Home Office

General grounds for refusal

Section 2 of 5: Considering entry clearance

This guidance is based on the Immigration Rules.

General grounds for refusal

Considering entry clearance: mandatory and discretionary refusals

Entry clearance: mandatory refusals Entry clearance: discretionary refusals	This section contains guidance for entry clearance officers on what to consider when you refuse entry clearance on general grounds. It explains each part of paragraph 320 (or, for visitors, part V3 of Appendix V) and identifies which are mandatory refusals and which are discretionary. The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out on this guidance. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change. This guidance is based on the Immigration Rules. **Mandatory or discretionary** The Immigration Rules have 2 types of refusal on general grounds. It will depend on the grounds you are using to refuse as to how you consider the application. If it is a mandatory ground for refusal you must refuse the application. If it is a discretionary ground for refusal then you can consider whether the circumstances allow you to use your discretion. Paragraph 320 of the rules sets out these general grounds for refusal: • mandatory refusals are in paragraphs 320(1) to 320(7D) • discretionary refusals are in paragraphs 320(8) to 320(23) For visitors part V3 of Appendix V sets out the general grounds for refusal. See the table in visitor training guidance for how the rules at part V3 match the rules in paragraph 320 **Considering entry clearance for all categories of applications made to enter the UK**	

	You must consider: • whether there are any general grounds for refusal • whether you can refuse the application under the category the person applied for **What you need to check for** You must check for evidence of: • adverse behaviour (using deception, false representation, fraud, forgery, non-disclosure of material facts or failure to cooperate) • non conduciveness, adverse character, conduct or associations (criminal history, deportation order, travel ban, exclusion, non-conducive to public good, a threat to national security) • adverse immigration history (overstaying, breaching conditions, illegal entrant, using deception in an application) • adverse health (medical reasons) • NHS or litigation debt For further guidance, see links on left. **Where to check for evidence** You must always do all the following standard checks: • Home Office security checks • other security checks • Police National Computer (PNC) • internal Home Office systems • information on the application form Other information may help you consider an application. You must also complete, if appropriate: • interviews • check local sources of information	

- medical examinations

For more information, see related links:

- grounds for refusal
- checks

You must carefully consider your statutory duty to children, under section 55 of the Borders, Citizenship and Immigration Act 2009, before you apply the instructions in this guidance either to children or people with children.

For more information on section 55 see: Safeguard and promote child welfare.

If you only refuse under paragraph 320 and an appeal is allowed, you cannot then re-consider the application for the specific category and entry clearance will have to be given.

You must consider if there are any human rights reasons, such as:

- the right to family life under article 8
- any exceptional, compelling circumstances which would justify you giving entry clearance

You must refer such a case to the referred casework unit (RCU) by using the Home Office (HO) referrals process. RCU will decide whether to give entry clearance outside of the rules.

Entry clearance officers must refer to their internal referral guidance for more information on how to refer a case.

General grounds for refusal

Entry clearance: mandatory refusals

This page lists the mandatory general grounds for refusal under paragraph 320 of the Immigration Rules and part V3 of Appendix V for visitors.

It also sets out when you must refer an application before you refuse entry clearance.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out in this section. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

Entry clearance officers must refer to their internal referral guidance.

Refusal paragraph	Refusal paragraph under part V3 for visitors	When entry clearance must be refused	Refer before you refuse?
320(1)	V 4.2(c)	The applicant is seeking entry for a purpose not covered by the rules	No
320(2)(a)	V 3.2(b)	The applicant is the subject of a deportation order	No
320(2)(b)	V 3.4(a)	The applicant has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years	No
320(2)(c)	V 3.4(b)	The applicant has been convicted of an offence for which they have been sentenced to a period of at least 12 months but less than four years unless a period of 10 years has passed since the end of the sentence	No
320(2)(d)	V 3.4(c)	The applicant has been convicted of	No

does not apply			an offence for which they have been to a period of imprisonment of less than 12 months, unless a period of five years has passed since the end of the sentence			
	320(3)	V 3.12(a)	The applicant has not produced a valid passport	No		
	320(6)	V 3.2(a)	The Secretary of State has personally directed that the applicant's exclusion from the UK is conducive to the public good	No		
	320(7A)	V 3.6	The applicant has: • made false representations or submitted false documents or information: ○ whether or not material to the application ○ whether or not to the applicant's knowledge, and ○ despite the applicant's age or category of visa sought • the applicant has not disclosed material facts You should also consider whether paragraph 320(11) applies (or paragraph V 3.7 of Appendix V for visitors).	Yes – refer to the entry clearance manager		
	320(7B)	V 3.7-11	The applicant has previously breached UK immigration laws (and was 18 or over at the time or the most recent breach) by:	Yes – refer to the entry clearance manager		

