Home Office

False representations – Tier 1 (General) earnings concerns

Version 1.0

This is supplementary guidance relating to applicants who previously held Tier 1 (General) leave and there are concerns that false representations have been made regarding their earnings.

This guidance must be applied in conjunction with the main guidance on False Representations and the guidance on General Grounds for Refusal (GGfR) under Part 9 of the Immigration Rules.

Published for Home Office staff on 01 November 2019

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About this guidance

This guidance is for caseworkers considering settlement applications by migrants who have previously held Tier 1 (General) leave.

This includes Tier 1 (General) settlement applications under paragraph 245CD of the Immigration Rules and Long Residence settlement applications under paragraph 276B of the Immigration Rules.

This guidance applies where there are concerns about the earnings an applicant has relied on in a current or earlier Tier 1 (General) application.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then e-mail the Economic Migration Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can e-mail the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- Version **1.0**
- published for Home Office staff on **01 November 2019**

Changes from last version of this guidance

This is the first edition of this supplementary guidance. False representations and deception are covered further in the guidance on:

- False Representations
- General Grounds for Refusal.

Related content
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False representations
General Grounds for Refusal

Earnings discrepancies relating to Tier 1 (General)

This section explains the context of earnings discrepancies relating to Tier 1 (General) and the current caselaw.

The Tier 1 (General) category awarded points to applicants for a variety of attributes, including their earnings over a 12-month period. The 12 months had to fall within the 15 months before the date of their application, unless an exemption for maternity or adoption leave applied.

Data sharing between UKVI and HMRC revealed discrepancies between the earnings some applicants had claimed points for in their Tier 1 (General) applications and the earnings shown by their tax records.

Usually these discrepancies relate to self-employed earnings, which means that both UKVI and HMRC were particularly reliant on declarations and evidence provided by the applicant themselves, or their accountant, rather than information which can be verified with a separate employer.

The discrepancies may be related to earnings for which points were claimed in previous applications, rather than the current application. (This is obviously the case for Long Residence applications.)

Where there appears to be no explanation for the discrepancy between the claimed earnings to UKVI and to HMRC, there can be reason to suspect dishonesty. It is possible that the applicant over-declared their earnings to UKVI to score the points they needed. Alternatively, it is possible that they under-declared their earnings to HMRC, to reduce their tax liability.

Such cases can fall for refusal under paragraph 322(5) of the Immigration Rules, relating to character and conduct. Paragraph 322(5) should be used rather than paragraph 322(2), relating to false representations in an application for leave, where it is inconclusive whether the false representations were made to UKVI or to HMRC.

The Court of Appeal in the case of Balajigari v SSHD [2019] EWCA Civ 673 found that applicants in this type of case must be given an opportunity to respond to the concerns about false representations before a decision is made. The False Representations guidance sets out the 'Minded To Refuse' (MTR) process that must be followed.

Some of the findings in Balajigari provide helpful clarification regarding earnings discrepancies:

- Deliberate and dishonest submission of false earnings to HMRC or UKVI is sufficiently reprehensible conduct that may engage the use of the power to refuse leave under paragraph 322(5) of the Rules (paragraph 37 of the

Judgment). This removes the argument that 322(5) is concerned with only cases of national security (paragraph 32).

- There is no obligation on UKVI to make enquiries of HMRC (paragraph 72) (including whether it has imposed a penalty on the applicant for late payment).

- If HMRC has not imposed a penalty, it does not preclude UKVI from making a finding of dishonesty (paragraph 66 and 67).

- UKVI has the legal power to decide the questions which arise under paragraph 322(5) for itself and is certainly not bound to take the same view as HMRC. The two public authorities are performing different functions and have different statutory powers (paragraph 69).

- Each case will depend on its own facts, but, where an earnings discrepancy is relied on, it is unlikely that a tribunal will be prepared to accept a mere assertion from an applicant or their accountant that the discrepancy was simply "a mistake" without a full and particularised explanation of what the mistake was and how it arose (paragraph 106).

- There will, though no doubt only exceptionally, be cases where the interests of children or others, or serious problems about removal to their country of origin, mean that it would be wrong to refuse leave to remain (though not necessarily indefinite leave to remain) to migrants whose presence is undesirable (paragraph 39).

