying for revocation, if:</p> <ul style="list-style-type: none"><li>• they are a child who has now reached the age of 18 (in which case they stop being subject to the deportation order)</li><li>• in the case of a spouse or civil partner, the marriage or civil partnership comes to an end</li></ul> <p>If the passenger denies that they are the subject of a deportation order, you must confirm they are the subject of a deportation order before you refuse leave to enter by either checking the Home Office file or if necessary making further enquiries with Home Office Criminal Casework.</p> <p>Returning residents and the spouses or children under 18 of people settled in the UK are not exempt from refusal under paragraph 320(2)(a).</p>	
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## General grounds for refusal

### Deportation: entry clearance or leave to enter given in error

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to do if a passenger, subject of a deportation order, has been given entry clearance or leave to enter, whether in error or otherwise.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 320(2)(a) of the rules</a>. For visitors, this relates to <a href="#">V 3.2(b) of Appendix V</a>.</p> <p>Under section 5(1) of the <a href="#">Immigration Act 1971</a>, a deportation order is not cancelled if a Border Force officer gives leave to enter, whether in error or otherwise. The effect of the deportation order is to invalidate the leave so a passenger who enters the UK in breach of a deportation order is an illegal entrant, even if they have been given leave to enter by a Border Force officer. If you discover that entry clearance or leave to enter has been given in error, that leave will be invalid. In this case, you must serve the passenger and the carrying company with removal directions under paragraph 9 of schedule 2 of the 1971 act, not paragraph 320(2)(a).</p> <p>If the passenger has left immigration control and they are the subject of a deportation order, you must inform the relevant immigration compliance and enforcement (ICE) team and Criminal Casework so they can take appropriate enforcement action.</p> <hr/> <p><b>Official sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p> <hr/> <p><b>Official sensitive: end of section</b></p>	
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## General grounds for refusal

### Deportation: offenders and Irish deportation order

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page tells Border Force officers what to do if a passenger is subject to an Irish deportation order.</p> <p>If a person is subject to an Irish deportation order that does not have a direct effect in the UK then you should not refuse entry under <a href="#">paragraph 320 (2) (a)</a> or, for visitors, <a href="#">V 3.2(b) of Appendix V</a>. However, you must take account of the reason for the deportation order and consider the case on its merits. You must take all relevant information into consideration. If the passenger does not qualify for leave to enter, or should be refused on general grounds, you must refuse them under the relevant paragraph of the rules.</p>	
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## General grounds for refusal

### EEA national with deportation order

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to do if a passenger seeking entry who is a European Economic Area (EEA) national, or the family member of an EEA national, is the subject of a deportation order.</p> <p>The general grounds for refusal do not apply to EEA nationals or their family members. An EEA-national/EEA family member who is subject to a deportation order cannot be refused under <a href="#">paragraph 320(2)(a) of the Immigration Rules</a>. For information on deportation in EEA cases, including where the person was subject to a deportation order made under the <a href="#">Immigration Act 1971</a> or the UK Borders Act 2007 (see related link on refusal of EEA nationals).</p> <p>It is important to establish whether the deportation order was made under the EEA regulations. If it was and the passenger seeks admission to the UK, you must refuse on the basis that they are not entitled to be admitted while subject to a deportation order. This is in accordance with regulation 19(1A). The exception will be if the person has been deported under the EEA regulations but is to be temporarily admitted pursuant to regulation 29AA, for the purpose of making submissions in person at his appeal against deportation.</p> <p>A person who is to be refused admission under regulation 19(1A) should be treated as if they were a person refused leave to enter under the 1971 act. This is in accordance with regulation 23.</p> <p><b>Deportation order made under the 1971 or 2007 acts</b> If the deportation order was made wholly under the <a href="#">Immigration Act 1971</a>, or the UK Borders Act 2007, it will have no automatic effect against a person who is <b>now</b> an EEA national or the family member of an EEA national. In such cases the Border Force officer must assess whether the reasons for the deportation order having been made would now amount to grounds of public policy or public security, sufficient to justify a refusal of admission under the EEA regulations.</p>	<p><b>External links</b></p> <p><a href="#">Immigration Rules: Parts V3 and V9 of Appendix V</a></p> <p><a href="#">The Immigration (European Economic Area) Regulations 2016</a></p>
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## General grounds for refusal

### Criminal history

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to do if a passenger seeking entry has been convicted of, or admitted to an offence, mandatory refusal under <a href="#">paragraph 320(2) (b) (c) and (d)</a> or, for visitors, <a href="#">V 3.4 of Appendix V</a>.</p> <p><b>320(2)(b) Sentences of 4 years or more imprisonment</b> If the passenger was convicted of an offence and sentenced to at least 4 years you must refuse entry clearance or leave to enter. You must make a mandatory refusal under either paragraph 320(2)(b) or S-EC.1.4 (a) or V 3.4(a) of Appendix V of the Immigration Rules.</p> <p><b>There is no time limit on how long the Home Office will take into account a conviction in this category</b> However, you must consider if there are any compelling factors which amount to an exceptional reason why entry clearance should be granted (see below for exceptional criteria).</p> <p><b>320 (2) (c) Sentences of between 12 months and four years imprisonment</b> A passenger who receives a custodial sentence of exactly 12 months is included within this category. A passenger who receives a custodial sentence of exactly 4 years is included within the '4 years or more category'.</p> <p>If a passenger was convicted of an offence and sentenced between 12 months and 4 years imprisonment, you must refuse entry clearance or leave to enter. You must make a mandatory refusal under either <a href="#">paragraph 320(2)(c)</a> or <a href="#">S-EC1.4(b) in Appendix FM</a> or <a href="#">V 3.4(b) of Appendix V</a>. <b>This is unless a period of 10 years has passed since the end of the sentence.</b> You must take the end of sentence to mean the entire sentence imposed by the judge, not just the time the passenger spent in prison. For instance, an applicant who is sentenced to 2 years imprisonment on 1 January 2013 will not be allowed leave to enter until 1 January 2025 (10 years added to the end of the 2 year sentence imposed). This applies even if the applicant was actually released from prison before the end date of the sentence.</p>	
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	<p>After this time, a passenger may still be refused, for example, where criminality meets the threshold for 320 (19) (or for visitors V 3.3) for example. However, if the passenger applies before the ban period has expired, before refusing leave to enter you must consider whether there are any compelling factors that amount to an exceptional reason why leave to enter must be granted within the relevant period.</p> <p><b>320 2 (d) Sentences of less than 12 months imprisonment</b> A passenger who received a custodial sentence of exactly 12 months is not included within this category. They must be considered in the ‘between 12 months and 4 years category’. You must refuse entry to a passenger who was convicted of an offence and sentenced to less than 12 months imprisonment, unless a period of 5 years has passed since the end of the sentence. You must make a mandatory refusal under either <a href="#">paragraph 320(2)(d)</a>, <a href="#">paragraph S-EC1.4(c) in Appendix FM</a> or <a href="#">V 3.4(c) of Appendix V</a>.</p> <p><b>Exceptional cases</b> <a href="#">Paragraphs 320(2)</a> and <a href="#">S-EC.1.4 of Appendix FM</a> of the Immigration Rules has the following provision to allow for entry in certain circumstances:</p> <p>‘Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors’.</p> <p>For visitors, <a href="#">V 3.4 of Appendix V</a> applies an exception in the following circumstances</p> <p>‘Where this paragraph applies, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors’</p> <p>Exceptions will fall into one of the following 3 categories:</p> <ul style="list-style-type: none"><li>• failing to grant entry would be a breach of either the UK’s obligations under the European Convention on Human Rights (ECHR) or the Refugee Convention</li></ul>	
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- there are exceptional circumstances that mean entry must be granted despite the conviction
- an applicant's conviction is for an offence not recognised in the UK

**ECHR and/or Refugee Convention**

This exception is most likely to apply where a person was deported from the UK but later had their deportation order revoked because of the ECHR, Refugee Convention or on compassionate grounds.

**Exceptional circumstances**

This means a situation where refusal would be unjustifiably harsh in view of the person's exceptional circumstances. A person who is convicted of a criminal offence and sentenced to imprisonment, regardless of whether this is in the UK or elsewhere, must be aware it can affect their ability to gain entry to other countries. Therefore, it would require compelling factors to justify exceptionally granting entry clearance or leave to enter when they would otherwise be refused.

