

**CHAPTER 8
SECTION 1**

SPOUSES

REFUSAL WORDINGS

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

ON ENTRY

"You have asked for leave to enter the United Kingdom as the spouse of (.....)

No entry clearance - non-visa national

"... but under the Immigration Rules you are required to hold a valid entry clearance for this purpose and you hold no such entry clearance "

Paragraph 282 of HC 395 with reference to paragraph 281 (vi) of HC 395

See chapter 12 on appeal rights

{Refusal Code E4}

Visa national

"... but under the Immigration Rules you are required to produce a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance."

Paragraph 320(5)

See chapter 12 on appeal rights

{Refusal Code: E4}

AFTER ENTRY

"[You have applied/An application has been made on your behalf] for leave to remain in the United Kingdom as the spouse of (..sponsor..)

Minimum age

"... but [? as [you/your [husband/wife]] [were/was] born on .../ as you have failed to produce [satisfactory] evidence of [your/ your [husband/wife]'s] date of birth] the Secretary of State is not satisfied that [you/your [husband/wife]] [are/is] aged 21 [18] or over."

Paragraph 277

See chapter 12 on appeal rights

{Refusal Code: Q2}

Polygamous marriage

"... but your husband is also married to ... another woman who has been [in the United Kingdom since her marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband] and the Secretary of State is not satisfied that you were either admitted to the United Kingdom before 1 August 1988 for the purpose of settlement as the wife of your husband or that you have been in the United Kingdom at any time since your marriage to your husband (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) when there was no such other woman living who has been [in the United Kingdom since her marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as the wife of your husband]."

Paragraph 278 with reference to 279 and 280

{Refusal Code: Q2}

No Switching

"... You have applied for leave to remain in the United Kingdom on the basis of your marriage to [*****]. However the immigration rules direct that a person seeking such leave is to be refused if they do not meet the requirements set out in paragraph 284 HC 395. Paragraph 284(i) requires the applicant to have limited leave to enter or remain in the UK which was given in accordance with any of the provisions of the Rules other than where as a result of that leave he would not have been in the UK beyond 6 months from the date on which he was admitted to the UK on this occasion in accordance with these Rules, unless the leave in question is limited leave to enter as a fiancé(e) or proposed civil partner or unless the leave in question was granted to the applicant as the spouse, civil partner, unmarried or same-sex partner of a Tier 1 Migrant and that spouse or partner is the same person in relation to whom the applicant is applying for an extension of stay under this rule. On **/**/** you were granted limited leave to enter as a [visitor/student/other] for a period of ** months from **/**/** until **/**/** . You do not therefore meet the requirements in terms of leave set out in paragraph 284(i).

Paragraph 286 with reference to 284(i) of HC 395

{Refusal Code: Q9}

Not related as claimed

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom."

Paragraph 286 with reference to 284(ii) of HC 395

{Refusal Code:Q9}

Spouse not present/settled

"... but [? in view of ...] the Secretary of State is not satisfied that your [husband/wife] is present and settled in the United Kingdom [or is to be admitted for settlement]."

Paragraph 286 with reference to 284(ii)

{Refusal Code: Q9}

Met spouse

"... but [? in view of ...] the Secretary of State is not satisfied that you and your [husband/wife] have met."

Paragraph 286 of HC 395 with reference to 284(iii) of HC 395

{Refusal Code: QA}

Marriage not subsisting

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage is subsisting."

Paragraph 286 of HC 395 with reference to 284(vi) of HC 395

{Refusal Code: QC}

Intention to live together

"... but [? in view of ...] the Secretary of State is not satisfied that each of the parties intends to live permanently with each other as husband and wife."

Paragraph 286 of HC 395 with reference to 284(vi) of HC 395

{Refusal Code: QC}

Death of a partner

"... You have since notified us that your [husband/wife] died on [...]. We sympathise with you in the loss of your spouse. However, in the matter of your application, as you were not admitted to the United Kingdom or given an extension of 2 years as the spouse of a person present and settled in the United Kingdom, the unfortunate death of your spouse means that you no longer have a basis on which to remain here. Your application must therefore be refused."

After the signature of the deciding caseworker, the words "acting on behalf of the Secretary of State" should be added.

Paragraph 286 of HC395 with reference to 284(vi) of HC395

{Refusal Code: Q9}

Accommodation

"... but [? in view of ...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 286 of HC 395 with reference to 284(vii) of HC 395

{Refusal Code: Q3}

Maintenance

"... but [? in view of ...] the Secretary of State is not satisfied that you and your [husband/wife] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds."