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Initial consideration

This section explains how to consider an earnings discrepancy case before sending a Minded To Refuse (MTR) letter to an applicant.

Each earnings discrepancy case must be considered according to its own circumstances and the evidence available. You must consider whether, on the balance of probabilities, the discrepancy is likely to be a result of an innocent mistake, false representations to UKVI or false representations to HMRC.

Before sending a MTR letter, you should check whether the applicant has already provided any explanation or further evidence in response to concerns about earnings discrepancies. You should check all information held on the applicant, regardless of whether it was able to be considered previously. This could include information provided in an application, any previous questionnaire or interview, previous administrative review, legal challenge or other correspondence. If explanations are not detailed and supported by evidence, you should address this in the MTR letter.

If you consider that the discrepancy was an innocent mistake, and there are no other reasons for refusal, the case can be granted immediately

If you consider that there are sufficient concerns for the case to potentially fall for refusal, you must send a MTR letter. This applies even if the applicant has previously been given a questionnaire about their earnings and tax returns (The Court of Appeal found that this questionnaire did not give applicants a clear enough opportunity to respond to concerns about their earnings).

This means there will be two stages of consideration. The process should normally be as follows:

1. Initial consideration against all relevant factors
2. Send MTR letter
3. Consider response against all relevant factors
4. Final decision

You must consider the factors in the following section before sending a MTR letter. They should help you decide whether the case can be granted or whether a MTR letter is needed. They should also help you determine which questions to ask and what evidence to request in any MTR letter.

You do **not** need to send a further MTR letter if the applicant has already been sent a MTR letter in a previous application or variation (for example, in a previous Tier 1 (General) ILR application and the applicant is now applying on the basis of Long Residence). You must, however, be satisfied that the previous letter gave the applicant a clear enough opportunity to respond to all the concerns you have identified.

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Factors to consider

This section explains the main factors which are likely to be relevant in considering a case involving Tier 1 (General) earnings discrepancies. They are not an exhaustive list as you must consider all of the evidence available.

Size of the discrepancy

The smaller the discrepancy, the more likely it is to have been an unnoticed error by the applicant or their accountant. You should also check whether there could be any simple explanation, such as two digits being accidentally transposed in any of the available evidence. This would not necessarily confirm that a discrepancy was an innocent mistake, but it would be an indication.

Discrepancies which would have made no difference to the points the applicant would have scored do not indicate that they made false representations to UKVI, as there would be no motive to do so. Such discrepancies would also be unlikely to significantly affect the applicant's tax liabilities, so are unlikely to indicate false representations being made to HMRC either. This type of discrepancy should be disregarded and the case considered normally.

Discrepancies which would have made no difference to the applicant's tax liabilities do not indicate that they made false representations to HMRC, but they may have made a difference to the points the applicant would have scored. Therefore they may still indicate false representations being made to UKVI.

Where a discrepancy would have made a difference to the points being scored, you should consider whether it would have changed the outcome of the application from a grant to a refusal. The points tables applicants would have scored against are as follows:

- initial application made on or after 6 April 2010 (80 points required, unless initial application was made before 19 July 2010, in which case 75 points required):

Qualification	**Points**	**Previous earnings**	**Points**
Bachelor's degree	30	£25,000 – £29,999.99	5
Master's degree	35	£30,000 – £34,999.99	15
PhD	45	£35,000 – £39,999.99	20
UK experience	**Points**	£40,000 – £49,999.99	25
£25,000+ previous earnings in UK	5	£50,000 – £54,999.99	30
Age at initial application	**Points**	£55,000 – £64,999.99	35
Under 30 years old	20	£65,000 – £74,999.99	40
30 – 34 years old	10	£75,000 – £149,999.99	45
35 – 39 years old	5	£150,000+	80

- initial application made before 6 April 2010 (75 points required):

Qualification	Points	Previous earnings	Points
Bachelor's degree	30	£16,000 – £17,999.99	5
Master's degree	35	£18,000 – £19,999.99	10
PhD	50	£20,000 – £22,999.99	15
UK experience	**Points**	£23,000 – £25,999.99	20
£16,000+ previous earnings in UK	5	£26,000 – £28,999.99	25
Age at initial application	**Points**	£29,000 – £31,999.99	30
Under 28 years old	20	£32,000 – £34,999.99	35
28 – 29 years old	10	£35,000 – £39,999.99	40
30 – 31 years old	5	£40,000+	45

The significance of a discrepancy will depend on the overall level of earnings. For example, a discrepancy of £5,000 might be significant where an applicant's earnings are £15,000, but less so where an applicant's earnings are £150,000.