The following is a non-exhaustive list of the types of factors you must take into account:

- since conviction, the amount of time that has passed or a significant change in the personal circumstances of the person mean that maintaining a refusal would be so perverse as to undermine confidence in the immigration system
- there is reliable evidence to suggest the conviction was politically motivated
- the person concerned intends to make a significant investment in the UK, such that refusing entry would significantly harm the economic interests of the UK, for example, the person will be buying or heavily investing in a major company which would otherwise close down, so by refusing entry a large number of UK jobs would be placed at risk

However, your starting point in these cases is the person will be refused entry. The circumstances that justify granting entry must be genuinely compelling and you must seek advice from the Border Force national immigration and customs enquiries (BF NICE). The longer the custodial sentence imposed and the shorter the time that has

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	<p>passed since the person was convicted, the more compelling a person's case would need to be. Any passenger with a custodial sentence of 4 years or more should not be granted entry until advice has been sought including agreement from ministers.</p> <p><b>Offences not recognised in the UK</b> A person may have a sentence for an act which would not constitute a criminal offence in UK, for example, homosexuality or proselytising (to convert someone from one religious faith to another). Such an offence should be treated as an exception.</p>	
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## General grounds for refusal

### Failure to produce a valid passport or travel document

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger who is seeking entry to the UK fails to produce a valid national passport or travel document.</p> <p>This relates to general grounds for refusal under <a href="#">paragraph 320(3) of the rules</a> or, for visitors, <a href="#">paragraph V 3.12(a) of Appendix V</a>.</p> <p>When a passenger fails to show a valid national passport or travel document which confirms their identity and nationality, you must refuse leave to enter under paragraph 320(3), unless there are strong compassionate or other reasons for granting leave to enter.</p> <p>If a passenger has used a forged or fraudulently obtained passport, travel document or entry clearance and it is not either a genuine document or they are not the rightful holder of either the passport or entry clearance you must refuse them entry as shown below.</p> <table border="1" data-bbox="483 911 1680 1394"><tr><td data-bbox="483 911 1037 1062"><b>The passenger is not the rightful holder of the passport and/or the entry clearance.</b></td><td data-bbox="1043 911 1680 1062">Refuse entry under paragraph 320(3) and other grounds that apply, such as 320 (7A). For visitors, this means paragraph V 3.12(a) and V 3.6.</td></tr><tr><td data-bbox="483 1067 1037 1283"><b>The passenger has a genuine entry clearance in a forged or counterfeit passport.</b></td><td data-bbox="1043 1067 1680 1283">Cancel the entry clearance under paragraph 321A(2), as they have used deception. Also refuse entry under paragraph 320(3) at the same time. For visitors, this means cancel under V 9.4 and refuse under V 3.12(a).</td></tr><tr><td data-bbox="483 1287 1037 1394"><b>The passenger has a forged or counterfeit entry clearance.</b></td><td data-bbox="1043 1287 1680 1394">No leave to enter as it is based on forgery. Refuse entry under 320(3) and other grounds that apply such as 320 (7A).</td></tr></table>	<b>The passenger is not the rightful holder of the passport and/or the entry clearance.</b>	Refuse entry under paragraph 320(3) and other grounds that apply, such as 320 (7A). For visitors, this means paragraph V 3.12(a) and V 3.6.	<b>The passenger has a genuine entry clearance in a forged or counterfeit passport.</b>	Cancel the entry clearance under paragraph 321A(2), as they have used deception. Also refuse entry under paragraph 320(3) at the same time. For visitors, this means cancel under V 9.4 and refuse under V 3.12(a).	<b>The passenger has a forged or counterfeit entry clearance.</b>	No leave to enter as it is based on forgery. Refuse entry under 320(3) and other grounds that apply such as 320 (7A).	<p><b>Related links</b></p> <p>Identity checks</p>
<b>The passenger is not the rightful holder of the passport and/or the entry clearance.</b>	Refuse entry under paragraph 320(3) and other grounds that apply, such as 320 (7A). For visitors, this means paragraph V 3.12(a) and V 3.6.							
<b>The passenger has a genuine entry clearance in a forged or counterfeit passport.</b>	Cancel the entry clearance under paragraph 321A(2), as they have used deception. Also refuse entry under paragraph 320(3) at the same time. For visitors, this means cancel under V 9.4 and refuse under V 3.12(a).							
<b>The passenger has a forged or counterfeit entry clearance.</b>	No leave to enter as it is based on forgery. Refuse entry under 320(3) and other grounds that apply such as 320 (7A).							

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		For visitors, this means paragraph V 3.12(a) and V 3.6.	
	<b>The passenger is a non-visa national, arriving with a forged or counterfeit passport or is not the rightful holder of the passport.</b>	Refuse under 320(3). For visitors, this means paragraph V 3.12(a).  Also refuse under whichever relevant rule for which they are seeking entry.	

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## General grounds of refusal

### Passenger is in transit to another part of the common travel area but is not acceptable there

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger who is in transit to another part of the common travel area but is not acceptable there.</p> <p>This relates to general grounds for refusal under <a href="#">paragraph 320(4) of the rules</a>. For visitors, this relates to <a href="#">V 3.15 of Appendix V</a>.</p> <p>Officers should refer to the latest guidance on the <a href="#">transit without visa scheme</a> and Common Travel Area.</p>	
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## General Grounds of Refusal

### Passenger who is a visa national fails to show a valid entry clearance issued for the purpose of entry

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger who is a visa national fails to show a valid entry clearance issued for the purpose of entry. This relates to <a href="#">general grounds for refusal under paragraph 320(5) of the rules</a>.</p> <p>This paragraph authorises an immigration officer to refuse entry to a visa national who fails to present a valid and current visa, or produces a visa that was not issued for the purpose for which entry was sought. There are certain exceptions, for example visa nationals who are in transit can only transit without a visa if they have a valid exemption document.</p> <p>It is important to note that refusal on these grounds no longer attracts an in country right of appeal (this applies to both visas that confer leave to enter and those that don't) as set out in sections 92(3b) and 92(3c) of the Nationality, Immigration and Asylum Act 2002.</p> <p>For visitors, a visa national who fails to produce a valid and current visa must be refused under <a href="#">paragraph V 1.2</a>. There are certain exceptions, such as the electronic visa waiver scheme, which are set out in Appendix 2 to Appendix V or <a href="#">transit without visa (TWOV)</a>.</p> <p>A visitor who holds an entry clearance endorsed for visit may do any of the permitted activities as set out in <a href="#">paragraph V 1.5</a>. Visitors who hold existing visit visas with endorsements for, for example, business, may do the wider range of activities permitted under the new rules.</p> <p>If the visa national visitor holds an entry clearance endorsed for visit but is coming for another purpose, for example to work, their entry clearance must be cancelled under <a href="#">V 9.3 of Appendix V</a>.</p>	
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## General grounds for refusal

### Exclusion by Secretary of State

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This page contains guidance for Border Force officers on what to do when checks show that a passenger, who is not a European Economic Area (EEA) foreign national, seeking entry has been excluded from the UK at the personal direction of the Secretary of State.

When a non EEA foreign national has been excluded from the UK by the Secretary of State, you must refuse leave to enter under [paragraph 320\(6\)](#) or, [V 3.2\(a\) of Appendix V](#) for visitors. Returning residents and the spouses or children under the age of 18 of people settled in the UK are not exempt from being refused under this paragraph.

If a passenger has not been excluded from the UK by the Secretary of State but you discover evidence of activities which are serious enough to meet the non-conductive test in relation to character, conduct and association then you must refuse entry under 320(19) of the Immigration Rules, or V 3.3 for visitors. You may wish to refer the case for consideration for exclusion by the Secretary of State.