				• overstaying • breaching a condition attached to their leave • being an illegal entrant • using deception in an application for a visa, leave to enter or leave to remain unless the applicant: • overstayed for 30 days or less, or 90 days or less if the overstaying began before 6 April 2017, and left the UK voluntarily, not at the expense of the Secretary of State (whether directly or indirectly), subject to the exceptions specified at the bottom of this section • used deception in an application for entry clearance more than 10 years ago • left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State, more than 12 months ago • left the UK voluntarily, at the expense (directly or indirectly) of the Secretary of State, more than two years ago, and the date the person left the UK was no more than 6 months after the date on which the person was given notice of the removal decision, or			

				no more than 6 months after the date on which the person no longer had a pending appeal, whichever is the later • left the UK voluntary at the expense of the Secretary of State (directly or indirectly), more than 5 years ago • was removed or deported from the UK more than 10 years ago • left or was removed from the UK as a condition of a caution issued in accordance with s.134 Legal Aid, Sentencing and Punishment of Offenders Act 2012 more than 5 years ago For the purpose of paragraph 320(7B) of the rules 'removal decision' means: • a decision to remove in accordance with section 10 of the Immigration and Asylum Act 1999 • a decision to remove an illegal entrant by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 • a decision to remove in accordance with section 47 of the Immigration, Asylum and Nationality Act 2006 Pending appeal has the same meaning as in section 104 of the Nationality,			

				Immigration and Asylum Act. • left the UK voluntarily at the expense of the Secretary of State (directly or indirectly), more than 5 years ago • was removed from the UK more than 10 years ago • was unaware that the documents submitted or representations made were false • was previously issued a visa in the knowledge of the immigration breach • was in the UK illegally on or after 17 March 2008 and left the UK before 1 October 2008 • was refused leave to remain as a student solely on the basis that they made an out of time application • has been accepted by the Home Office as a victim of trafficking When determining whether a re-entry ban applies because of paragraph 320 (7B) the period of overstaying must be calculated in line with the interpretation of overstaying under paragraph 6 of the Immigration Rules. 'Overstayed' or 'overstaying' means the applicant has stayed in the UK beyond the latest of the:			

				• time limit attached to the last period of leave granted • period their leave was extended under sections 3C or 3D of the Immigration Act 1971 • date an applicant receives a 'notice of invalidity' which tells them their application, provided the application was submitted before the time limit attached to the last period of leave, has expired For the purposes of calculating the period of overstaying specified at the top of this section, the following will be disregarded: • overstaying of up to 28 days, where, prior to 24 November 2016, an application for leave to remain was made during that time, together with any period of overstaying pending the determination of that application and any related appeal or administrative review • overstaying in relation to which paragraph 39E of the Immigration Rules (concerning out of time applications made on or after 24 November 2016) applied, together with any			

				period of overstaying pending the determination of any related appeal or administrative review • overstaying arising from a decision of the Secretary of State which is subsequently withdrawn, quashed, or which the Court or Tribunal has required the Secretary of State to reconsider in whole or in part, unless the challenge to the decision was brought more than three months from the date of the decision			
	320(7D)	V 3.12(b)(i)	Failure to comply with a request made on behalf of the entry clearance officer to attend for interview without providing a reasonable explanation.				
	-	V 3.12(b)(ii-iv)	Failure to do the following without reasonable excuse are mandatory grounds for refusal for visitors: • (ii) provide information • (iii) provide biometrics • (iv) undergo a medical examination or provide a medical report				

General grounds for refusal

Entry for a purpose not covered by the rules

Entry for purpose not covered by the rules Deportation order or conviction Overseas criminal record certificates: no longer GGFR Failure to produce valid passport or travel documentation Exclusion by Secretary of State Deception Document examination (DER) and verification reports (DCR) EEA family permits Previous breach of UK Immigration Rules Paragraph 320(7B) does not apply	This page contains guidance for entry clearance officers on what to consider when an applicant is applying for entry clearance in a category which is not covered by the Immigration Rules. This relates to general grounds for refusal under paragraph 320(1) of the rules. For visitors, permitted activities are covered by appendices 3-4 of Appendix V and prohibited activities are covered under V 4.5-10. Applicants who are coming to do a prohibited activity must be refused under paragraph V 4.2(c). For more information on refusing entry clearance and refusal wording, see: • refusing entry clearance: general guidance • refusal wording Entry clearance officers must refer to their internal referral guidance.	

General grounds for refusal

Deportation order or conviction

Entry for purpose not covered by the rules

Deportation order or conviction

Overseas criminal record certificates: no longer GGFR

Failure to produce valid passport or travel documentation

Exclusion by Secretary of State

Deception

Document examination (DER) and verification reports (DCR)

EEA family permits

Previous breach of UK Immigration Rules

Paragraph 320(7B) does not apply

This page contains guidance for entry clearance officers on what to consider when an applicant who is applying for entry clearance is the subject of a deportation order or has a criminal conviction.

This relates to general grounds for refusal under paragraph 320(2)(a)-(d) of the rules. For visitors, refuse under V 3.2(b) (deportation order) and V 3.4 (criminal convictions) of Appendix V.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out on this page. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

Deportation
When you identify an applicant as the subject of a deportation order, you must refuse them entry clearance under paragraph 320(2)(a). Before you refuse, you must check paragraph 389. This is because a person who has been deported as a family member may be able to seek to return to the UK, without applying for revocation, if:

- a child reaches 18
- In the case of a spouse or civil partner, the marriage or civil partnership comes to an end

For more information on revoking deportation orders see the International group deportee guidance.

