

# **Immigration Directorate Instructions**

## **Family Members Under Appendix FM Of The Immigration Rules**

### **Appendix FM Section FM 6.0**

#### **Adult dependent relatives**

**This guidance has effect from 13 December 2012**

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## **1. Introduction**

The purpose of this route is to allow a non-EEA adult dependent relative of a British citizen in the UK, a person settled in the UK, or a person in the UK with refugee leave or humanitarian protection, to settle here if they can demonstrate that, as a result of age, illness or disability, they require a level of long-term personal care that can only be provided in the UK by their relative here and without recourse to public funds. These new rules end the routine expectation of settlement in the UK for parents and grandparents aged 65 or over who are financially dependent on a relative here.

This route is only available to an applicant outside the UK: a person cannot switch into this route in the UK.

In particular the new rules mean that:-

- The applicant must, as a result of age, illness or disability, require long-term personal care: that is help performing everyday tasks, e.g. washing, dressing and cooking;
- The applicant must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living because it is not available and there is no person in that country who can reasonably provide it, or because it is not affordable.
- The Entry Clearance Officer (ECO) must be satisfied that the applicant will be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds. If the sponsor is a British citizen or settled in the UK, they must sign a 5-year undertaking to that effect, at the entry clearance stage.

## **2. Entry Clearance as the adult dependent relative of a British citizen, a person settled in the UK OR a person in the UK with refugee leave or humanitarian protection**

### **2.1 Rules**

#### **Section EC-DR: Entry clearance as an adult dependent relative**

EC-DR.1.1. The requirements to be met for entry clearance as an adult dependent relative are that-

- (a) the applicant must be outside the UK;
- (b) the applicant must have made a valid application for entry clearance as an adult dependent relative;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-EC: Suitability for entry clearance; and
- (d) the applicant must meet all of the requirements of Section E-ECDR: Eligibility for entry clearance as an adult dependent relative.

## **Section E-ECDR: Eligibility for entry clearance as an adult dependent relative**

E-ECDR.1.1. To meet the eligibility requirements for entry clearance as an adult dependent relative all of the requirements in paragraphs E-ECDR.2.1. to 3.2. must be met.

### **Relationship requirements**

E-ECDR.2.1. The applicant must be the-

- (a) parent aged 18 years or over;
- (b) grandparent;
- (c) brother or sister aged 18 years or over; or
- (d) son or daughter aged 18 years or over

of a person ("the sponsor") who is in the UK.

E-ECDR.2.2. If the applicant is the sponsor's parent or grandparent they must not be in a subsisting relationship with a partner unless that partner is also the sponsor's parent or grandparent and is applying for entry clearance at the same time as the applicant.

E-ECDR.2.3. The sponsor must at the date of application be-

- (a) aged 18 years or over; and
- (b)
  - (i) a British Citizen in the UK; or
  - (ii) present and settled in the UK; or
  - (iii) in the UK with refugee leave or humanitarian protection.

E- ECDR.2.4. The applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must as a result of age, illness or disability require long-term personal care to perform everyday tasks.

E- ECDR.2.5. The applicant, or if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because-

- (a) it is not available and there is no person in that country who can reasonably provide it; or;
- (b) it is not affordable.

### **Financial requirements**

E- ECDR.3.1. The applicant must provide evidence that they can be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds. This is detailed in Appendix FM-SE.

E- ECDR.3.2. If the applicant's sponsor is a British Citizen or settled in the UK, the applicant must provide an undertaking signed by the sponsor confirming that the

applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period of 5 years from the date the applicant enters the UK if they are granted indefinite leave to enter.

### **Suitability requirements**

The applicant must meet the requirements at section S-EC: Suitability for entry clearance:

S-EC.1.1. The applicant will be refused entry clearance on grounds of suitability if any of paragraphs S-EC.1.2. to 1.7. apply.

S-EC.1.2. The Secretary of State has personally directed that the exclusion of the applicant from the UK is conducive to the public good.

S-EC.1.3. The applicant is at the date of application the subject of a deportation order.

S-EC.1.4. The exclusion of the applicant from the UK is conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months.

S-EC.1.5. The exclusion of the applicant from the UK is conducive to the public good because, for example, the applicant's conduct (including convictions which do not fall within paragraph S-EC.1.4.), character, associations, or other reasons, make it undesirable to grant them entry clearance.

