

**CHAPTER 8
SECTION 2**

CIVIL PARTNERS

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 civil partner 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 of the IDIs for details 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 of the IDI's for details 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 civil partner of (..sponsor..)

Under age civil partner

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

Paragraph 277

See chapter 12 for details on appeal rights

{Refusal Code: DV}

No Switching

"...You have applied for leave to remain in the United Kingdom on the basis of your civil partnership 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: DU}

Not in relationship claimed

"... but [? in view of ...] the Secretary of State is not satisfied that you have formed a civil partnership with a person who is present and settled in the United Kingdom."

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

{ Refusal Code: DU}

Civil partner not present/settled

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

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

{Refusal Code: QDU}

Civil partnership not subsisting

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

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

{Refusal Code: DTC}

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 civil partners."

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

{Refusal Code: DTC}

Death of a partner

"... You have since notified us that your civil partner died on [...]. We sympathise with you in the loss of your civil partner. 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 civil partner of a person present and settled in the United Kingdom, the unfortunate death of your civil partner 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 with reference to 284(vi) of HC395

{Refusal Code: DU}

Accommodation

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

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

{Refusal Code: DR}

Maintenance

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

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

{Refusal Code: DQ}

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 with reference to 284(iv) of HC 395

{Refusal Code: DU}

Civil partnership post decision/recommendation to deport/given directions for removal

"... but [? in view of ...] the Secretary of State is not satisfied that the civil partnership 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 with reference to 284(v) of HC 395

{Refusal Code: DU}

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: DZ}

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.”

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

{Refusal code: DZ}

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: DZ}

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: DZ}

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: DZ}

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 civil partner of ...(sponsor) ..."

Has not completed 2 years as a civil partner

"... 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 civil partner of a person settled here."

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

{Refusal Code: X7 or G1, G2 or G4 if a 12 month extension is being granted}

Civil partnership dissolved

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

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

{Refusal Code: JA}

Separated

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

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

{ Refusal Code: JA }

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/her civil partner."

Paragraph 289 with reference to 287(iii)

{Refusal Code: JA}

Accommodation

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

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

{Refusal Code: JE}

Maintenance

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

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

{Refusal Code: JD}

Death of a partner

"...- You have since notified us that your civil partner died on [....]. We sympathise with you in the loss of your civil partner. 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 civil partner of a person present and settled in the United Kingdom, or admitted or given an extension of stay as the same-sex partner of a person (present and settled in the United Kingdom) with whom you formed a civil partnership during that period, the unfortunate death of your civil partner 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: JC}

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 civil partnership broke down within the probationary period as a result of domestic violence ".

Paragraph 289C with reference to 289A

{Refusal code: JPARSCA10}

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 civil partner of ...(sponsor) ..."

Minimum age civil partner

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

Paragraph 277 of HC 395

Not present/settled

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

Paragraph 281(i)

Not in the relationship claimed

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

Paragraph 281(i)

Civil partner refused entry clearance

"... but your civil partner'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 have a civil partnership with 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

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 civil partner."

Paragraph 281(iii) of HC 395

Civil Partnership not subsisting

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

Paragraph 281(iii) of HC 395

Accommodation

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

Paragraph 281(iv) of HC 395

Maintenance

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

Paragraph 281(v) of HC 395