Criminal offences
You must refuse entry clearance to an applicant who has been convicted of a criminal offence for which they have been sentenced to a period of imprisonment of:

	• at least 4 years, under paragraph 320(2)(b) • at least 12 months, but less than 4 years, unless a period of 10 years has passed since the end of the sentence, under paragraph 320(2)(c) • less than 12 months, unless a period of 5 years has passed since the end of the sentence, under paragraph 320(2)(d) Where any of the refusal reasons in paragraph 320(2)(a)-(d) applies, you should remember that it is in the public interest that foreign criminals are prevented from entering the UK. It is a fundamental aim of Home Office policy to protect the public in the UK. However, on rare occasions the most compelling circumstances may arise in which it is necessary to consider making an exception despite the mandatory nature of paragraphs 320(2), S-EC.1.4, AF8(d) and V3.4. Exceptions will fall into one of the following 3 categories: • failing to grant entry would be a breach of the UK's obligations under the European Convention on Human Rights (ECHR) • there are exceptional circumstances that mean entry must be granted despite the conviction • an applicant's conviction is for an offence not recognised in the UK • For more information on refusing entry clearance and refusal wording, see: • refusing entry clearance: general guidance • refusal wording	

General Grounds for Refusal

Overseas criminal record certificates: No longer a GGFR

Entry for purpose not covered by the rules

Deportation order or conviction

Overseas criminal record certificates: no longer GGFR

Failure to produce valid passport or travel documentation

Exclusion by Secretary of State

Deception

Document examination (DER) and verification reports (DVR)

EEA family permits

Previous breach of UK Immigration Rules

Paragraph 320(7B) does not apply

This page contains guidance for entry clearance officers on the requirement for certain visa applicants to provide an overseas criminal record certificate (OCRC).

From 1 September 2015, entry clearance applicants under the Tier 1 (Entrepreneur) and Tier 1 (Investor) routes, and from 6 April 2017, entry clearance applicants under the Tier 2 (General) route working in the health, social and education sectors, must provide an overseas criminal record certificate for any country they have resided in continuously or in total for 12 months or more, in the last 10 years before their application, while aged over 18 years. The requirement also now applies to a person seeking entry clearance as the partner of a person who is seeking, or has been granted, entry clearance or leave to remain as a Tier 1 (Entrepreneur), Tier 1 (Investor), or a Tier 2 (General) migrant employed in the health, social or educational sectors. It is expected that this requirement will be extended to other appropriate routes over time.

With effect from 6 April 2017, the overseas criminal certificate requirement has been moved from the General Grounds for Refusal and is now listed as one of the substantive criteria that those applying under the following routes must meet:

- Tier 1 (Entrepreneur): Paragraph 245DB(r) and (s)
- Tier 1 (Investor): Paragraph 245EB(f) and (g)
- Tier 2 (General – health/social/education: Paragraph 245HB(q) and (r)
- PBS Dependants: Paragraph 319C(k – m)

For full guidance on OCRCs, see criminal record certificate.

General grounds for refusal

Failure to produce a valid passport or travel document

Entry for purpose not covered by the rules Deportation order or conviction Overseas criminal record certificates: no longer GGFR Failure to produce valid passport or travel documentation Exclusion by Secretary of State Deception Document examination (DER) and verification reports (DCR) EEA family permits Previous breach of UK Immigration Rules Paragraph 320(7B) does not apply	This page contains guidance for entry clearance officers on what to consider when an applicant who is applying for entry clearance does not produce a valid passport or travel document. This relates to general grounds for refusal under paragraph 320(3) of the rules. For visitors, refuse under paragraph V 3.12(a) of Appendix V. When an applicant does not give a valid national passport or other document which satisfactorily proves their identity and nationality, you must refuse their application under paragraph 320(3). For more information on acceptable travel documents, see: Travel Documents. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Exclusion by Secretary of State

Entry for purpose not covered by the rules Deportation order or conviction Overseas criminal record certificates: no longer GGFR Failure to produce valid passport or travel documentation Exclusion by Secretary of State Deception Document examination (DER) and verification reports (DCR) EEA family permits Previous breach of UK Immigration Rules Paragraph 320(7B) does not apply	This page contains guidance for entry clearance officers on what to do when checks show that a non European Economic Area (EEA) applicant applying for entry clearance has been, or may be, excluded from the UK at the personal direction of the Secretary of State. This relates to general grounds for refusal under paragraph 320(6) of the rules. Entry clearance officers must refuse any application under 320(6) of the Immigration Rules. For visitors, refuse under paragraph V3.2(a) of Appendix V. **Official sensitive: start of section** The information on this page has been removed as it is restricted for internal Home Office use. The information on this page has been removed as it is restricted for internal Home Office use.	

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General grounds for refusal

Deception

This section contains guidance for entry clearance officers on what to consider when an applicant applying for entry clearance has used deception in their application.

This relates to general grounds for refusal under paragraph 320(7A) of the rules. For visitors, refuse under paragraph V 3.6 of Appendix V.

You must refuse an application under paragraph 320(7A) (V3.6 for visitors) when an applicant has, in their current application:

- made false representations
- submitted false documents or information
- not disclosed material facts

in relation to the application for leave or to get a document from the Secretary of State or a third party required in support of the application.

You must refuse entry clearance even if the applicant does not know that their representations or documents are false.

You should also consider whether it is appropriate to refuse the applicant under paragraph 320(11) when the applicant has 'previously contrived in a significant way to frustrate the intentions of the Immigration Rules.' For visitors, you must use paragraph V 3.8.

For more information see related link: Contriving to frustrate the intentions of the rules.