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## General grounds for refusal

### Deception

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a person has used deception in their application for leave to enter.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 320(7A) of the rules</a>. For visitors this relates to <a href="#">paragraph V 3.6 of Appendix V</a>.</p> <p>You must refuse leave to enter under paragraph 320(7A) (paragraph V 3.6 for visitors) when a passenger has:</p> <ul style="list-style-type: none"><li>• made false representations</li><li>• submitted false documents or information</li><li>• not disclosed material facts</li></ul> <p>in relation to the application for leave or to get a document from the Secretary of State or a third party required in support of the application.</p> <p><b>False representation</b></p> <p>You must refuse leave to enter on this basis if you can prove that the passenger has intentionally made false representations. For example, a passenger says that they do not intend to work but a search of their bags reveals a job offer from an employer.</p> <p>You must also refuse leave to enter on this basis if you can prove that a third party has intentionally made false representations in relation to the application, whether or not the applicant knows that the false representation has been made. For example, a UK sponsor falsely states that the passenger can be accommodated in a spare room in the sponsor's house in the UK, but other evidence shows that the sponsor lives in a single room flat.</p> <p>In either case, the false representation does not need to be material (relevant) to the application.</p>	
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However, if the false representation was made by a third party made without the knowledge of the passenger, the passenger's future applications will not be refused under paragraph 320(7B) (for visitors, V 3.9(d)). This is because if the passenger did not know that a false representation was being made on their behalf, they did not knowingly use deception.

**False documents or information**

False documents or information do not need to be material (relevant) to the application. You must refuse leave to enter even if the passenger does not know that the documents or information are false. However, in this case, the passenger's future applications will not be refused under paragraph 320(7B) (for visitors, V 3.9(d)). This is because if the passenger did not know that the document or information was false, they did not knowingly use deception.

For guidance on document verification, refusal on the ground that false document has been submitted, and considering whether the passenger used deception by submitting a false document, see the Document verification guidance.

**False information – certificates of sponsorship**

You can refuse a passenger under paragraph 320(7A) (for visitors, V3.6) if they have given false information to get a certificate of sponsorship for a points-based system (PBS) application. For example, the passenger lied to the sponsor about their qualifications or work experience.

**Failure to disclose material facts**

You can refuse leave to enter under paragraph 320(7A) (for visitors, V 3.6) when a passenger fails to disclose a fact that is material to your decision to grant leave to enter. To do so, you must be able to prove on balance that the information the passenger withheld was:

- relevant to your decision, meaning it would affect the outcome
- something the passenger knew

For example, a passenger claims to be joining their spouse but your checks on CID show that the marriage no longer subsists. However, you cannot refuse an application on this ground if the applicant did not know the fact was material because both the following apply:

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- the application form, application guidance or published policy did not state what evidence or information would be relevant to that type of application
- you did not tell the passenger what kind of information was needed to consider their application

**Standard of evidence**

To refuse under paragraph 320(7A) or V 3.6 you must have evidence to prove that the passenger has made a false representation, submitted a false document or information or failed to disclose a material fact. It is not appropriate to refuse under this paragraph simply because you are not satisfied that the passenger qualifies for the category they have applied for.

You must be satisfied on the 'balance of probabilities', which means it is more likely than not, based on the evidence, that the passenger made the false representation, submitted a false document or information or failed to disclose a material fact. Evidence could include, but is not limited to:

- an examination of any documents submitted and a forgery report from a qualified officer which identifies a document as being false
- an admission from the passenger (in writing or recorded in the question and answer notes) that they have made false representations or submitted false documents

For guidance on considering whether there is sufficient evidence that the passenger submitted a false document, see the Document verification guidance.

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## General grounds for refusal

### Previous breach of UK Immigration Rules

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This section contains guidance for Border Force officers on what to consider when a passenger seeking entry has previously breached the UK's immigration laws.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 320(7B) of the rules</a>. For visitors, this relates to <a href="#">paragraphs V 3.7-11 of Appendix V</a>.</p> <p>When a passenger has previously breached the UK's immigration laws in one or more of the ways set out on the adverse immigration history page on Horizon, you must consider the following.</p> <p>If they are applying for leave to enter within the periods set out below you must refuse their application under <a href="#">paragraph 320(7B)</a>. The exclusion periods count from when they left the UK after their breach:</p> <ul style="list-style-type: none"><li>• one year if they were refused at port, followed all conditions imposed by the port (such as temporary admission conditions) and were then removed at the carrier's expense</li><li>• one year if they left the UK voluntarily (not at public expense)</li><li>• 2 years if they left the UK voluntarily, at public expense, no more than 6 months after the date on which they were given notice of their removal decision, or no more than 6 months after the date on which they exhausted their appeal rights against that decision, whichever is the later</li><li>• 5 years if they left the UK voluntarily, at public expense, more than six months after their removal decision or more than 6 months after they exhausted their appeal rights against that decision</li><li>• 10 years if they were removed from the UK at public expense</li><li>• 10 years if they used deception (which includes using false documentation) in support of a previous application</li></ul> <p>When the passenger has breached more than one of the UK's immigration laws, you must only take into account the breach which leads to the longest ban from the UK.</p>	
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	<p>When the applicant left the UK voluntarily at public expense, you must find out whether a 2 year or 5 year mandatory re-entry ban applies depending on whether or not they left more than 6 months after their removal decision or more than 6 months after they exhausted their subsequent appeal rights.</p> <p>In some circumstances, the 6 month time frame in which a person must depart to benefit from a 2 year ban, rather than a 5 year ban, may be re-set to start again. The 6 month clock will have been re-set where:</p> <ul style="list-style-type: none"><li>• the removal decision was substituted for a new decision where a fault was found with the original decision</li><li>• the applicant was appeal rights exhausted, but then lodged an out-of-time notice of appeal with the tribunal seeking an extension of that time limit and the tribunal extended the time limit – in these circumstances, the applicant will be subject to a 2 year re-entry ban where they left the UK voluntarily at public expense no more than 6 months after the date on which their subsequent out-of-time appeal was eventually dismissed</li><li>• the applicant made further submissions to the Secretary of State which, following consideration under paragraph 353 of the Immigration Rules were refused but were found to constitute a fresh claim - in these circumstances, the applicant will be subject to a 2 year re-entry ban where they left the UK voluntarily at public expense no more than 6 months after the date of their latest removal decision or no more than 6 months after the date on which they no longer had a pending appeal against that decision, whichever is the later</li><li>• the applicant made further submissions to the Secretary of State which were only determined more than 12 months after their submission – in these circumstances, the applicant will be subject to a 2 year re-entry ban where they left the UK voluntarily at public expense no more than 6 months after the date on which the further submissions were determined and found not to constitute a fresh claim</li></ul> <p>Before you refuse a passenger under paragraph 320(7B), you must check if they are applying in a category which is free from this rule under paragraphs 320(7A) and 320(7B) and whether the passenger was an illegal or non-compliant port case.</p>	
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## General grounds for refusal

### Previous breach of the rules: when paragraph 320(7B) does not apply

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains when you must not refuse a passenger under paragraph 320(7B) rules.</p> <p><a href="#">Paragraph A320</a> says you cannot refuse a passenger under paragraph 320(7B) if they are applying for entry clearance, leave to enter or remain as a family member under Appendix FM.</p> <p><a href="#">Paragraph 320 (7B)</a> or <a href="#">paragraph V 3.9 of Appendix V</a> also states it only applies where the applicant was over 18 at the time of their most recent breach of the UK's immigration laws.</p> <p>In addition, you must not refuse leave to enter under paragraph 320(7B) if the passenger:</p> <ul style="list-style-type: none"><li>• submitted false documents or made false statements in a previous visa or leave application but was not aware that the documents or statements were false</li><li>• raised human rights issues such as right to family life under article 8 or exceptional and compelling circumstances which would justify a grant of leave to enter outside the rules</li></ul> <p><b>Paragraph 320(11)</b> If a passenger has previously breached the UK's immigration laws but is exempt from paragraph 320(7B), you must consider whether it is appropriate to refuse their application under paragraph 320(11). Paragraph 320(11) is a discretionary refusal paragraph which allows you to refuse a passenger when there is evidence that they have previously attempted to frustrate the intention of the Immigration Rules and there are other aggravating circumstances. For visitors, paragraph V 3.8 applies where the passenger is outside the relevant re-entry time ban. For more information on paragraph 320(11), see related links.</p>	<p><b>External links</b></p> <p><a href="#">Immigration Rules: General grounds for refusal - Paragraph 320</a></p> <p><a href="#">Immigration Rules: Family members – Paragraphs 277 to 319</a></p> <p><a href="#">Immigration Rules – Appendix FM</a></p> <p><a href="#">Immigration Rules: Parts V3 and V9 of Appendix V</a></p>
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## General grounds for refusal