Very large discrepancies (£10,000 a year or more) should always be questioned, unless they were quickly amended (within 12 months of the original tax return). It is unlikely an applicant would make an error of this magnitude and fail to realise it.

Where an applicant declared self-employed earnings to UKVI but **no** self-employed earnings at all to HMRC, this is a strong indication that the claimed self-employment was not genuine. This type of discrepancy should always be questioned.

Timings of discrepancies and any amendments

Where possible, you should check an applicant's HMRC records for all of the years they have been working in the UK, not just the periods they relied on for Tier 1 (General) applications.

Records which show similar discrepancies and amendments for other periods are more likely to indicate either innocent mistakes or false representations to HMRC, rather than false representations to UKVI. If amendments have been made to change earnings up in some years and down in others, this is more likely to indicate innocent mistakes.

Records which show earnings which were consistently a lot lower, throughout an applicant's time in the UK, than those claimed in Tier 1 (General) applications, are more likely to indicate false representations to UKVI.

Records which show lower earnings were declared to HMRC **around the same time or after** higher earnings were declared to UKVI for the same period strongly suggest that false representations were made to one department or the other.

If amendments to tax returns were made within 12 months of the original return to HMRC, this is more likely to indicate the discovery and correction of an error.

If a tax return was amended more than 12 months after it was originally submitted to HMRC, and within 12 months of an application for further leave or settlement, this is less likely to be an error and more likely to be false representation, which the applicant feared would come to light when they made their application. The longer the time from the original tax return, and the shorter the time before the application for leave, the greater the cause for concern.

Nature of the employment

PAYE employment is unlikely to be the subject of any discrepancies, unless the applicant was working as an employee of their own company, or a company which is suspected or known to provide false evidence in support of applications.

Self-employed earnings which were low or non-existent for most of the applicant's stay in the UK, but very high in each of the individual years leading up to Tier 1 (General) applications (initial, extension, settlement), is a strong indicator that the earnings may not be genuine. There may be legitimate reasons why an applicant's earnings were higher in one year than another – for example if their business incurred very large expenses in one year, or if the applicant was on maternity leave. However, these must be backed up by full explanations and evidence.

Does the evidence suggest the applicant was in full-time PAYE employment at the time they claimed significant earnings from self-employment? This may also indicate that the earnings are not genuine.

If the applicant is relying on self-employed earnings, you should consider the source and content of all the evidence the applicant has provided to date in support of their self-employment. Was the evidence generated solely by the applicant themselves? Are there signs that applicants have been invoicing or receiving funds from facilitators to give the impression of earnings? To what extent has the applicant demonstrated that they were genuinely in self-employment?

In making this assessment, you should consider the factors set out in the Tier 1 (General) genuine earnings test. These were previously set out in paragraph 19(j) of Appendix A of the Immigration Rules, and are copied below for reference:

(i) the evidence the applicant has submitted;

(ii) whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in the applicant's financial transactions or records without being earned;

(iii) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading;

(iv) verification of previous earnings claims with declarations made in respect of the applicant to other Government Departments, including declarations made in respect of earnings claimed by the applicant in previous applications;

(v) the applicant's previous educational and business experience (or lack thereof) in relation to the claimed business activity;

(vi) the applicant's immigration history and previous activity in the UK;

(vii) where the nature of the applicant's employment or business requires him to have mandatory accreditation, registration or insurance, whether that accreditation, registration or insurance has been obtained;

(viii) any payments made by the applicant to other parties; and

(ix) any other relevant information.

Overseas earnings

If an applicant has claimed income from overseas earnings, these may or may not be reflected in their tax returns to HMRC. You should check:

- How the applicant claims to have been earning income overseas, and whether this is plausible, given their immigration and employment history in the UK: could their overseas employment / self-employment have been done remotely, or during any absences from the UK?

- As in the above section on nature of the employment, whether the applicant's previous educational and business experience (or lack thereof) appears consistent in relation to the claimed overseas business activity.