Standard of evidence
To refuse under paragraph 320(7A) you must have evidence to prove that the

In this section

Related links

	applicant has lied or submitted a false document. The legal standard of proof is 'balance of probabilities', which means it is more likely than not that the applicant has made false representations, submitted false documents or information or failed to disclose material facts. It is not appropriate to refuse under paragraph 320(7A) simply because you are not satisfied that the applicant has given correct information or because of typographical mistakes in their application. For example, when an applicant has given an incorrect postcode when asked or misspelt a name on their application form. For information on document verification and refusal on the ground that a false document has been submitted, see the Document verification guidance. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Deception: false representations and information

[Entry for purpose not covered by the rules]

[Deportation order or conviction]

[Overseas criminal record certificates: no longer GGFR]

[Failure to produce valid passport or travel documentation]

[Exclusion by Secretary of State]

[Deception]

[Document examination (DER) and verification reports (DCR)]

[EEA family permits]

[Previous breach of UK Immigration Rules]

[Paragraph 320(7B) does not apply]

This page explains what to consider when an applicant applying for entry clearance has made false representations or given false information.

This relates to general grounds for refusal under paragraph 320(7A) of the rules. For visitors, refuse under paragraph V 3.6 of Appendix V.

False representation is when an applicant or third party lies or makes a false statement in an application. This could be in writing or orally when you interview the applicant or third party. You must refuse such an application under paragraph 320(7A), even if:

- the false representation is not relevant to the application or your decision
- where the false representation was made by a third party, the applicant did not know, or claims not to know, that false representations have been used

However, you must not refuse an applicant just because you think that incorrect information has been provided or because of mistakes in the application. For example, the applicant has given an incorrect postcode or misspelt a name on their application form.

You must be satisfied that deception has been used and/or the applicant intended to deceive. You must consider whether there may be a plausible innocent explanation for providing incorrect information.

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[Deception - false documents]

[Deception: material facts not disclosed]

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	When an applicant has submitted false information to get a Tier 2 or 5 certificate of sponsorship under the points-based system you must refuse their application under paragraph 320(7A). For example, the passenger lied to the sponsor about their qualifications or work experience. For information on document verification and refusal on the ground that a false document has been submitted, see the Document verification guidance. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Deception: false documents

Entry for purpose not covered by the rules Deportation order or conviction Overseas criminal record certificates: no longer GGFR Failure to produce valid passport or travel documentation Exclusion by Secretary of State Deception Document examination (DER) and verification reports (DCR) EEA family permits Previous breach of UK Immigration Rules Paragraph 320(7B) does not apply	For information on document verification and refusal on the ground that a false document has been submitted, see the Document verification guidance.	**In this section** Deception: false representations and information Deception: material facts not disclosed **Related links** Grounds for refusal

General grounds for refusal

Deception: material facts not disclosed

Entry for purpose not covered by the rules

Deportation order or conviction

Overseas criminal record certificates: no longer GGFR

Failure to produce valid passport or travel documentation

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Deception

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EEA family permits

Previous breach of UK Immigration Rules

Paragraph 320(7B) does not apply

This page explains what to consider when an applicant applying for entry clearance has not disclosed material facts.

This relates to general grounds for refusal under paragraph 320(7A) of the rules. For visitors, refuse under paragraph V 3.6 of Appendix V.

You must refuse an application under paragraph 320(7A) when an applicant does not disclose a fact that is material (relevant) to your decision to grant entry clearance or to get a document from the Secretary of State or a third party needed to support the application. To do so, you must be able to prove that the information the applicant withheld is relevant to your decision.

You cannot refuse an applicant on these grounds if you have not told them the kind of information which is relevant to their application or it is not clear from the application form and guidance. The applicant does not have to give information unless you tell them what kind of information is material to their application.

For more information on refusing entry clearance and refusal wording, see related links:

- Refusing entry clearance: general guidance
- Refusal wording

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Deception: false representations and information

Deception: false documents

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General grounds for refusal

Document examination (DER) and document verification reports (DVR)

Entry for purpose not covered by the rules Deportation order or conviction Overseas criminal record certificates: no longer GGFR Failure to produce valid passport or travel documentation Exclusion by Secretary of State Deception Document examination (DER) and verification reports (DCR) EEA family permits Previous breach of UK Immigration Rules Paragraph 320(7B) does not apply	For information on document verification and refusal on the ground that a false document has been submitted, see the Document verification guidance.	**External links** Immigration Rules: General grounds for refusal - paragraph 320 Part V3 of Appendix V of the Immigration Rules International group appeals guidance

General grounds for refusal

European Economic Area family permits

This page explains how to treat applicants who apply for entry clearance on a European Economic Area (EEA) family permit under the Immigration EEA Regulations 2016.

This relates to general grounds for refusal under paragraphs 320(7A) and 320(7B) of the rules.

You cannot refuse an applicant who is a non-EEA family member under paragraph 320(7A) or 320(7B) if they are applying for entry clearance under the Immigration EEA Regulations 2016. This is because such applications are not covered by the Immigration Rules.

However, if the applicant is applying under the Immigration Rules, for example as a visitor, you can refuse them on general grounds

For more information on EEA family permits see: International group EEA family permits guidance.

External links

Part V3 of Appendix V of the Immigration Rules

General grounds for refusal

Previous breach of UK Immigration Rules

This section explains what to consider when an applicant applying for entry clearance has previously breached UK immigration laws.