### Entry at UK port - discretionary refusals

<p><a href="#">Entry at UK port: mandatory refusals</a>  <a href="#">Entry at UK Port: discretionary refusals</a>  <a href="#">Entry at UK port refusing when passenger has entry clearance</a>  <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page sets out the discretionary <a href="#">general grounds for refusal under paragraph 320 of the Immigration Rules</a>.</p>		<p><b>External links</b></p> <p><a href="#">Immigration Rules: Parts V3 and V9 of Appendix V</a></p>
<p><b>Refusal paragraph</b></p>	<p><b>Refusal paragraph under part V3 for visitors</b></p>	<p><b>General grounds when leave to enter should normally be refused</b></p>	
<p>320(8)</p>	<p>V 3.12(b)(ii)</p>	<p>The passenger fails to give you the information you need to grant leave to enter.</p> <p>Note this is now a mandatory ground for visitors unless the passenger has a reasonable excuse.</p>	
<p>320(9)</p>	<p>-</p>	<p>The passenger fails to meet the requirements of a returning resident.</p>	
<p>320(10)</p>	<p>V 3.12(a)</p>	<p>The passenger's passport or travel document was issued by a state which is not recognised by the UK government.</p>	
<p>320(11)</p>	<p>V 3.8</p>	<p>The passenger has 'contrived in a significant way to undermine the intentions of the Immigration Rules.' This means when there are aggravating reasons and the applicant has previously:</p> <ul style="list-style-type: none"> <li>• been an illegal entrant</li> <li>• overstayed</li> <li>• breached a condition attached to his leave</li> <li>• used deception in a previous application for entry clearance, leave to enter or leave to remain</li> </ul>	
<p>320(13)</p>	<p>V 3.16</p>	<p>The passenger has failed to satisfy you that they will be admitted to another country after a stay in the UK.</p>	

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320(14)	V 4.4	The passenger's sponsor refuses to state in writing that they will maintain and accommodate the passenger.
320 (15)	-	DELETED
320(16)	V 4.12	A passenger under the age of 18 has not provided you with the written consent of their parent(s) or guardian.
320(17)	V 3.12(b)(iv)	A passenger has refused to have a medical examination when asked to do so.  Note this is now a mandatory ground for visitors unless the passenger has a reasonable excuse.
320 (18)	-	DELETED
320(18A)	V 3.5(a)	The passenger has, within the previous 12 months, been convicted of, or admitted to an offence for which they received a non-custodial sentence or out of court disposal.
320(18B)	V 3.5(b-c)	The person's offending has either a) caused serious harm or b) the person is a persistent offender who shows a particular disregard for the law.
320(19)	V 3.3	Refusing the applicant entry to the UK is conducive to the public good. For example, because of the applicant's character, conduct or associations, it is undesirable to give them leave to enter.
320(20)	V 3.12(b)(iii)	The passenger has failed to give biometric information required under section 126 of the Nationality Immigration and Asylum Act 2002 (see related link).
320 (21)	-	DELETED
320(22)	V 3.14	The Secretary of State has been notified by one or more relevant National Health Service (NHS) bodies that the passenger has an outstanding healthcare debt or cumulative debt: <ul style="list-style-type: none"> <li>• of £1000 or more incurred between 1 November 2011 and 5 April 2016</li> <li>• debts of £500 or more incurred on or after 6 April 2016</li> </ul>

			<ul style="list-style-type: none"> <li>• further charges after 6 April 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000</li> </ul>
	NHS debt: Refusal under Appendix FM and Appendix Armed Forces		<p>The Secretary of State has been notified by one or more relevant National Health Service (NHS) bodies that the passenger has an outstanding healthcare debt or cumulative debt:</p> <ul style="list-style-type: none"> <li>• of £1000 or more incurred between 1 November 2011 and 23 November 2016</li> <li>• debts of £500 or more incurred on or after 24 November 2016</li> <li>• further charges after 24 November 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000</li> </ul>
	<p><a href="#">320(23)</a> Paragraph <a href="#">S-EC.3.1</a> of Appendix FM</p> <p><a href="#">Paragraph 10A</a> of Appendix Armed Forces</p>	<p><a href="#">V3.14A</a> of Appendix V for visitors</p>	<p>Where the applicant has failed to pay litigation costs awarded to the Home Office.</p> <p>For information on how to consider cases when the person owes a litigation debt, see the separate Litigation debt guidance.</p>

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## General grounds for refusal

### Required information not provided

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to do when a passenger seeking entry fails to give you the information you need to consider whether or not to grant leave to enter.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 320(8) of the rules</a>. For visitors, this relates to <a href="#">paragraph V 3.12(b)(ii) of Appendix V</a>.</p> <p>Under paragraph 4(2) of <a href="#">schedule 2 of the Immigration Act 1971</a>, a passenger must give you the information you need to show whether or not they need leave to enter. If they do, they must also show that they qualify for leave to enter. If the passenger fails to do so, you may refuse leave to enter under <a href="#">paragraph 320(8)</a>. This is a discretionary refusal. You must only refuse a passenger under paragraph 320(8) when you cannot go on with your examination because the passenger cannot or will not provide the information you need.</p> <p>For visitors, this is a mandatory ground for refusal if the passenger does not have a reasonable excuse. You must refuse a passenger under <a href="#">paragraph V 3.12(b)(ii)</a> when you cannot go on with your examination because the passenger cannot or will not provide the information you need.</p>	
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## General grounds for refusal

### Returning resident, rules paragraph 18 not met

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This page contains guidance for Border Force officers on what to do when a returning resident seeking entry does not meet the rules for leave to enter as a returning resident. This relates to [general grounds for refusal under paragraph 320\(9\) of the rules](#).

A returning resident who seeks entry as a returning resident must satisfy you that they meet the following requirements set out in [paragraph 18 of the Immigration Rules](#), they:

- had indefinite leave to enter or remain in the UK when they last left the UK
- did not receive assistance from public funds towards the cost of leaving the UK, for example, they made a voluntary departure
- have not been away from the UK for longer than 2 years
- are seeking admission for the purpose of settlement

When a returning resident does not meet these requirements, you must refuse leave to enter under paragraph 320(9). However, before you refuse leave to enter under this rule, you must consider whether you can admit the returning resident under [paragraph 19](#). Paragraph 19 allows you to exercise discretion when, for example, the returning resident has lived in the UK for most of their life.

However, if the passenger is a visa national seeking leave to enter as a returning resident without a valid UK entry clearance, you must refuse entry under paragraph 320(5).

See the returning residents guidance on Horizon for more information.

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## General grounds for refusal