Paragraph 286 of HC 395 with reference to 284(viii) of HC 395

{Refusal Code: Q4}

Breach of immigration laws

"... but [? in view of ...] the Secretary of State is not satisfied that you have not remained in breach of the immigration laws."

Paragraph 286 of HC 395 with reference to 284(iv) of HC 395

{Refusal Code: Q9}

Marriage post decision/recommendation to deport

"... but [? in view of ...] the Secretary of State is not satisfied that the marriage did not take place after [a decision had been made to deport you/you had been recommended for deportation/you had been given notice (of your liability to deportation) under section 6(2) of the Immigration Act 1971/you had been given directions for your removal under section 10 of the Immigration and Asylum Act 1999]."

Paragraph 286 of HC 395 with reference to 284(v) of HC 395

{Refusal Code: Q9}

English language requirement**No test certificate**

"...but [?in view of] the Secretary of State is not satisfied that you have provided an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows your name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference). The Secretary of State is not satisfied that you are exempt from this requirement. Furthermore, the Secretary of State is not satisfied that you meet any of the other requirements of paragraph 284(ix) HC 395."

Paragraph 286 of HC 395 with reference to 284(ix)(a)

{Refusal code: QD}

Not a national of a named country

"....but [? in view of] the Secretary of State is not satisfied that you are a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America. Furthermore, the Secretary of State is not satisfied that you meet any of the other requirements of paragraph 284(ix) HC 395."

Paragraphs 286 of HC 395 with reference to 284(ix)(b)

{Refusal code: QD}

Not obtained an academic qualification (in an English-speaking country) equal to Bachelor's degree in UK

"....but [?in view of] the Secretary of State is not satisfied that you have obtained an academic qualification (not a professional or vocational qualification), which is deemed by

UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; the USA; and that you have provided the specified documents. Furthermore, the Secretary of State is not satisfied that you meet any of the other requirements of paragraph 284(ix) HC 395."

Paragraph 286 of HC 395 with reference to 284(ix)(c)

{Refusal code: QD}

Not obtained an academic qualification equal to a Bachelor's degree in UK, with UK NARIC confirming that degree was taught/ researched in English

"...but [?in view of....] the Secretary of State is not satisfied that you have obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, and that
 (1) you have provided the specified evidence to show you have the qualification, and
 (2) UK NARIC has confirmed that the degree was taught or researched in English.
 Furthermore, the Secretary of State is not satisfied that you meet any of the other requirements of paragraph 284(ix) HC 395."

Paragraph 286 of HC 395 with reference to 284(ix)(d)

{Refusal code: QD}

Not obtained an academic qualification equal to a Bachelor's degree in UK, with that qualification taught/ researched in English

"...but [? in view of] the Secretary of State is not satisfied that you have obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, and that you have provided the specified evidence to show:
 (1) you have the qualification, and
 (2) that the qualification was taught or researched in English."
 Furthermore, the Secretary of State is not satisfied that you meet any of the other requirements of paragraph 284(ix) HC 395."

Paragraph 286 of HC 395 with reference to 284(ix)(e)

{Refusal code: QD}

INDEFINITE LEAVE TO REMAIN

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as the spouse of ...(sponsor) ..."

Has not completed 2 years as a spouse

"... but [? in view of ...] the Secretary of State is not satisfied that you were admitted to the United Kingdom for a period not exceeding 27 months under paragraphs 281-282 HC 395, or given an extension of stay in the United Kingdom for a period of 2 years under paragraphs 284-285 HC 395, and have completed a period of 2 years as the spouse of a person settled here."

Paragraph 289 with reference to 287(a)(i)

{Refusal Code: JPARSPA01}

Divorced

"... but [? in view of ...] the Secretary of State is not satisfied that you are still the spouse of the person you were [admitted/granted an extension of stay] to join."

Paragraph 289 with reference to 287(a)(ii)

{Refusal Code: JPARSPA08}

Separated

"... but [?in view of ...] the Secretary of State is not satisfied that the marriage is subsisting."

Paragraph 289 with reference to 287(a)(ii)

{ Refusal Code: JPARSPA02}

Polygamous marriage

"...but your spouse is also married to another person who has been [in the United Kingdom since that marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/ granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted and entry clearance to enter the United Kingdom as the spouse of your spouse], and the Secretary of State is not satisfied that you were either admitted to the United Kingdom before 1 August 1988 for the purpose of settlement as the spouse of your sponsor (other than as a visitor, and illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as spouse of your sponsor]."