- Were the overseas earnings declared to HMRC, and should they have been? The advice on gov.uk at https://www.gov.uk/tax-foreign-income provides information on this, but the rules are relatively complex and subject to change (for example, the rules on tax residency changed in April 2013). You should not attempt to fully assess an applicant's tax status but you should consider asking for evidence of applying for any tax relief on overseas earnings, if they do not appear in the applicant's tax records.

- If the overseas earnings were declared to HMRC, are there exchange rate reasons for any discrepancy? (Points in a Tier 1 (General) application would have been awarded based on the spot rate on www.oanda.com for the last date of the period being claimed. However, the applicant may have used a different date or source when submitting their tax returns.)

Dividend income

If an applicant has claimed income from dividends, you should check whether the tax rules on dividends explain any discrepancy. You should refer to the advice on gov.uk at: https://www.gov.uk/tax-on-dividends and seek advice from your senior caseworker if you are unsure.

You should consider the following:

- where the applicant is a director of a company registered with Companies House (Ltd.), they may be paid dividends and a salary from the profits
- tax is paid on the profits via Corporation Tax (form CT600)
- individuals are required to declare dividends to HMRC on their Personal Income Tax return
- the 'Bulk Match' HMRC spreadsheet previously used in caseworking shows only individual self-assessment income tax (form SA100)
- dividends before 2016 are slightly more complicated due to a notional tax credit having been applied at source

Allowable business expenses

Business expenses that can be used to offset income (for the purposes of tax) are limited. Even where expenses are allowed for tax purposes, they are unlikely to be a credible explanation for any discrepancies in earnings between HMRC records and Tier 1 (General) applications. Where they were relying on the profits of a business, Tier 1 (General) applicants were only able to rely on the **profits** of the business before tax, and therefore should have deducted any business expenses. They should not have tried to claim points for earnings from business expenses.

Accountants

The most common explanation deployed by applicants is that an error was made by their accountant in preparing their tax returns. These should not be accepted at face value, without details and supporting evidence.

If the applicant has made a complaint to their accountant or their accountant's regulatory body, this may be a factor in the applicant's favour. However, you should consider the timing of the complaint(s). If the applicant made such a complaint close to the date of their application or while it was being considered, they may have done so simply to try to strengthen their application, particularly if significant time has passed between the date of the alleged error being discovered and the filing of the complaint.

Mitigating factors leading to inaccurate declarations

Some applicants have claimed that they made an error or did not notice the discrepancy due to mitigating factors, such as health or family-related circumstances at the time

Claims must be supported by evidence and go beyond mere assertion. If, for example, the applicant claims to have been distracted from their business activities

by their own health or that of a family member, they should provide documentary evidence about the matter.

There is not an obvious direct link between such concerns and the applicant's tax returns. The applicant should be asked to explain how they genuinely excuse or explain the failure to report their earnings correctly. They should provide any evidence of how their business was affected in any other ways – for example, reducing their trading. You should also consider the timing of the compassionate circumstances in relation to the discrepancy, as well as the timing in relation to any previous applications and whether any evidence was provided at that time.

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Drafting the MTR letter

This section explains how to determine what to ask an applicant when drafting a Minded to Refuse (MTR) letter.

You must use the cleared MTR letter template, which sets out that the applicant is being given an opportunity to respond to concerns, asks whether they wish to raise any other reasons they should be granted leave, and that any response must be received within 14 calendar days.

You must explain your concerns unambiguously to the applicant, to ensure they understand them and have a fair chance to respond. The following standard paragraphs may help, but should be adapted where necessary:

> "In your Tier 1 (General) application of **[DATE],** you claimed that you had previous earnings of £**[AMOUNT]** between **[PERIOD]**, consisting of £[AMOUNT] from Pay As You Earn employment and £**[AMOUNT]** from self-employment. However, HM Revenue & Customs data shows that, for the tax year ending April **[DATE]** your total income was £**[AMOUNT]** from Pay As You Earn employment and £**[AMOUNT]** from self-employment **[INCLUDE BOTH TAX YEARS IF THE PERIOD EARNINGS WERE CLAIMED FOR STRADDLES 2 TAX YEARS].**
>
> **[WHERE RELEVANT]** HMRC records show you amended your self-employed earnings for **[PERIOD]** to £**[AMOUNT].** However, this amendment was not made until **[DATE]**, **[X]** months after the end of the tax year(s) in question and **[X]** months before the date of your application for indefinite leave to remain.
>
> Based on the information we have, we cannot identify any plausible reason for the large discrepancy between the self-employed earnings you claimed points for in your Tier 1 (General) application and the self-employed earnings shown by your HMRC records. We note that there would have been a clear benefit to you either by falsely representing your earnings to UK Visas & Immigration to enable you to meet the points required to obtain leave to remain in the United Kingdom as a Tier 1 (General) Migrant, or failing to declare your full earnings to HMRC with respect to reducing your tax liability. In light of this, we are minded to refuse your application.
>
> Please provide a response to the following questions. Your explanations should be full and detailed, supported by any relevant documentary evidence you can provide:"