This relates to general grounds for refusal under paragraph 320(7B) of the rules. For visitors, refuse under paragraphs V 3.7-11 of Appendix V.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out in this section. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

When an applicant has breached UK immigration laws in one or more of the following ways (and was 18 or over at the time of their most recent breach) and is applying for entry clearance within the periods set out below, you must refuse their application under paragraph 320(7B):

- overstayed (unless they overstayed for 30 days or less, or 90 days or less if the overstaying began before 6 April 2017, and left the UK voluntarily and not at public expense, subject to the exceptions set out in the paragraph below
- breached a condition attached to their leave
- been an illegal entrant (note that the statutory definition of 'illegal entrant' includes those who have attempted to enter illegally)
- used deception in an application for entry clearance or leave to enter or remain, or to obtain documents from the Secretary of State or a third party required in support of the application (whether the application was successful or not)

For the purposes of calculating the period of overstaying specified in the paragraph above, the following will be disregarded:

- overstaying of up to 28 days, where, prior to 24 November 2016, an

application for leave to remain was made during that time, together with any period of overstaying pending the determination of that application and any related appeal or administrative review

- overstaying in relation to which paragraph 39E of the Immigration Rules (concerning out of time applications made on or after 24 November 2016) applied, together with any period of overstaying pending the determination of any related appeal or administrative review;
- overstaying arising from a decision of the Secretary of State which is subsequently withdrawn, quashed, or which the Court or Tribunal has required the Secretary of State to reconsider in whole or in part, unless the challenge to the decision was brought more than three months from the date of the decision

When one or more of the above conditions are met, you must refuse entry clearance if they apply within the following periods (when the relevant breach took place in the UK, the start date for calculating the ban period is the date the applicant left the UK):

- one year if they left the UK voluntarily (not at public expense) – where they were refused at port, they must have followed all conditions imposed by the port (such as temporary admission conditions) and then been removed at the carrier's expense, to qualify for only a one year ban
- 2 years if they left the UK voluntarily, at public expense, no more than 6 months after the date on which they were given notice of their removal decision, or no more than 6 months after the date on which they exhausted their appeal rights against that decision, whichever is the later
- 5 years if they left the UK voluntarily, at public expense
- ten years if they were removed from the UK at public expense
- 10 years if they used deception (which includes using false documentation) in support of a previous application for entry clearance, leave to enter or remain, or in order to obtain documents required in support of an application
- 5 years if they left or were removed from the UK as a condition of a caution issued in line with section 22 of the Criminal Justice Act 2003

	When the applicant has breached more than one of the UK's immigration laws, you must only take into account the breach which leads to the longest period of absence from the UK. Before you refuse an applicant under paragraph 320(7B), you must check if they are applying in a category which is free from this rule under paragraph A320, B320 or 320(7B). For more information see link on left: Paragraph 320(7B) does not apply. You need to be satisfied that deception has been used and/or the applicant intended to deceive about a previous breach. This will mainly relate to how the applicant has completed the questions about previous visa refusals or the grant or refusal of leave to remain (LTR) on the visa application form (VAF). **Official sensitive: start of section** The information on this page has been removed as it is restricted for internal Home Office use. The information on this page has been removed as it is restricted for internal Home Office use.	

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When the applicant left the UK voluntarily at public expense, you must find out whether a 2 year or 5 year mandatory re-entry ban applies depending on whether or not they left more than 6 months after their removal decision or more than 6 months after they exhausted their subsequent appeal rights.

In some circumstances, the 6 month time frame in which a person must depart to benefit from a 2 year ban, rather than a 5 year ban, may be re-set to start again. The 6 month clock will have been re-set where:

- the removal decision was substituted for a new decision where a fault was found with the original decision
- the applicant was appeal rights exhausted, but then lodged an out-of-time notice of appeal with the Tribunal seeking an extension of that time limit and the Tribunal extended the time limit – in these circumstances, the applicant will be subject to a 2 year re-entry ban where they left the UK voluntarily at public expense no more than 6 months after the date on which their subsequent out-of time appeal was eventually dismissed
- the applicant made further submissions to the Secretary of State which, following consideration under paragraph 353 of the Immigration Rules, were refused but were found to constitute a fresh claim – in these circumstances, the applicant will be subject to a 2 year re-entry ban where they left the UK voluntarily at public expense no more than 6 months after the date of their latest removal decision or no more than 6 months after the date on which they no longer had a pending appeal against that decision, whichever is the later
- the applicant made further submissions to the Secretary of State which were only determined more than 12 months after their submission – in these circumstances, the applicant will be subject to a 2 year re-entry ban where

	they left the UK voluntarily at public expense no more than 6 months after the date on which the further submissions were determined and found not to constitute a fresh claim For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording Entry clearance officers must refer to their internal referral guidance for more information on referring cases.	

General grounds for refusal

Paragraph 320(7B) does not apply

Entry for purpose not covered by the rules

Deportation order or conviction

Overseas criminal record certificates: no longer GGFR

Failure to produce valid passport or travel documentation

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Previous breach of UK Immigration Rules

Paragraph 320(7B) does not apply

This page explains when you must not refuse an applicant under paragraph 320(7B). For visitors, you must not refuse under paragraph V 3.7-11 of Appendix V.

Paragraph A320 states an applicant cannot be refused under paragraph 320(7B) if they apply for entry clearance, leave to enter and/or remain as a family member under Appendix FM.

Paragraph B320 states an applicant cannot be refused under paragraph 320(7B) if they apply for entry clearance, leave to enter and/or remain under appendix armed forces.

Paragraph 320(7B) also states it only applies where the applicant was aged 18 or over at the time of their most recent breach of the UK's immigration laws.