S-EC.1.6. The applicant has failed without reasonable excuse to comply with a requirement to-

- (a) attend an interview;
- (b) provide information;
- (c) provide physical data; or
- (d) undergo a medical examination or provide a medical report.

S-EC.1.7. It is undesirable to grant entry clearance to the applicant for medical reasons.

S-EC.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-EC.2.2. to 2.5. apply.

S-EC.2.2. Whether or not to the applicant's knowledge-

- (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or
- (b) there has been a failure to disclose material facts in relation to the application.

S-EC.2.3. One or more relevant NHS body has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £1000.

S-EC.2.4. A maintenance and accommodation undertaking has been requested or required under paragraph 35 of these Rules or otherwise and has not been provided.

S-EC.2.5. The exclusion of the applicant from the UK is conducive to the public good because:

- (a) within the 12 months preceding the date of the application, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
- (b) in the view of the Secretary of State:
  - (i) the person's offending has caused serious harm; or
  - (ii) the person is a persistent offender who shows a particular disregard for the law.

## **2.2 Guidance**

### **2.2.1 Require long-term personal care as a result of age, illness or disability**

As the result of age, illness or disability, the applicant must be incapable of performing everyday tasks for themselves, e.g. washing, dressing and cooking. This may have been arrived at recently – such as the result of a serious accident resulting in long-term incapacity – or it could be the result of deterioration in the applicant's condition over several years. The evidence required to show this is set out below.

### **2.2.2 Unable to receive the required level of care in the country where they are living**

The ECO needs to establish that the applicant has no access to the required level of care in the country where they are living, even with the practical and financial help of the sponsor in the UK. This could be because it is not available and there is no person in that country who can reasonably provide it, or because it is not affordable. The evidence required to establish this is set out below. If the required level of care is available or affordable, the application should be refused.

### **2.2.3 No person in the country who can reasonably provide care**

The ECO should consider whether there is anyone in the country where the applicant is living who can reasonably provide the required level of care.

This can be a close family member:

- Son
- Daughter
- Brother
- Sister
- Parent
- Grandchild
- Grandparent

or another person who can provide care, e.g. a home-help, housekeeper, nurse, carer, or care or nursing home.

If an applicant has more than one close relative in the country where they are living, those relatives may be able to pool resources to provide the required care.

The ECO should bear in mind any relevant cultural factors, such as in countries where women are unlikely to be able to provide support.

#### **2.2.4 Adequately maintained, accommodated and cared for**

- a. The accommodation must be owned, or occupied exclusively, by the sponsor. The addition of the applicant to the accommodation must not contravene the UK statutory regulations on overcrowding or on public health.
- b. The ECO must be satisfied that adequate maintenance and the required level of care can and will be met by the sponsor in the UK without recourse to public funds.
- c. Maintenance may be provided by the sponsor, or by any combination of the funds available to the sponsor and the applicant. Promises of third party support will not be accepted as these are vulnerable to a change in another person's circumstances or in the sponsor's or the applicant's relationship with them. Cash savings which have originated from a gift (not a loan) from a third party can count towards the required maintenance, but those cash savings must be in an account in the name of the sponsor or the applicant and under their control.

Otherwise, maintenance and accommodation should be assessed using the entry clearance guidance on maintenance and accommodation:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/maa/#header5>

#### **2.2.5 Example scenarios**

The following are examples, but each case must be considered on its merits in the light of all the circumstances.