The explanations and evidence you ask for must be based on your initial consideration (see earlier sections). The following questions are suggested, but you must check carefully that what you are asking is relevant and the MTR letter does not contradict itself or any of the known circumstances of the case:

Size of the discrepancy

- Why did you not declare any self-employed earnings to HMRC for **[PERIOD]**?
- If your explanation is that this was an error:
  - Why did you not notice this error or take action to correct it sooner?
  - Why did you not realise that your tax bill was significantly lower than it should have been, given the size of your earnings?

Timings of discrepancies and any amendments

- Why did you not notice the discrepancy when you submitted your tax returns for the year?
- Why did you not notice the discrepancy when you submitted your Tier 1 (General) application? Why did you not amend your tax returns at that point?
- What happened in **[DATE]** that caused you to notice the discrepancy?
- Why did you need to make amendments for the period(s) you used to claim points in your Tier 1 (General) application(s), but not for other periods?

Please set out as much detail as possible and provide any evidence you wish us to consider in support of your reasons, including any relevant correspondence with HMRC.

Nature of the employment

- What was the nature of your self-employment? What services did you provide? Please provide details, with supporting evidence.
- What was your trading name? Please provide evidence of any publicity material.
- Who were your customers / clients? Please provide copies of contracts and/or invoices where possible.
- Why did your earnings change so significantly in **[YEARS]**? Please provide any evidence in support of your reasons.

Overseas earnings

- What was the nature of your work overseas? What services did you provide? Please provide details, with supporting evidence.
- How did you manage this work while also living and working in the UK?
- Did you declare your overseas earnings to HMRC? If not, why not?
- If you declared your overseas earnings to HMRC, why did they not appear in your tax records? Did you apply for tax relief? Please provide details, with supporting evidence.

Accountants

- Did you use an accountant when preparing your tax returns? If so:
  - What information did you provide to your accountant?

- Did you check and sign the tax return to confirm it was accurate? If not, why not?
- What explanation has your accountant given for the discrepancy?
- If you consider that your accountant got your returns wrong, have you taken any action against them? If not, why not? If so, when? Please provide explanations of any delays.

Please note that we will not accept unsupported statements that your accountant made an error. Please provide documentary evidence of any relevant correspondence between you and your accountant at the time of the tax return, and at the time the discrepancy was identified. If you are unable to provide this, please explain why. Please also provide documentary evidence of any complaints you have made to your accountant's regulatory body.

Mitigating factors leading to inaccurate declarations

- Were there any other circumstances at the time which affected your ability to provide accurate declarations about your earnings? If so, please explain how, and provide documentary evidence of the circumstances and any wider impacts they had on your business and work.

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Considering responses regarding earnings discrepancies from applicants

This section explains how to consider explanations and evidence received from applicants in response to the MTR letter in relation to the earnings discrepancies. Please refer to the main guidance on False Representations for more information on how to consider mitigating factors raised in response.

You should consider the applicant's responses against all the relevant factors set out in the "Earnings discrepancies factors" section of this guidance.

Do the responses, on the balance of probability, address your concerns about false representations and show that the applicant was honest in their dealings with UKVI and HMRC?

You should not simply accept assertions from applicants. Their responses should be backed up with a full, particularised and convincing explanation, and evidence where possible. If something is missing, you should check whether the applicant has responded to all the questions in the MTR letter and can have reasonably been expected to have provided it. You do not need to write out again for anything further providing the MTR letter was clear.