In addition, you must not refuse entry clearance under paragraph 320(7B) if:

- they used false documents or made false representations in a previous visa or leave to enter or remain application, but the applicant was not aware that the documents or representations were false – this only applies if the applicant can prove they were unaware of the deception
- the period specified for automatically refusing applications has come to an end
- after a person has breached UK immigration laws, the Home Office have given a visa or leave to enter or remain in the knowledge of that breach – for example, a student who has overstayed but was granted leave to enter following an out of time application

Concessions outside the Immigration Rules
You must not refuse an applicant under paragraph 320(7B) if the applicant:

- has been accepted by the Home Office as a victim of trafficking

In this section

Standard of proof

Removals and voluntary assisted returns

Working holiday makers: working in breach

Related links

Contriving to frustrate the intentions of the rules

External links

Immigration Rules: Family members paragraphs 277 to 319

Immigration Rules: paragraph 352

Immigration Rules paragraph 246

- was in the UK illegally on or after 17 March 2008 and left the UK voluntarily before 1 October 2008

Victims of trafficking
As an entry clearance officer, you are not likely to see many cases where victims of trafficking apply for entry clearance. If an applicant states that the Home Office has accepted them as a victim of trafficking, you must contact evidence and enquiries section using the Home Office Referrals process to check the information.

Entry clearance officers must refer to their internal referral guidance for more information on referrals.

17 March 2008 concession
This concession only applies to voluntary departures, whether or not at public expense. It does not apply when the person was removed or deported from the UK. If an applicant has previously been issued with a notice identifying him as an immigration offender (form IS151A) or a decision has been made to remove him (form IS141A part 2 or IS151B), the applicant may still have left the UK voluntarily. You must be satisfied that the immigration offender was actually removed before you decide that the concession does not apply.

Students refused leave to remain after 1 September 2007
You must not refuse an applicant under paragraph 320(7B) for overstaying in the UK if they were refused leave to remain as a student solely on the basis that they had made an out of time application.

Paragraph 320(11)
If an applicant has previously breached the immigration laws but is applying in a category which is exempt from paragraph 320(7B), you must consider whether it is appropriate to refuse the application under paragraph 320(11). For more information see related link: Contriving to frustrate the intentions of the rules.

For more information on refusing entry clearance and refusal wording, see:

	• Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Standard of proof

Previous breach of UK Immigration Rules	This page explains the standard of evidence you need when you refuse an applicant entry clearance on general grounds under paragraph 320(7B) of the rules. For visitors refuse under paragraphs V 3.9 of Appendix V. When you check whether an applicant has breached a condition attached to their leave, you must first review the relevant guidance and Immigration Rules for that entry clearance category. To refuse under paragraph 320(7B), you must have good evidence that the applicant has previously breached the UK immigration law. The legal standard of proof that applies is 'balance of probabilities'. This means you must be satisfied that it is more likely than not that they have breached UK immigration law. An example of when this test is met is when our records show that an applicant made a voluntary departure on a date 6 months after their leave expired. There is no evidence to suggest the applicant departed on a different date. On the balance of probabilities the evidence proves that the applicant has overstayed. **Deception** When an applicant has previously breached immigration law by using deception, they may claim that they were unaware that the document or information they gave was false, or that the fact they did not disclose was material. You must consider whether, on the balance of probabilities, the applicant knew they were submitting a false document, providing false information or failing to disclose a material fact. You must take account of all relevant facts and evidence about the potential deception, including the credibility of any explanation offered by the applicant. For information on assessing whether deception has occurred when a false document has been submitted, see the Document verification guidance. In cases where our earlier decision was overturned on appeal, you must look at the determination to see if it overturned our finding that deception was used. If it did,	**In this section** Paragraph 320(7B) does not apply Removals and voluntary assisted returns Working holiday makers: working in breach

	then you must not apply paragraph 320(7B) to future applications. If the determination is not available, then you must give the applicant the benefit of the doubt and assume that our decision on this point was overturned. For more information on refusing entry clearance and refusal wording, see related links: • Refusing entry clearance: general guidance • Refusal wording Entry clearance officers must refer to their internal referral guidance.	

General grounds for refusal

Removals and assisted voluntary returns

Previous breach of UK Immigration Rules	This page explains how long you must refuse an applicant for if they have been removed from the UK or left by assisted voluntary return (AVR). This relates to general grounds for refusal under paragraph 320(7B) of the rules. For visitors, refuse under paragraphs V 3.10 of Appendix V. **Removals** An applicant who has previously breached UK immigration laws and has been removed will then have future applications refused for 10 years. If an applicant has previously been given a notice identifying them as an immigration offender (form IS.151A), the applicant may still have left the UK voluntarily. In such cases the applicant's future applications must be refused under paragraph 320(7B) for 1, 2 or 5 years. Applicants who have been refused or removed at port of entry are only subject to a one year ban if they have fully complied with the terms and conditions placed on them by the refusing port. **Assisted voluntary returns at public expense** An applicant who has previously breached UK immigration laws and who left the UK voluntarily at public expense through either an assisted voluntary return or assisted voluntary return for irregular migrants, will have future applications refused for 2 or 5 years. For applicants who returned under the voluntary assisted returns and re-integration programme, you must be satisfied that the applicant has breached UK immigration laws. If this is the case, they will also have future applications refused for 2 or 5 years. For more information on refusing entry clearance and refusal wording, see related	**In this section** Paragraph 320(7B) does not apply Standard of proof Working holiday makers: working in breach

	links: • Refusing entry clearance: general guidance • Refusal wording Entry clearance officers must refer to their internal referral guidance.	