- (a) A person (aged 25) has a learning disability that means he cannot feed, wash or dress himself. His parents have recently died in an accident and his only surviving close relative is a brother in the UK who has been sending money to the family for some time. The person has been cared for temporarily by family friends since his parents' death, but they are no longer able to do this. The sponsor is unable to meet the costs of full-time residential care, but he and his family have sufficient financial and other means to care for the applicant in their home. **This could meet the criteria if the applicant can demonstrate that they are unable even with the practical and financial help of the sponsor to obtain the required level of care in the country where they are living because it not available and there is no person in that country who can reasonably provide it or it is not affordable and other relevant criteria are met.**
- (b) A person (aged 30) has lived alone in Sri Lanka for many years. His parents are settled in the UK; other siblings live in the UK and USA. The person has recently been involved in a road accident and as a result has developed a long-term condition which means that he can no longer care for himself. The mother has been visiting Sri Lanka to care for her son, but needs to return to the UK to care for her younger children. **This could meet the criteria if the applicant can demonstrate that they are unable even with the practical and financial help of the sponsor to obtain the required level of care in the country where they are living because it not available and there is no person in that country who can reasonably provide it or it is not affordable and other relevant criteria are met.**
- (c) A person (aged 70) lives alone in India. Her daughter lives in the UK; her son and his family live in the UAE. The daughter sends her mother money to pay for someone to do her cleaning, but is concerned that her mother is becoming increasingly frail and forgetful. **This would not meet the criteria as the applicant is able to perform everyday tasks and/or has help available with these tasks.**
- (d) A person (aged 26) entered the UK as a visitor. His parents and younger siblings are settled in the UK. The applicant lived in Canada to complete his higher education. He has diabetes which is managed by medication. **This would not meet the criteria as the applicant is able to perform everyday tasks. Also he cannot apply in the UK.**
- (e) A person (aged 85) lives alone in Afghanistan. With the onset of age he has developed very poor eyesight, which means that he has had a series of falls, one of which resulted in a hip replacement. His only son lives in the UK and sends money to enable his father to pay for a carer to visit each day to help him wash and dress, and to cook meals for him. **This would not meet the criteria because the sponsor is able to arrange the required level of care in Afghanistan.**

- (f) A person (aged 45) lives in China and was widowed 5 years ago. They are disabled and cannot perform everyday tasks for themselves. Their son lives in the UK. The person lives with their new husband in China. The son wants his mother to come and live with him in the UK. **This would not meet the criteria because the applicant is in a subsisting relationship with a partner who is not the sponsor's parent.**
- (g) A husband and wife (both aged 70) live in Pakistan. Their daughter lives in the UK. The wife requires long-term personal care owing to ill health and cannot perform everyday tasks for herself. The husband is in good health, but cannot provide his wife with the level of care she needs. They both want to come and live in the UK. The daughter can care for her mother full time in her home as she does not work whilst her husband provides the family with an income from his employment. Her sister in the UK will also help with care of the mother. The applicant provides the ECO with the planned care arrangements in the UK. **This could meet the criteria if the applicant can demonstrate that they are unable even with the practical and financial help of the sponsor to obtain the required level of care in the country where they are living because it not available and there is no person in that country who can reasonably provide it or it is not affordable and other relevant criteria are met.**

## **2.3 Evidence in support of the application**

The ECO should expect to see:

### **2.3.1 Evidence of the family relationship**

Evidence of the relationship between the applicant and the sponsor will need to be provided. This should be in the form of birth or adoption certificates, or other evidence. The ECO will need to assess whether other evidence is needed.

### **2.3.2 Evidence that, as a result of age, illness or disability, the applicant requires long-term personal care, that is help performing everyday tasks, e.g. washing, dressing and cooking:**

Medical evidence that the applicant's physical or mental condition means that they cannot perform everyday tasks. This must be from a doctor or health professional.

Under paragraphs 36-39 of the Immigration Rules, the ECO has the power to refer the applicant for medical examination and to require that this be undertaken by a doctor or other health professional on a list approved by the British Embassy or High Commission.

### **2.3.3. Evidence that the applicant is unable, even with the practical and financial help of the sponsor in the UK, to obtain the required level of care in the country where they are living:** Evidence that the required level of care:

- (a) Is not, or is no longer, available in the country where the applicant is living. This evidence should be from a central or local health authority, a local authority, or a doctor or other health professional. If the required care has been provided through a private arrangement, the applicant must provide details of that arrangement and why it is no longer available.
- (b) Is not, or is no longer, affordable in the country where the applicant lives. If payment was made for arranging this care, the ECO should ask to see records and an explanation of why this payment cannot continue. If financial support has been provided by the sponsor or other close family in the UK, the ECO should ask for an explanation of why this cannot continue or is no longer sufficient to enable the required level of care to be provided.

#### **2.3.4 Evidence of adequate maintenance, accommodation and care in the UK**

Where the sponsor is a British citizen or settled in the UK, the applicant must provide a signed undertaking from the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for the applicant's maintenance, accommodation and care, for a period of 5 years from the date the applicant enters the UK if they are granted Indefinite Leave to Enter.