### Passport of authority not recognised by UK government, or other unacceptable document

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger seeks leave to enter the UK with the passport of an authority which is not recognised by the UK government. This relates to <a href="#">general grounds for refusal under paragraph 320(10) of the rules</a>.</p> <p>For visitors, this rule has been included in <a href="#">Appendix V</a> as part of the definition of a travel document in Appendix 1 (linked to paragraph V 3.12(a)). This guidance continues to apply.</p> <p>The following travel documents from these countries are not recognised by the UK government:</p> <ul style="list-style-type: none"><li>• Turkish Republic of Northern Cyprus documents</li><li>• Republic of China (Nationalist China – Taiwan) passports</li><li>• Somali passports</li><li>• Yemen (Royalist authorities) documents</li><li>• Iraq (S-, M- and N- series passports)</li><li>• South African temporary passports</li></ul> <p>When a passenger seeks entry with only a document issued by one of the above governments, you must refuse leave to enter under paragraph 320(10), unless they :</p> <ul style="list-style-type: none"><li>• have a declaration of identity for visa purposes (also known as a uniform format form (UFF))</li><li>• have a current UK entry clearance</li><li>• qualify for entry</li></ul> <p>If they have you must not refuse leave to enter under paragraph 320(10). There is specific guidance on Taiwanese passengers – see below.</p>	
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	<p>When you grant leave to enter, you should endorse the UFF. When you grant leave to enter and the passenger does not have entry clearance, you must use form IS.116.</p> <p><b>The Turkish Republic of Northern Cyprus (TRNC)</b> The TRNC is not recognised as a state by the UK government. You must not endorse TRNC passports. If you grant leave to enter, you must endorse the UFF.</p> <p><b>Taiwan (The Republic of China)</b> 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 do need entry clearance to enter the UK.</p> <p>You must not endorse official or diplomatic Taiwanese passports. Taiwanese diplomats must not be treated as exempt. In such cases, you must ask holders of these passports for their ordinary Taiwanese passports. On the other hand, you may grant leave to enter on an IS.116. Taiwanese diplomats based in the UK must have a points-based system visa endorsed in their ordinary passport.</p> <p><b>The State of Palestine</b> The UK government has decided that Palestinian Authority travel documents can be accepted for travel to the UK as long as the holder also has a valid UK visa. The UK visa will be endorsed inside the document instead of on a UFF. If you grant leave to enter you must endorse the Palestinian Authority travel document in the usual way. This does not mean that the UK government recognises a separate State of Palestine.</p> <p><b>Other unacceptable travel documents</b> The following are unacceptable and must be refused under paragraph 320(10):</p> <ul style="list-style-type: none"><li>• a passport or travel document issued by a government that does not accept valid UK passports for its own immigration control</li><li>• a travel document which does not meet with international passport practice, for example, 'fantasy' documents such as world service passports</li></ul>	
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	<p>For guidance on wording to use when refusing under paragraph 320(10), see Refusal Wording: paragraph 320.</p>	
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## General grounds for refusal

### Contriving to frustrate the intentions of the rules

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger seeking entry has previously breached the Immigration Rules and there are aggravating circumstances.</p> <p>This relates to general grounds for refusal under <a href="#">paragraph 320(11) of the rules</a> when the person has previously contrived in a significant way to frustrate the intentions of the rules. For visitors, this relates to <a href="#">paragraph V 3.8 of Appendix V</a>.</p> <p>When a passenger has previously breached the Immigration Rules and there are aggravating circumstances, you must refuse leave to enter. This means when a passenger has committed one or more of the immigration offences listed on the adverse immigration history page and has also committed offences such as:</p> <ul style="list-style-type: none"><li>• absconding</li><li>• not meeting reporting restrictions</li><li>• using an assumed identity or multiple identities to get benefits, goods or services</li><li>• getting National Health Service (NHS) care to which they are not entitled</li><li>• taking part in a sham marriage</li><li>• harbouring an immigration offender</li><li>• people smuggling or helping in people smuggling</li></ul> <p>This is not a complete list of offences. You must consider all cases on their merits and take into account family life in the UK (Article 8 of the European Convention on Human Rights) and the level of responsibility for any breach in the case of children.</p>	
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## General grounds for refusal

### Unable to return or be accepted elsewhere

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This page contains guidance for Border Force officers on what to consider when a passenger seeking entry cannot be admitted to their home country after a stay in the UK.

This relates to [general grounds for refusal under paragraph 320\(13\) of the rules](#). For visitors, this relates to [paragraph V 3.16 of Appendix V](#).

Some countries apply restrictions on the length of time their nationals can spend abroad. This can also apply to residents of those countries who hold non-national documents. When such a passenger seeks leave to enter the UK, you must consider whether it is appropriate to grant a restricted period of leave to enter. You must take the date when return is possible (returnability) as the expiry date of the document or visa (whichever ends first). If this is not appropriate, you must refuse the passenger under paragraph 320(13).

However, you cannot refuse leave to enter under this paragraph if the passenger qualifies for:

- settlement
- leave to enter as a spouse being given limited leave to enter leading to settlement
- has a returnability date of more than 2 months

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## General grounds for refusal

### No sponsor undertaking

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger seeking entry fails to show that their sponsor will support and accommodate them.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 320(14) of the rules</a>. For visitors, this relates to <a href="#">paragraph V 4.4</a>.</p> <p>When a passenger is dependant on a sponsor for support and accommodation, you must ask for evidence of the ability of the sponsor to give this. If the sponsor has given a written guarantee that they will support and accommodate the passenger but then refuses to give the guarantee, you must refuse leave to enter.</p>	
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## General grounds for refusal

### Child under 18, no parent or guardian written consent

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger seeking entry under the age of 18 applies for leave to enter without his parent or legal guardian.</p> <p>This relates to general grounds for refusal under <a href="#">paragraph 320(16) of the rules</a>. For visitors, <a href="#">V 4.12 of Appendix V</a> applies.</p> <p>When a passenger who is under the age of 18 seeks leave to enter without their parent(s) or legal guardian and without their written consent, you must refuse leave to enter under paragraph 320(16) if they are seeking entry in a capacity where an accompanying parent or the written consent is mandatory.</p> <p>You must not refuse leave to enter under this paragraph if the child is seeking asylum.</p> <p>You must carefully consider your statutory duty to children, under section 55 of the Borders, Citizenship and Immigration Act 2009, before you apply the instructions in this guidance either to children or people with children.</p> <p>For more information on section 55, see: Safeguard and promote the welfare of children.</p>	
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## General grounds for refusal

### Refusal to have medical examination

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page contains guidance for Border Force officers on what to consider when a passenger seeking entry refuses to have a medical examination. This relates to <a href="#">general grounds for refusal under paragraph 320(17) of the rules</a>. For visitors, this relates to <a href="#">V 3.12(b)(iv)</a>.</p> <p>When a passenger refuses to have a medical examination, you must refuse leave to enter under paragraph 320(17). This is a discretionary refusal but you must only consider giving leave to enter in the most exceptional circumstances. 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.</p> <p>This paragraph does not apply to people who are settled in the UK.</p> <p>For visitors, this is a mandatory ground for refusal except where the applicant has a reasonable excuse. You must only consider giving leave to enter in the most exceptional circumstances. In such circumstances you must have the full agreement of the port medical inspector.</p>	
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## General grounds for refusal

### Non-custodial sentences, offending causing serious harm, persistent offenders

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page tells Border Force officers how to deal with non-custodial sentences, offending causing serious harm and persistent offenders.</p> <p><b>Non-custodial sentences</b> Where a person has been convicted of or admitted an offence for which they have received a non-custodial sentence, other than out of court disposal, this is recorded on their criminal record within the preceding 12 months, <a href="#">paragraph 320(18A)</a> and <a href="#">S-EC.2.5(a) in Appendix FM</a> of the Immigration Rules provide for a discretionary refusal of entry clearance or leave to enter.</p> <p>However, you should note the rules state leave should ‘normally’ be refused. Therefore, this should be the starting point when considering whether to grant entry. For further information on what constitutes a custodial sentence see: non-custodial sentences.</p> <p><b>The person’s offending has caused serious harm</b> <a href="#">Paragraph 320(18B)</a> and <a href="#">S-EC.2.5(b)(i) in Appendix FM</a> and <a href="#">V 3.5(b) in Appendix V</a> of the Immigration Rules provide for a discretionary refusal of leave to enter. There is no time limit on how long the Home Office will take into account a conviction in this category. For further information, see: offences causing serious harm.</p> <p><b>Persistent offenders</b> Where a person is, in the opinion of the Secretary of State, a persistent offender who shows a particular disregard for the law, <a href="#">paragraph 320(18B)</a> and <a href="#">S-EC.2.5(b) (ii) in Appendix FM</a> and <a href="#">V 3.5(c) in Appendix V</a> of the Immigration Rules provide a discretionary refusal of entry clearance or leave to enter.</p> <p>There is no time limit on how long the Home Office will take into account convictions in this category. For further information, see: persistent offenders.</p> <p><b>Character, conduct and associations</b> Even when you cannot refuse a person under one of the mandatory refusal categories or the serious harm or persistent offender categories you must consider whether the person’s</p>	
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	<p>character, conduct and/or associations make it undesirable to grant them entry under 320(19) or V 3.3.</p> <p>This could be on account of criminal convictions, criminal related activity short of a conviction or other wider reasons. For more information see: character, conduct and associations.</p>	
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## General grounds for refusal

### Exclusion conducive to the public good

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This section contains guidance for Border Force officers on what to consider when it is conducive to the public good not to admit a passenger to the UK. This relates to general grounds for refusal under [paragraph 320\(19\) of the rules](#). For visitors, this relates to [V 3.3 in Appendix V](#).