General grounds for refusal

Working holidaymakers: working in breach

Previous breach of UK Immigration Rules	This page explains what to consider when you suspect an applicant of having breached the conditions of their leave as a working holidaymaker. This relates to general grounds for refusal under paragraph 320(7B) of the rules. A working holidaymaker will breach their conditions if they work in the UK for more than 12 months. You cannot refuse an applicant under paragraph 320(7B) if they previously worked in the UK for 12 months or less as a working holidaymaker. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording Entry clearance officers must refer to their internal referral guidance.	**In this section** Paragraph 320(7B) does not apply Standard of proof Removals and voluntary assisted returns **External links** Part V3 of Appendix V of the Immigration Rules

General grounds for refusal

Failure to attend an interview

Previous breach of UK Immigration Rules	This page explains when you must refuse an applicant if they fail to attend an interview on request. This relates to general grounds for refusal under paragraph 320(7D) of the rules. For visitors, refuse under paragraph V 3.12(b)(i) of Appendix V. An entry clearance officer may ask an applicant to attend an interview. If the applicant fails to attend without good reason you must refuse the application under paragraph 320(7D) of the Immigration Rules. The burden of proof is on the applicant to show they have a good reason for failing to attend the interview. It will only be in rare cases that the applicant has a good reason not to attend. An example of a good reason may be where the applicant can provide satisfactory medical evidence to show they were too ill to attend, and is willing to attend an interview on another date as soon as they have recovered. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording Entry clearance officers must refer to their internal referral guidance.	**In this section** Paragraph 320(7B) does not apply Standard of proof Removals and voluntary assisted returns

General grounds for refusal

Entry clearance: discretionary refusals

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good

This page lists the discretionary general grounds for refusal under paragraph 320 of the Immigration Rules (or, for visitors, part V3 of Appendix V). It also sets out when you must refer an application before you refuse entry clearance.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out in this section. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

Refusal paragraph	**Refusal paragraph under part V3 for visitors**	When you should normally refuse entry clearance	Refer before you refuse?
320(8A)	V 3.12(b)(ii) and (iv) – note this is now a mandatory ground for visitors	The applicant is outside the UK and does not supply documents or medical report.	No
320(9)	-	The applicant does not meet the requirements of a returning resident.	No
320(10)	V 3.12(a)	The applicant does not produce a valid passport or travel document – the state is not recognised by the UK government.	No
320(11)	V 3.8	The applicant has been in breach of the Immigration Rules and 'contrived in a significant way to undermine the intentions of the Immigration Rules.' This means when there are aggravating grounds and the	Yes - refer to the entry clearance manager

Related links

How to refer or defer an application

Contacts for referred and deferred cases

		applicant has previously: • been an illegal entrant (including those who have attempted to enter illegally) • overstayed • breached a condition attached to their leave, or used deception in a previous application for entry clearance, leave to enter or leave to remain	
320(13)	V 3.16	The applicant has not satisfied you that they will be admitted to another country after a stay in the UK.	No
320(14)	V 4.4	The applicant's sponsor refuses to state in writing that they will maintain and accommodate the applicant	No
320(16)	V 4.12	An applicant under the age of 18, has not provided you with the written consent of their parent(s) or guardian.	No
320(18A)	V 3.5(a)	The applicant 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 within the 12 months prior to the date on which the application is decided,	
320(18B)	V 3.5(b-c)	In the view of the Secretary of State: • the applicant's offending has caused serious harm, or • the applicant is a persistent offender who shows a particular	Yes - refer to the entry clearance manager

		disregard for the law.	
320(19)	V 3.3	Refusing the applicant entry to the UK is conducive to the public good. For example, because of the applicant's character, conduct or associations, it is undesirable to give them entry clearance.	Yes - refer to the entry clearance manager
320 (22)	V 3.14	Refusing the applicant or applicant's entry clearance to the UK where one or more relevant National Health Service (NHS) bodies have notified the Secretary of State that the person seeking entry or leave to enter has an outstanding healthcare debt or cumulative debt: • of £1000 or more incurred between 1 November 2011 and 5 April 2016 • debts of £500 or more incurred on or after 6 April 2016 • further charges after 6 April 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000	No
NHS debt: Refusal under Appendix FM and		Refusing the applicant or applicant's entry clearance to the UK where one or more relevant National Health Service (NHS) bodies have notified	

	Appendix Armed Forces		the Secretary of State that the person seeking entry or leave to enter has an outstanding healthcare debt or cumulative debt: • of £1000 or more incurred between 1 November 2011 and 23 November 2016 • debts of £500 or more incurred on or after 24 November 2016 • further charges after 24 November 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000		
	320(23) Paragraph S-EC.3.1 of Appendix FM Paragraph 10A of Appendix Armed Forces	V3.14A	Where the applicant has failed to pay litigation costs awarded to the Home Office. For information on how to consider cases when the applicant owes a litigation debt, see the separate Litigation debt guidance.		