In addition, in all cases the applicant must provide evidence from the sponsor that the sponsor can provide the maintenance, accommodation and care required, in the form of any or all of the following:

- (a) Original bank statements covering the last six months;
- (b) Other evidence of income – such as pay slips, income from savings, shares, bonds – covering the last six months;
- (c) Relevant information on outgoings, e.g. Council Tax, utilities, etc, and on support for anyone else who is dependent on the sponsor;
- (d) A copy of a mortgage or tenancy agreement showing ownership or occupancy of a property; and
- (e) Planned care arrangements for the applicant in the UK (which can involve other family members in the UK) and the cost of these (which must be met by the sponsor, without undertakings of third party support).

### **2.4 Grant of Indefinite Leave to Enter/Leave to Enter**

#### **2.4.1 Adult dependent relative of a British citizen or a person present and settled in the UK**

If all of the requirements of the rules are met, Indefinite Leave to Enter (ILE) will be granted.

#### **2.4.2 Adult dependent relative of a person in the UK with refugee leave or humanitarian protection**

If the applicant meets the requirements for entry clearance as an adult dependent relative and the sponsor has limited leave, the applicant will be granted limited leave to enter of a duration which will expire at the same time as the sponsor's limited leave, and subject to a condition of no recourse to public funds.

## **2.5 Refusal of Indefinite Leave to Enter/Leave to Enter**

If any of the requirements of the rules are not met, the applicant will be refused leave to enter the UK

## **2.6. Leave to Remain (LTR) as the adult dependent relative of a person in the UK with refugee leave or humanitarian protection**

D-ECDR.1.2. If the sponsor applies for further limited leave, the applicant may apply for further limited leave of the same duration, if the requirements in EC-DR.1.1. (c) and (d) are met and subject to a condition of no recourse to public funds.

This means that after a grant of entry clearance in this route the same suitability criteria and eligibility criteria that the adult dependent relative of a sponsor with refugee leave or humanitarian protection met at entry clearance must be met for a further grant of limited leave in this route.

## **3. Indefinite Leave to Remain (ILR) as the adult dependent relative of a person in the UK with refugee leave or humanitarian protection**

### **3.1 Rules**

#### **Section R-ILRDR: Requirements for indefinite leave to remain as an adult dependent relative**

R-ILRDR.1.1. The requirements to be met for indefinite leave to remain as an adult dependent relative are that-

- (a) the applicant is in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as an adult dependent relative;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability- indefinite leave to remain (see below); and
- (d) the applicant must meet all of the requirements of Section E-ILRDR: Eligibility for indefinite leave to remain as an adult dependent relative.

#### **Section E-ILRDR: Eligibility for indefinite leave to remain as an adult dependent relative**

E-ILRDR.1.1. To qualify for indefinite leave to remain as an adult dependent relative all of the requirements of paragraphs E-ILRDR.1.2. to 1.5. must be met.

E-ILRDR.1.2. The applicant must be in the UK with valid leave to remain as an adult dependent relative (disregarding any period of overstaying for a period of 28 days or less).

E-ILRDR.1.3. The applicant's sponsor must at the date of application be

- (a) present and settled in the UK; or
- (b) in the UK with refugee leave or as a person with humanitarian protection and have made an application for indefinite leave to remain.

E-ILRDR.1.4. The applicant must provide evidence that they can be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds.

E-ILRDR.1.5. The applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period ending 5 years from the date the applicant entered the UK with limited leave as an adult dependent relative.

### **Section S-ILR: Suitability:**

S-ILR.1.1. The applicant will be refused indefinite leave to remain on grounds of suitability if any of paragraphs S-ILR.1.2. to 1.9. apply.

S-ILR.1.2. The applicant is at the date of application the subject of a deportation order.

S-ILR.1.3. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years.

S-ILR.1.4. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 4 years but at least 12 months, unless a period of 15 years has passed since the end of the sentence.

S-ILR.1.5. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence.

S-ILR.1.6. The applicant has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record.

S-ILR.1.7. The presence of the applicant in the UK is not conducive to the public good because, in the view of the Secretary of State, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law.

S-ILR.1.8. The presence of the applicant in the UK is not conducive to the public good because their conduct (including convictions which do not fall within paragraphs S-ILR.1.3. to 1.6.), character, associations, or other reasons, make it undesirable to allow them to remain in the UK.