You should be wary of anything that appears to be a stock response which has been based on this guidance or on responses shared from other applicants. If you are not satisfied whether an applicant's response is genuinely specific to their case, as opposed to being a stock response, you should consider asking the applicant to attend an interview. This provides an opportunity to ask further, probing questions about their response to determine whether it is genuine or simply a stock response.

If the applicant fails to comply with a request to attend an interview, without reasonable explanation, you should make a decision based on the information you have (which will most likely be a refusal as you cannot be satisfied with the applicant's response). You should also refuse under Paragraph 322(10) of the Immigration Rules in relation to failing to attend the interview.

If it is clear that the applicant has provided a stock response (for example, the wording has been copied, there is a lack of specific detail, or details do not match the applicant's case), you do not need to invite the applicant to an interview. You should make a decision based on the information you have. You must set out in the decision letter why you consider the applicant's response to the MTR letter to be unsatisfactory.

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Grant letters

This section explains how to issue a grant letter if, after considering the response to a MTR letter, you consider the case should be granted.

If you are satisfied with how the response from the applicant addresses the concerns which were set out in the MTR letter, and there are no other reasons for refusal, you should issue a grant letter as normal.

If, having considered the response, you still consider that false representations were made, but there are mitigating factors which provide a compelling reason to grant the case, you should still set out the false representation concerns briefly in the grant letter. You do not need to go into full details, but you should be clear that the case is being granted exceptionally:

> "In our letter of **[DATE]**, we informed you that we were minded to refuse your application on the ground that false representations have been made. We have considered your response and we conclude, on the balance of probabilities, that false representations have been made in relation to your past earnings and there was not merely an error. However, we have also considered the exceptional mitigating factors you set out and, in light of these, we conclude that your application should not be refused."

Please refer to the main guidance on False Representations for more information on how to consider mitigating factors.

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Refusal letters

This section explains how to issue a refusal letter if you consider the case still falls for refusal.

If you are maintaining reasons for refusal which were set out in the MTR letter, you must repeat those reasons in full in the final decision letter. You must also refer to the MTR letter and show that you have considered any response from the applicant as well as all other relevant information available:

> "In our letter of **[DATE]**, we stated that we were minded to refuse your application on the ground that false representations have been made. We put these concerns to you as follows:
>
> **[COPY / PASTE RELEVANT SECTIONS FROM MTR LETTER]**
>
> We have not received any response from you on these points and therefore we must decide your application on the information we have.
>
> OR
>
> We have considered your response. **[SET OUT WHAT THE APPLICANT STATED / PROVIDED IN RESPONSE AND WHY YOU ARE NOT SATISFIED IT FULLY ADDRESSES THE CONCERNS.]**
>
> We conclude, on the balance of probabilities, that false representations have been made in relation to your past earnings and there was not merely an error.

You must state which paragraphs of the Immigration Rules you are refusing under:

> Your application for indefinite leave to remain in the United Kingdom as a Tier 1 (General) Migrant is therefore refused under Paragraph 245CD(b) of the Immigration Rules with reference to Paragraph 322(5) of the Immigration Rules.
>
> **OR**
>
> Your application for indefinite leave to remain in the United Kingdom on the basis of 10 years lawful and continuous residence is therefore refused under Paragraph 276D of the Immigration Rules as you do not meet the requirements of Paragraph 276B(ii) and 276B(iii) with reference to Paragraph 322(5) of the Immigration Rules.

You must address the point that Paragraph 322(5) is not a mandatory ground for refusal:

> We acknowledged that Paragraph 322(5) of the Immigration Rules is not a mandatory refusal. However, it is normally grounds for refusal and you have

not provided any evidence of exceptional mitigating factors why your application should not be refused."

OR

We acknowledged that Paragraph 322(5) of the Immigration Rules is not a mandatory refusal. However, it is normally grounds for refusal. We have considered the evidence you provided that **[SUMMARISE DETAILS OF ANY MITIGATING FACTORS THE APPLICANT HAS PROVIDED]**. On balance, however, we do not consider that this is a sufficiently exceptional mitigating factor why your application should not be refused. **[SET OUT IN MORE DETAIL HOW YOU CONSIDER MITIGATING FACTORS AND COME TO THIS VIEW]**"

Please refer to the main guidance on False Representations for more information on how to consider mitigating factors.

You must then set out any other reasons for refusal (not related to false representations) which apply, for example, not completing the qualifying period for settlement.

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