Paragraph 278 with reference to 279 and 280

{Refusal Code: X7}

Intention to live together

"...but [? in view of...] the Secretary of State is not satisfied that each of the parties intends to live permanently with the other as his or her spouse."

Paragraph 289 with reference to 287(a)(iii)

{Refusal Code: JPARSPA02}

Accommodation

"...but [? in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 289 of HC 395 with reference to 287(a)(iv)

{Refusal Code: JPARSPA04}

Maintenance

"...but [? in view of...] the Secretary of State is not satisfied that you and your [husband/wife] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds."

Paragraph 289 of HC 395 with reference to 287(a)(v)

{Refusal Code: JPARSPA03}

Death of a partner

"...- You have since notified us that your husband [wife] died on [...]. We sympathise with you in the loss of your spouse. However, in the matter of your application, as you were not admitted to the United Kingdom for a period not exceeding 27 months or given an extension of 2 years as the spouse of a person present and settled in the United Kingdom, or admitted or given an extension of stay as the unmarried partner of a person (present and settled in the United Kingdom) whom you married during that period, the unfortunate death of your spouse means that you no longer have a basis on which to remain here. Your application must therefore be refused."

After the signature of the deciding caseworker, the words "acting on behalf of the Secretary of State" should be added.

Paragraph 289 with reference to 287(b)(i)

{Refusal Code: JPARSPA06}

DOMESTIC VIOLENCE

"[You have applied/An application has been made on your behalf] for indefinite leave to remain in the United Kingdom as a victim of domestic violence..."

Domestic violence not proven

"...but [? in view of...] we are not satisfied that your marriage [relationship] broke down within the probationary period as a result of domestic violence".

Paragraph 289C with reference to 289A

{Refusal Code: JPARSPA10}

ENTRY CLEARANCE

"[You have applied/An application has been made on your behalf] for entry clearance with a view to settlement in the United Kingdom as the spouse of ...(sponsor) ..."

Child spouse

"... but [? as [you/your [husband/wife]] [were/was] born on .../ as you have failed to produce [satisfactory] evidence of [your/ your [husband/wife]'s] date of birth] the Secretary of State is not satisfied that [you/your [husband/wife]] will be aged 21 [18] or over on the date of your arrival in the United Kingdom."

Paragraph 277

See chapter 12 for details on appeal rights.

Polygamous marriage

"...but your spouse is also married to another person who has been [in the United Kingdom since that marriage (other than as a visitor, an illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom)/ granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted and entry clearance to enter the United Kingdom as the spouse of your spouse], and the Secretary of State is not satisfied that you were either admitted to the United Kingdom before 1 August 1988 for the purpose of settlement as the spouse of your sponsor (other than as a visitor, and illegal entrant, or in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom) granted a certificate of entitlement in respect of the right of abode in the United Kingdom/granted an entry clearance to enter the United Kingdom as spouse of your sponsor]."

Paragraph 278 with reference to 279 and 280**Not present/settled**

"... but [? in view of ...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

Paragraph 281(i)**Not related as claimed**

"...but [? in view of...] the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

Paragraph 281(i)**Spouse refused entry clearance**

"... but your [wife/husband]'s application for entry clearance to settle in the United Kingdom has been refused and consequently the Secretary of State is not satisfied that you are married to a person who is present and settled in the United Kingdom, or is to be admitted for settlement."

Paragraph 281(i)

See chapter 12 for details on appeal rights

Met spouse

"... but [? in view of...] the Secretary of State is not satisfied that you and your [husband/wife] have met."

Paragraph 281(ii)**Intention to live together**

"...but [? in view of...] the Secretary of State is not satisfied that each of the parties intend to live permanently with each other as husband and wife."

Paragraph 281(iii)

Marriage not subsisting

"...but [? in view of...] the Secretary of state is not satisfied that the marriage is subsisting."

Paragraph 281(iii)

Accommodation

"...but [? in view of...] the Secretary of State is not satisfied that there will be adequate accommodation for you and your [husband/wife] [and your dependants] without recourse to public funds in accommodation which you and your [husband/wife] own or occupy exclusively."

Paragraph 281(iv)

Maintenance

"...but [? in view of...] the Secretary of State is not satisfied that you and your [husband/wife] will be able to maintain yourselves [and your dependants] adequately without recourse to public funds."

Paragraph 281(v)