Under paragraph 320(19) you have discretion to refuse a passenger leave to enter where the exclusion of the person from the UK is deemed to be conducive to the public good. You must assess if there are cumulative grounds for refusing a person on character, conduct or associations grounds.

If you decide to refuse an applicant under paragraph 320(19), you must be able to show that your decision was based on sufficiently reliable information. You must consider each case on its individual merits. If you decide to refuse an applicant, you must have strong evidence to support your decision. Allegations, unsubstantiated and vague generalisations are not sufficient. However, intelligence given by UK law enforcement agencies or relevant and reliable open-source information may give sufficient grounds for your refusal.

#### **Applicants who have not been convicted**

You can refuse an applicant under paragraph 320(19) even though they have not been convicted of an offence. There may be cases when the police have given a caution or decided to drop charges to remove the person from the UK. A caution will suggest that the criminal behaviour was not serious enough or that the police did not think it was in the public interest to prosecute. You must consider the circumstances of the case and the severity of the offence before you decide whether to refuse under paragraph 320(19).

You must set out exactly what past or future action of the person makes your refusing entry to the UK conducive to the public good. Your reasons for refusal must be specific; it is not acceptable to make vague comments about the person's character, conduct and associations.

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The following categories of passenger are not exempt from being refused under paragraph 320(19):

- returning residents seeking leave to enter as returning residents
- the spouse or child under 18 of a person settled in the UK

**When is it appropriate to refuse leave to enter under paragraph 320(19)**

You must refuse leave to enter under this paragraph when:

- the passenger is a threat to national security
- admitting the person to the UK could unfavourably affect the conduct of foreign policy between the UK and elsewhere
- there is reliable information that the passenger has been involved in war crimes or crimes against humanity – it is not necessary for them to have been charged or convicted
- a person's admission might lead to an offence being committed by someone else, for example, extreme views that could result in civil unrest causing a breach of UK law
- a person's admission would be against an internationally agreed travel restriction, for example football banning orders on foreign nationals
- a person's admission would be in breach of a travel ban imposed by the United Nations (UN) Security Council or European Union (EU), and no exemption applies

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## General grounds for refusal

### Exclusion conducive to the public good: custom offences

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when a passenger seeking entry is to be charged with a drug offence. This relates to general grounds for refusal under <a href="#">paragraph 320(19) of the rules</a>. For visitors, this relates to <a href="#">paragraph V 3.3 in Appendix V</a>.</p> <p>When a passenger is to be charged with a custom offence before their examination under the Immigration Act 1971 has been completed, you must follow the instructions in the prosecutions guidance.</p> <p>When a passenger who is charged with a custom offence has already been given leave to enter, you can cancel their notice of leave to enter and refuse leave to enter. If they have a visa you must refuse under paragraph 321A(5) and if they do not have a visa you should refuse under 320(19). For visitors who have a visa you must refuse under V 9.6, and if they do not have a visa under V 3.3. However, this is not the action you should automatically take. In such cases you must consider how serious the offence is and the likely penalty on conviction. For example:</p> <ul style="list-style-type: none"><li>• you should refuse leave to enter if a passenger is found with any quantity of controlled substances, however, if there are compelling compassionate circumstances, and the quantity is for personal use you may still grant leave to enter although they are in possession of controlled substances</li></ul>	<p><b>External links</b></p> <p><a href="#">Immigration Rules: General grounds for refusal - part 9 (paragraphs A320 to 324)</a></p> <p><a href="#">Immigration Rules: Parts V3 and V9 of Appendix V</a></p>
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## General grounds for refusal

### Exclusion conducive to the public good: pornography

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when a passenger seeking entry is carrying pornography. This relates to <a href="#">general grounds for refusal under paragraph 320(19) of the rules</a>.</p> <p>If a passenger has material that involves children or is of a violent nature (involving coercion, abuse, rape or torture) then you must refuse leave to enter for this reason under paragraph 320(19) unless there are extreme compelling circumstances.</p> <p>You must also consider if a passenger is trading in commercial quantities. If you use this as your ground for refusing leave to enter you will need to show beyond reasonable doubt that a passenger is intending to trade commercially in the UK in pornographic material.</p> <p>If the material is seized by detection colleagues for the reason that it is pornographic, this would be a ground to refuse leave to enter under paragraph 320(19). This applies whether or not the passenger is prosecuted.</p>	<p><b>External links</b></p> <p><a href="#">Immigration Rules: Parts V3 and V9 of Appendix V</a></p>
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## General grounds for refusal

### Failure to give biometric information

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page tells Border Force officers about 320(20) of the Immigration Rules which refers to failing to give biometric information.</p> <p><a href="#">Paragraph 320 (20)</a> or <a href="#">V 3.12(b)(iii) of Appendix V</a> is no longer relevant for Border Force as passengers are not required to give biometric information.</p>	<p><b>External links</b></p> <p><a href="#">Nationality immigration and asylum act 2002: section 126</a></p>
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## General grounds for refusal

### Entry at UK port: NHS debt

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This page contains guidance for Border Force officers on what to consider when a passenger seeking leave to enter owes a debt to NHS bodies.

#### NHS bodies

The term 'NHS body' is defined in paragraph 6 of the Immigration Rules. In England an NHS body is an NHS Trust or NHS Foundation Trust. In Wales and Northern Ireland a number of bodies are NHS bodies, including the Local Health Board (LHB) in Wales and Health and Social Care (HSC) in Northern Ireland. In Scotland, Health Boards, the Common Services Agency and Healthcare Improvement Scotland are NHS bodies. For a full list of NHS bodies see the [Immigration Rules: introduction](#).

#### Part 9 and Appendix V

You should normally refuse leave to enter under [paragraph 320\(22\) \(non-visit\)](#) and [paragraph V3.14 of Appendix V](#) (visit) if either of the following apply:

- the individual has an outstanding healthcare debt or cumulative debt of £1000 or more incurred on or after 1 November 2011
- the individual has debts of £500 or more incurred on or after 6 April 2016

An individual who has incurred charges of under £1000 before 6 April 2016 cannot be refused on this basis after 6 April 2016 unless either of the following apply:

- they incur further charges of at least £500 after 6 April 2016
- they incur further charges after 6 April 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000

#### Appendix FM and Appendix Armed Forces

The Appendix FM routes are for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British Citizen, is settled in the UK, or is in the UK with limited leave as a refugee or person granted humanitarian protection.

	<p>The Appendix Armed Forces routes are for members of the armed forces, civilian employees and their families.</p> <p>You may consider refusing the entry clearance application under Appendix FM and Appendix Armed Forces if either of the following apply:</p> <ul style="list-style-type: none"><li>• the individual has an outstanding healthcare debt or cumulative debt of £1000 or more incurred on or after 1 November 2011</li><li>• the individual has debts of £500 or more incurred on or after 24 November 2016</li></ul> <p>An individual who has incurred charges of under £1000 before 24 November 2016 cannot be refused on this basis after 24 November 2016 unless either of the following apply:</p> <ul style="list-style-type: none"><li>• they incur further charges of at least £500 after 24 November 2016</li><li>• they incur further charges after 24 November 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000</li></ul> <p><b>Consideration</b></p> <p>You must check if the passenger has an outstanding total NHS debt that meets the above thresholds.</p> <p>A person may have an NHS debt if they have received secondary healthcare, which is healthcare provided to the person by a hospital. For guidance on secondary care treatment in England, see the <a href="#">Department of Health website</a>.</p> <p>NHS bodies use their own internal processes to recover the monies owed, and will only notify the Home Office once the debt has been outstanding for 2 months and there is no agreement to pay by instalments.</p> <p>Refusal on the basis of NHS debt is discretionary rather than mandatory. You must consider the following before refusing leave to enter on the basis of NHS debt:</p>	
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- you must be satisfied that there are no compelling, compassionate circumstances or human rights considerations which would make refusal inappropriate because discretion should be exercised in the person's favour
- the unpaid debt relates to one or more NHS bodies and the total value of the debt is at least £1000 or more incurred on or after 1 November 2011 (for all case types), or either:
  - (in the case of applications other than those made under Appendix FM / Appendix Armed Forces cases) £500 or more incurred on or after 6 April 2016,
  - (in the case of applications made under Appendix FM / Appendix Armed Forces) £500 or more incurred on or after 24 November 2016, in line with the relevant NHS regulations

You must only consider refusing leave to enter on the basis of NHS debt if the NHS debt information has been supplied or confirmed by an NHS body.