S-ILR.1.9. The applicant has failed without reasonable excuse to comply with a requirement to-

- (a) attend an interview;
- (b) provide information;

- (c) provide physical data; or
- (d) undergo a medical examination or provide a medical report.

S-ILR.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-ILR.2.2. to 2.4. apply.

S-ILR.2.2. Whether or not to the applicant's knowledge –

- (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or
- (b) there has been a failure to disclose material facts in relation to the application.

S-ILR.2.3. One or more relevant NHS body has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £1000.

S-ILR.2.4. A maintenance and accommodation undertaking has been requested under paragraph 35 of these Rules and has not been provided.

S-ILR.3.1. When considering whether the presence of the applicant in the UK is not conducive to the public good, any legal or practical reasons why the applicant cannot presently be removed from the UK must be ignored.”.

## **3.2 Guidance**

### **3.2.1 Adequately maintained, accommodated and cared for**

- a. The accommodation must be owned, or occupied exclusively, by the sponsor. The addition of the applicant to the accommodation must not contravene the statutory regulations on overcrowding or on public health.
- b. The caseworker must be satisfied that adequate maintenance and the required level of care can and will be met by the sponsor in the UK without recourse to public funds.
- c. Maintenance may be provided by the sponsor, or by any combination of the funds available to the sponsor and the applicant. Promises of third party support will not be accepted as these are vulnerable to a change in another person's circumstances or in the sponsor's or the applicant's relationship with them. Cash savings which have originated from a gift (not a loan) from a third party can count towards the required maintenance, but those cash savings must be in an account in the name of the sponsor or the applicant and under their control.

Otherwise, maintenance and accommodation should be assessed using the entry clearance guidance on maintenance and accommodation:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/maa/#header5>

### **3.2.2 Additional requirements**

In order to grant Indefinite Leave to Remain, the caseworker must be satisfied that:

- a. The applicant has limited leave to enter or remain in the UK as the adult dependent relative of a person in the UK with refugee leave or humanitarian protection; and
- b. The applicant's sponsor is now settled in the UK, or is in the UK with refugee leave or humanitarian protection and has made an application for indefinite leave to remain.

### **3.3 Evidence in support of the application**

#### **3.3.1 Evidence of maintenance and accommodation**

The applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period ending 5 years from the date the applicant entered the UK with limited leave as an adult dependent relative.

In addition, the applicant must provide evidence from the sponsor that the sponsor can provide the maintenance, accommodation and care required, in the form of any or all of the following:

- (a) Original bank statements covering the last six months;
- (b) Other evidence of income – such as pay slips, income from savings, shares, bonds – covering the last six months;
- (c) Relevant information on outgoings, e.g. Council Tax, utilities, etc, and on support for anyone else who is dependent on the sponsor;
- (d) A copy of a mortgage or tenancy agreement showing ownership or occupancy of a property; and
- (e) Planned care arrangements for the applicant in the UK (which can involve other family members in the UK) and the cost of these (which must be met by the sponsor, without undertakings of third party support).

#### **3.3.2 Criminality**

For applications made before 13 December the applicant should not be subject to any unspent convictions in the UK or overseas within the meaning of the Rehabilitation of Offenders Act 1974.

For applications made on or after 13 December the application will fail if:

S-ILR.1.5. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence.

S-ILR.1.6. The applicant has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which they received

a non-custodial sentence or other out of court disposal that is recorded on their criminal record.

See: (link to: <http://horizon.gws.gsi.gov.uk/portal/site/horizon-intranet/menuitem.317ac56a071f9f3a43757f10466b8a0c/?vgnextoid=c7fa19ca19666210VgnVCM2000003cb1a8c0RCRD>)

The caseworker must ensure that the relevant PNC check has been done.

### **3.4 Grant of Leave**

If the applicant meets all of the requirements, and the applicant's sponsor is settled in the UK, the applicant will be granted Indefinite Leave to Remain (ILR) under D-ILRDR.1.1.

If the applicant does not meet the requirements for ILR as an adult dependent relative on the basis of criminality (see **3.3.2** above) the applicant may be granted further limited leave to remain as an adult dependent relative for a period not exceeding 30 months, and subject to a condition of no recourse to public funds under D-ILRDR.1.2..

If the applicant's sponsor has made an application for ILR and that application is refused, the applicant's application for ILR will be refused. If the sponsor is granted limited leave, the applicant will be granted further limited leave as an adult dependent relative of a duration which will expire at the same time as the sponsor's further limited leave, and subject to a condition of no recourse to public funds under D-IRLDR.1.3.