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**False representations**

You must consider whether the person's stated reason for entering or remaining in the UK at the time of their previous entry was genuine, or whether their true intention was to gain free access to healthcare which was chargeable. If the person made a false representation about the purpose of their current or previous entry into the U.K., you must refuse entry on this basis. For more information on false representations when seeking leave to enter see the [Deception](#) section of this guidance. For information about deception when seeking leave to enter on a previous occasion see [Previous breach of UK immigration rules](#).

**Where the NHS debt relates to a linked dependant**

A linked dependant is a person who is seeking leave to enter as a dependant of the main passenger at the same time as the main passenger. If you refuse the main passenger because they owe an NHS debt, you must also refuse any linked dependants. However, if you refuse leave to enter for a linked dependant because the dependant owes an NHS debt, you must not also refuse the main passenger on the basis of the dependant's debt.

Where the treatment was received by a child (anyone under the age of 18), their parent, parents, guardian or guardians are liable for any healthcare charges. These cases will be identified and recorded by the healthcare provider. In these cases you must consider whether the main passenger's claimed reason for entering the UK at the time they sought leave to enter was genuine, or whether their intention was to access healthcare for their dependant. If the main passenger made false representations, you must refuse leave to enter as set out above. Details of the nature of medical treatment received by the individual should not have been passed to the Home Office by the health body. If, however, such details have been inadvertently passed on by the health body (i) that data should not be retained on the

	<p>applicant's record and (ii) no mention must be made of the nature of the treatment in the decision letter.</p> <p>If the checks show an outstanding NHS debt attached to a child, the passenger must be referred to a Higher Executive Officer (HEO) before a decision is taken. The HEO must consider the best interests of any child affected by the decision and any Article 8 implications.</p> <p><b>Recently discharged NHS debt</b></p> <p>An NHS debt was recently discharged if it was paid off in the 6 month period before the passenger sought leave to enter. If the passenger has only recently discharged their debt to the NHS, before granting leave to enter, you must consider the effect of paying off the debt on the person's ability to meet any relevant requirements of the Immigration Rules. This includes the ability of the passenger to maintain and accommodate themselves while in the UK and that they have no intention to seek further NHS treatment without paying, unless such access is permitted on the route under which they are seeking leave to enter. A refusal on the grounds of insufficient funds should be made under the relevant rules and not under the NHS debtor rules.</p> <p><b>Discharged NHS debt</b></p> <p>Once the NHS debt has been cleared, there will no longer be a reason to refuse leave to enter on this basis. The passenger must satisfy you that they meet the all requirements of the Immigration Rules for the category in which they are seeking leave to enter before you grant leave to enter. This includes the ability of the passenger to maintain and accommodate themselves while in the UK. You must consider whether the passenger has sufficient funds to support themselves in the UK, given that they previously had an outstanding healthcare debt. You must also consider whether they intend to access further NHS treatment without paying, unless such access is permitted on the route under which they are seeking leave to enter.</p>	
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## General grounds for refusal

### Entry clearance: Litigation debt

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>Litigation debt is a debt owed to the Home Office where the court or Tribunal has ordered another party to pay our legal costs.</p> <p>For information on how to consider cases when the applicant owes a litigation debt, see the separate Litigation debt guidance.</p>	
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## General grounds for refusal

### Entry at UK port - cancelling leave when the passenger has continuing leave to enter or remain

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

This section sets out the general grounds for cancelling the leave of passengers, who have continuing leave to enter or remain, under [paragraph 321A of the rules](#).

Under article 7 of the [Immigration \(Leave to Enter and Remain\) Order 2000](#), you may give or refuse leave to enter the UK at any time before a passenger departs for the UK, or in the course of their journey to the UK. Therefore, a person arriving in the UK can either have:

- been given leave to enter by a Border Force officer
- an entry clearance which has effect as leave to enter, for example it gives the purpose for which the holder wishes to enter the UK and the conditions attached to it
- an entry clearance that does not have effect as leave to enter
- neither an entry clearance nor leave to enter

#### External links

[Immigration Rules: Parts V3 and V9 of Appendix V](#)

Refusal paragraph	Refusal paragraph under part V3 for visitors	General grounds when continuing leave to enter or remain must be cancelled
321A(1)	V 9.2 for change of circumstances V 9.3 for change of purpose	The passenger's circumstances or the purpose of their proposed stay have changed.
321A(2)	V 9.4	The passenger has used deception to get leave to enter or remain.
321A(3)	V 9.5	It is undesirable to admit the passenger for medical reasons.

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	321A(4)	V 9.6	The Secretary of State has personally directed that the passenger's exclusion from the UK is conducive to the public good.
	321A (4A)	V 9.6	The passenger would be refused under 320(2), 320(6) 320(18A), 320(18B) or 320(19) – unless leave to enter or remain was granted under appendix Armed Forces.
	321A(5)	V 9.6	The exclusion of the passenger from the UK is conducive to the public good. For example, because of the applicant's character, conduct or associations, it is undesirable to give them leave to enter.
	321A(6)	V 9.7	The passenger has failed to provide information which was presented to the entry clearance officer to get leave to enter when asked to do so.

You can also cancel leave if the passenger is seeking entry for a purpose not specified by their entry clearance. However, you must refuse such a case under paragraph 320(5), not 321A.

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## General grounds for refusal

### Cancelling continuing leave to enter or remain: change of circumstances or purpose

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when you need to cancel leave to enter or remain because a passenger's circumstances have changed since leave to enter was given.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 321A(1) of the rules</a>. For visitors this relates to <a href="#">V 9.2 and V 9.3 in Appendix V</a>.</p> <p><b>Change of circumstances</b></p> <p>When a passenger's circumstances have changed since their leave to enter or remain was given, you must consider whether the change is great enough to justify you cancelling the leave under paragraph 321A(1) or V 9.2. For example, when a passenger with leave to enter for employment has had their offer of employment withdrawn.</p> <p><b>Change of purpose</b></p> <p>Where a passenger holds leave to enter derived from an entry clearance and is seeking entry for a purpose different to that for which the entry clearance was issued, officers should cancel the person's leave to enter under paragraph 2A (2A) of schedule 2 to the Immigration Act 1971. Officers should not cancel the person's leave to enter under paragraph 321(A)(1) of the Immigration Rules. The following are examples of change of purpose:</p> <ul style="list-style-type: none"><li>• the passenger admits that they are seeking leave to enter for a different purpose than stated on their entry clearance, for example, a passenger with a visit visa seeking leave to enter to study</li><li>• there is clear evidence that the passenger's purpose of stay is different to that stated on his entry clearance - clear evidence may include documents you find in the passenger's belongings, for example, college enrolment letters or offers of employment</li></ul> <p>A visa national visitor who holds an entry clearance endorsed for visit may do the relevant permitted activities as set out in <a href="#">V 1.5 of Appendix V</a>. Visitors who hold existing visit visas with endorsements for, for example business, may do the wider range of activities permitted under the new rules.</p>	
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	<p>If the visa national visitor holds an entry clearance endorsed for visit but is coming for another purpose, for example to work, their entry clearance must be cancelled under V 9.3. Visa nationals should then be refused under V 4.2(c).</p>	
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## General grounds for refusal

### Cancelling when the passenger has continuing leave to enter or remain: false representations or material facts not disclosed

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when you need to cancel continuing leave to enter or remain because a passenger seeking entry has used deception to get entry clearance that has effect as leave to enter.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 321A(2) of the rules</a>. For visitors, this relates to <a href="#">V 9.4 of Appendix V</a>.</p> <p>You must cancel leave to enter under paragraph 321A(2) (V9.4 for visitors) when a passenger with continuing leave has:</p> <ul style="list-style-type: none"><li>• made false representations</li><li>• submitted false documents or information</li><li>• not disclosed material facts</li></ul> <p>in relation to the application for leave or to get a document from the Secretary of State or a third party required in support of the application.</p> <p><b>False representations</b> False representations can have been made by the applicant or a third party and may include:</p> <ul style="list-style-type: none"><li>• spoken or written statements</li><li>• statements written on the application form or in supporting documents</li></ul> <p>The false representation does not need to be material (relevant) to the application. When a passenger or third party has lied to get entry clearance, you must not consider whether the false representations played a part in the entry clearance officer granting that entry clearance or getting documents from the Secretary of State or a third party required in support of the application, such as an English language test certificate.</p>	
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However, if the false representation was made by a third party made without the knowledge of the passenger, the passenger's future applications will not be refused under paragraph 320(7B) (for visitors, V 3.9(d)). This is because if the passenger did not know that a false representation was being made on their behalf, they did not knowingly use deception.