### **3.5 Refusal of Leave**

Where the applicant does not meet the requirements for ILR or further limited leave to remain, the application will be refused under D-IRLDR.1.4.

### **3.6 CID statistical categories**

- Grants:** 4FD – dependant of refugee  
4GD – dependant of humanitarian protection beneficiary
- Refusals:** XOTHSFD01 – recourse to public funds  
XOTHSFD02 – accommodation  
XOTHSFD04 – no refugee or humanitarian protection relation  
XOTHSFD05 – criminality  
XOTHSFD06 – no leave to remain in this route  
XOTHSFD08 – relative not settled

### **3.7 Refusal paragraphs**

### **Refusal on suitability**

The Immigration Rules state that a person applying as an adult dependent relative must meet the suitability requirements at section S-EC/section S- ILR of Appendix FM of the Rules.

Select one of the following:

### **Refusal on the basis of exclusion**

- The Secretary of State has personally directed that your exclusion from the United Kingdom is conducive to the public good. Your application is therefore refused under paragraph S-EC.-1.2. of Appendix FM of the Immigration Rules.

### **Refusal on the basis of deportation order**

- On [insert date of deport order] a deportation order was made against you as [insert reason for deportation order]. Your application is therefore refused under paragraph S-EC.1.3/S-LTR.1.2 of Appendix FM of the Immigration Rules.

### **Refusal on the basis of criminality**

- On [insert date of conviction] you were convicted of [insert offence] and sentenced to a period of imprisonment of [insert length of sentence of 12 months or more]... Your application is therefore refused under paragraph S-EC.1.4. of Appendix FM of the Immigration Rules.
- On [insert date of conviction] you were convicted of [insert offence] and you sentenced to a period of imprisonment of [insert length of sentence of 4 years or more]... Your application is therefore refused under paragraph S-ILR.1.3. of Appendix FM of the Immigration Rules.
- Your exclusion from the UK is conducive to the public good because [insert reasons why conduct/character/associations/other reasons make it undesirable to grant entry clearance/leave. This could include convictions which do not fall within paragraph S-EC.1.4.]. Your application is therefore refused under paragraph S-EC.1.5. /Section S-ILR 1.8. of Appendix FM of the Immigration Rules.
- Your presence in the UK is not conducive to the public good because on [date] you were convicted of [insert offence] and were sentenced to a period of imprisonment of [insert time – which should be less than 4 years but more than 12 months]. Your application is therefore refused under paragraph S-ILR.1.4. of Appendix FM of the Immigration Rules.
- Your presence in the UK is not conducive to the public good because [give details]. As your offending has caused serious harm/you are a persistent offender who shows a particular disregard for the law, your application is refused under paragraph S-ILR.1.7. of Appendix FM of the Immigration Rules.

### **Refusal on the basis of non-compliance**

- You have failed to [attend an interview/provide information when required to do/undergo a medical examination, or provide a medical report when required to do]. You have stated that [insert any reason given by the applicant for his non-compliance and reason why reason not accepted / or You have provided no reasonable excuse for your failure to comply with this requirement]. Your application is therefore refused under paragraph S-EC.1.6./paragraph S-ILR.1.9 of Appendix FM of the Immigration Rules.

#### **Refusal on the basis of medical reasons**

- I have received confirmation from the Medical Referee that for medical reasons it is undesirable to admit you to the UK. Your application is therefore refused under paragraph S-EC.1.7. of Appendix FM of the Immigration Rules.

#### **Refusal on the basis of false representations**

- You have submitted [insert nature of document or date of and nature of false representations]. This [document/information] is false. [insert basis for assessing document/information is false]. We have considered whether you should nevertheless be granted entry clearance but have concluded that the exercise of discretion is not appropriate on this occasion. Your application is therefore refused under paragraph S-EC.2.2.(a)/S-LTR.2.2(a) of Appendix FM of the Immigration Rules.

#### **Refusal on basis of failure to disclose material facts**

- In your application, [you or another person] failed to disclose the following facts [state facts]. We are satisfied that these facts were material to the application because [state reasons]. Your application is therefore refused under paragraph S-EC.2.2.(b)/S-ILR.2.2.(b) of Appendix FM of the Immigration Rules.

#### **Refusal on the basis of debts owing to NHS**

- The National Health Service informed the Secretary of State on [insert date of information received] that you are in arrears to the National Health Service in the amount of [insert sum owed which must be over £1,000]. I have considered whether I should nevertheless grant entry clearance. We have taken into account that (state reasons) but have concluded that the exercise of discretion is not appropriate on this occasion. Your application is therefore refused under paragraph S-EC.2.3. /S-ILR.2.3. of Appendix FM of the Immigration Rules.

#### **Refusal on the basis of lack of maintenance and accommodation undertaking**

- On [date] a maintenance and accommodation undertaking from [name of sponsor] was requested. No such undertaking has been provided. I have considered whether I should nevertheless grant entry clearance. We have taken into account that (give reasons) but have concluded that the exercise of discretion is not appropriate on this occasion. Your application is therefore refused under paragraph S-EC.2.4./S-ILR.2.4. of Appendix FM of the Immigration Rules.

### **Refusal on the basis of relationship**

- Your application is refused because you are not the parent, grandparent, brother or sister over the age of 18, or son or daughter over the age of 18 of your sponsor.
- You applied on the basis of your relationship with [give details]. However, because [give details] we cannot be satisfied that your relationship with [name] is genuine/subsisting. Your application is therefore refused.
- From the information provided it appears that you are in a subsisting relationship with a partner. As your partner is not also the parent/grandparent of your sponsor who is applying for entry clearance at the same time, your application is refused under paragraph E-ECDR.2.2 of the Immigration Rules.
- From the information provided it appears that you are in a subsisting relationship with a partner. As your partner is also the parent/grandparent of your sponsor but is not applying for entry clearance at the same time, your application is refused under paragraph E-ECDR.2.2 of the Immigration Rules.
- As your sponsor [name] is not over 18/a British citizen in the UK or present and settled in the UK or in the UK with refugee leave or humanitarian protection, your application for entry clearance is refused under paragraph E-ECDR.2.3 of the Immigration Rules.
- As your sponsor [name] is not present and settled in the UK/ is in the UK with refugee leave or humanitarian protection but has not made an application for indefinite leave to remain, your application for indefinite leave to remain is refused under paragraph E-ILRDR.1.3 of the Immigration Rules.
- You have stated that [give details], but from the information provided it appears that [give details]. We cannot therefore be satisfied that you require long-term personal care to perform everyday tasks as a result of age, illness or disability. Your application is therefore refused under paragraph E-ECDR.2.4. of the Immigration Rules.

- You have stated that [give details], but from the information provided it appears that [give details]. We cannot therefore be satisfied that the level of care you require cannot be obtained in the country where you are living. Your application is therefore refused under paragraph E-ECDR.2.5. of the Immigration Rules.

### **Refusal of ILR**

- In order to qualify for indefinite leave to remain as an adult dependent relative a person must be in the United Kingdom with valid leave as an adult dependent relative. As you are in the UK with leave as [give details of category] you do not meet this requirement and your application is refused under paragraph E-ILRDR.1.2 of the Immigration Rules.
- In order to qualify for indefinite leave to remain as an adult dependent relative a person must be in the United Kingdom with valid leave as an adult dependent relative. You were given leave to enter the UK on [give details] with permission to stay until [give date]. As such you remained in the UK unlawfully. The Immigration Rules allow us to disregard a period of overstaying of up to 28 days, but your period of unlawful residence was [give details]. [We have taken into account give details of any representations but explain why discretion not exercised] Your application is therefore refused under paragraph E-ILRDR.1.2 of the Immigration Rules.

### **Conviction**

- You were convicted on [date] of [details of conviction]. As this will not become spent under the Rehabilitation of Offenders Act until [date] your application for indefinite leave cannot be granted under paragraph E-ILRDR.1.6 of the Immigration Rules. We have therefore granted a period of further limited leave to remain in the United Kingdom as an adult dependent relative until [insert date – up to 30 months].

### **Sponsor's ILR application refused**

- Your sponsor [name] applied for indefinite leave to remain in the United Kingdom, but his/her application has been refused. Your application for indefinite leave to remain is also therefore refused and we have granted you a period of limited leave as an adult dependent relative for a period of [insert time] in line with [sponsor's name]. This leave is subject to a condition of no recourse to public funds.