To justify cancelling leave to enter under paragraph 321A(2) (paragraph V9.4 for visitors), you will need to show that false (inaccurate) representations were made in relation to the entry clearance application or to get a document from the Secretary of State or a third party required in support of the application. You must consider the reasonableness of your decision. Minor misrepresentations which have no bearing on the case can be ignored as long as the passenger is generally acceptable for their purpose of entry.

#### **False documents**

For cases involving false documents, you must consider cancelling leave to enter whether or not they were material (relevant) to the application and whether or not the passenger was aware that their documents were false.

When a passenger's passport or entry clearance is forged or was fraudulently obtained you must cancel their leave to enter if:

- they admit the document is not genuine
- they admit they are not the rightful holder of the passport or entry clearance
- you have confirmation from a report from a qualified forgery officer
- you have confirmation from a fingerprint check
- you have confirmation from a facial photographic comparison

When you cancel leave to enter, the entry clearance will stop being valid.

You must follow the Document verification guidance on how to verify documents, when you consider cancelling leave on the basis that false documents have been submitted.

#### **Failure to disclose material facts**

You can refuse leave to enter when a passenger has failed to disclose a fact to the entry clearance officer that would have been material to the decision to grant entry clearance.

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	<p>However, you cannot cancel a passenger's leave on this ground if the applicant did not know the fact was material because both the following apply:</p> <ul style="list-style-type: none"><li>• the application form, application guidance or published policy did not state what evidence or information would be relevant to that type of application</li><li>• the entry clearance officer did not tell the passenger what kind of information was needed to consider their application</li></ul> <p><b>Standard of proof</b> For guidance on the correct standard of proof, see <a href="#">Deception</a>.</p>	
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## General grounds for refusal

### Cancelling when the passenger has continuing leave to enter or remain: medical grounds

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when you need to cancel leave to enter or remain because it is undesirable to admit a passenger with leave to enter on medical grounds.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 321A(3) of the rules</a>. For visitors this relates to <a href="#">V 9.5 of Appendix V</a>.</p> <p>When a passenger with leave to enter has a medical condition which on the advice of a medical authority makes it undesirable for them to enter the UK, you must cancel their leave under paragraph 321A(3), unless:</p> <ul style="list-style-type: none"><li>• the passenger is settled in the UK</li><li>• you or the Secretary of State are satisfied that there are strong compassionate reasons which justify their admission</li></ul>	
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## General grounds for refusal

### Cancelling when the passenger has continuing leave to enter or remain: refusal is conducive to the public good

[Entry at UK port: mandatory refusals](#)  
[Entry at UK Port: discretionary refusals](#)  
[Entry at UK port refusing when passenger has entry clearance](#)  
[Entry at UK port refusal: cancelling continuing leave](#)

When the Secretary of State has personally directed that refusing a passenger's entry to the UK is conducive to the public good, you must cancel any extant leave to enter or remain under [paragraph 321A\(4\)](#). For visitors this relates to [V 9.6 in Appendix V](#).  
You have discretion to cancel a person's leave under paragraph 321A(5) if it seems right to cancel leave on the grounds that exclusion from the UK would be conducive to the public good, for example in light of the passenger's character, conduct or associations, including convictions which do not fall within 320(2).

The reason for cancelling must be specific. In the event of an appeal you will have to show the public good was served by cancelling the person's leave and specify what past or future action of the person makes their exclusion conducive to the public good. Vague generalisations about the person or their conduct are not enough to justify cancelling leave.

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**Official sensitive: start of section**

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This guidance is based on the Immigration Rules

## General grounds for refusal

### Cancelling leave: grounds which would have led to a refusal

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to consider when you need to cancel leave to enter or remain because there are grounds which would have led to a refusal. This relates to <a href="#">general grounds for refusal under paragraph 321A(4A) of the rules</a>. For visitors, this relates to <a href="#">V 9.6 of Appendix V</a>.</p> <p>You must consider whether there are grounds which, if the person concerned were making a new application for leave to enter or remain, would have led to a refusal under the following paragraphs of the Immigration Rules:</p> <ul style="list-style-type: none"><li>• 320(2) - deportation order and criminality</li><li>• 320(6) – the Secretary of State has directed that the person be excluded</li><li>• 320(18A) – offence committed within 12 months of date application was decided</li><li>• 320(18B) – offending has caused serious harm or was persistent</li><li>• 320(19) – exclusion is conducive to the public good</li></ul> <p>For visitors, these are covered by paragraphs V 3.2-5.</p> <p>When any of these grounds applies, you must cancel their leave under paragraph 321A(4A).</p> <p>The exception is where this sub-paragraph applies in respect of leave to enter or remain granted under Appendix Armed Forces , in which case it must be read as if for paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19)" it said "paragraph 8(a), (b), (c) or (g) and paragraph 9(d)". See <a href="#">Appendix Armed Forces</a> for more information.</p>	
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## General grounds for refusal

### Information or documents requested whilst abroad not supplied

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains what to do when a passenger seeking entry fails to provide information which was requested by an immigration officer or the Secretary of State.</p> <p>This relates to <a href="#">general grounds for refusal under paragraph 321A(6) of the rules</a>. For visitors, this relates to <a href="#">paragraph V 9.7 in Appendix V</a>.</p> <p>When a person is outside the UK and seeking leave to enter the UK, you may ask for information and documents that you need in order to decide whether to grant leave to enter. You should consult Border Force national immigration and customs enquiries (NICE) before requesting a medical report. If the passenger fails to provide the requested information, documents or medical reports, you must cancel leave to enter under paragraph 321A (6).</p>	
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## General grounds for refusal

### Checking information available to the entry clearance officer

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains how to check what information was available to the entry clearance officer. This relates to <a href="#">general grounds for refusal under paragraph 321A of the rules</a>. For visitors this relates to <a href="#">part V9 of Appendix V</a>.</p> <p>You can use the central reference system (CRS) to check:</p> <ul style="list-style-type: none"><li>• interview notes and refusal letters (where applicable)</li><li>• data from September 2004 (this will include a scanned image of the passenger's bio-data page and a photograph)</li><li>• data going back to 1998</li></ul> <p>You may also contact British diplomatic service posts direct if you cannot find information on CRS. When you contact an overseas post, you must request the visa application form and any supporting documents which were submitted. You must keep on file any questions you ask and answers you receive from an overseas post.</p> <p>For a list of contact details, see: <a href="#">How to refer or defer an application</a>.</p> <hr/> <p><b>Official sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p> <hr/> <p><b>Official sensitive: end of section</b></p>	<p><b>External links</b></p> <p><a href="#">Email: BF NICE</a></p>
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## General grounds for refusal

### Contact

<p><a href="#">Entry at UK port: mandatory refusals</a> <a href="#">Entry at UK Port: discretionary refusals</a> <a href="#">Entry at UK port refusing when passenger has entry clearance</a> <a href="#">Entry at UK port refusal: cancelling continuing leave</a></p>	<p>This page explains who to contact for more help on general grounds for refusal under paragraphs 320, 321A or 322 of the Immigration Rules.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help, you must first ask your senior manager or line manager.</p> <p>If the question cannot be answered at that level, you may contact Border Force national immigration and customs enquiries (BF NICE) for guidance.</p> <hr/> <p><b>Official sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p> <hr/> <p><b>Official sensitive: end of section</b></p> <p>Changes to this guidance can only be made by the Guidance Rules and Forms Team (GRaFT). If you think the policy content needs amending you must contact the relevant policy team, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email the team at <a href="#">Guidance – making changes</a>.</p>	<p><b>Related links</b></p>
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