General grounds for refusal

Required information not provided

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This section contains guidance for entry clearance officers on what to do when an applicant has applied for entry clearance but does not give you documents or medical reports that are relevant (material) to the application. This relates to general grounds for refusal under paragraph 320(8A). When an applicant does not give you any information, documents or medical reports you have requested, depending on the circumstances you may refuse their application under the discretionary powers contained in paragraph 320(8A). For visitors this relates to paragraph V 3.12(b)(ii) -(iv) of appendix V. When an applicant does not give you information, documents or medical reports you have requested, you must refuse their application unless they have a reasonable excuse. Guidance on dealing with applications from customers exempt from providing biometric information can be found in the following documents: For **in country operations**, see Biometric information on Horizon. For **international operations**, see Biometric information on Sharepoint. For more information on refusing entry clearance and refusal wording, see related links: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Returning resident: paragraph 18 not met

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This section contains guidance for entry clearance officers on what to consider when a returning resident does not meet the rules for entry clearance as a returning resident. This relates to general grounds for refusal under paragraph 320(9) of the rules. A returning resident who seeks entry clearance as a returning resident must satisfy you that they: • had indefinite leave to enter or remain in the UK when they last left the UK • have not been away from the UK for longer than 2 years • did not receive assistance from public funds towards the cost of leaving the UK – for example, they made a voluntary departure • are seeking admission for the purpose of settlement This is set out in paragraph 18 of the Immigration Rules. When an applicant does not meet these requirements, you should refuse their application under paragraph 320(9). However, if the returning resident has been away from the UK for more than 2 years, you must first consider whether you can admit them under paragraph 19. For more information see: International group returning residents guidance. For more information on refusing entry clearance and refusal wording, see related links: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Returning resident away for more than 2 years

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This page explains what to consider when a returning resident applying for entry clearance has been away from the UK for more than 2 years. This relates to general grounds for refusal under paragraph 320(9). Paragraph 19 of the Immigration Rules allows you to approve a returning resident who has been away from the UK for more than 2 years if they have strong ties with the UK. To check whether the applicant has strong ties, you must consider: • how long they lived in the UK • the time they have been outside the UK • the reason they have been away for more than 2 years – was it through choice or was it out of their control (for example, did they have to care for an elderly relative?) • the reason for leaving the UK and why they now wish to return • the family ties they have in the UK – how close are those ties and how have they been kept up? • do they have a home in the UK and would they live there if they were let back into the UK? The longer an applicant has been away from the UK, the more difficult it will be for them to prove that they still have strong ties here. Examples of why a returning resident may have been away for more than 2 years: • their employer needed them to work overseas – they are now transferring back to the UK to work for the same employer • they have served abroad for:	**External links** International group returning residents guidance

	○ the UK government ○ as a dependant of a member of Her Majesty's forces ○ as an employee of a quasi-governmental body ○ a British company ○ a United Nations organisation • they have worked abroad in the public service of a friendly country but could not reasonably be expected to settle permanently in that country • they have studied abroad for a long time but wish to rejoin their family having finished their studies • they have had a long period of medical treatment abroad which is not available in the UK For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

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

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good

This page contains guidance for entry clearance officers on what to consider when an applicant seeks entry clearance with the passport of an authority, or other unacceptable travel document which is not recognised by the UK government.

This relates to general grounds for refusal under paragraph 320(10) of the rules. For visitors, this rule has been included in Appendix V as part of the definition of travel document (linked to paragraph V 3.12(a)). This guidance continues to apply.

The following travel documents are not recognised by the UK government:

- Turkish Republic of Northern Cyprus documents
- Republic of China (Nationalist China – Taiwan) passports
- Somali Passports
- Yemen (Royalist authorities) documents
- Iraq (S-, M- and N- series passports)
- South African temporary passports

You must not put a UK entry clearance vignette in a passport or travel document that is issued by a state not recognised by Her Majesty's government (HMG). This includes documents issued by the Turkish Republic of Northern Cyprus or Yemen (Royalist authorities).

However, this does not mean that you cannot grant entry clearance to the holders of such documents. If the applicant meets requirements of the Immigration Rules, you may issue entry clearance on a European Union (EU) uniform format form (EU UFF)).

For more information see the travel documents guidance on GOV.UK.

Taiwan

	You can put a UK entry clearance in ordinary Taiwanese passports but not in diplomatic or official Taiwanese passports. In such cases, you must use an EU uniform format form. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Contriving to frustrate the intentions of the rules

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good
	This page contains guidance for entry clearance officers on what to consider when an applicant for entry clearance has previously breached the Immigration Rules and there are aggravating circumstances.
	
	This relates to general grounds for refusal under paragraph 320(11) of the rules when the person has previously contrived in a significant way to frustrate the intentions of the rules. For visitors this relates to paragraph V 3.8 of Appendix V.
	
	The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out on this page. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.
	
	When an applicant has previously breached the Immigration Rules and/or received services or support to which they were not entitled you must consider refusing the application. When these circumstances are also aggravated by other actions with the intention to deliberately frustrate the rules, you must refuse entry clearance under paragraph 320(11).
	
	This means when an applicant has done one or more of the following:
	
	• been an illegal entrant
	• overstayed
	• breached a condition attached to their leave
	• used deception in a previous application
	• obtaining:
	  ○ asylum benefits
	  ○ state benefits
	  ○ housing benefits
	  ○ tax credits
	  ○ employment	

	○ goods or services ○ National Health Service (NHS) care using an assumed identity or multiple identities or to which not entitled and there are aggravating circumstances, such as: • absconding • not meeting temporary admission/reporting restrictions or bail conditions • failing to meet the terms of removal directions after port refusal of leave to enter or illegal entry • previous working in breach on visitor conditions within short time of arrival in UK (indicating a deliberate intention to work) • receiving benefits, goods or services when not entitled • using an assumed identity or multiple identities • getting NHS care to which they are not entitled • attempting to prevent removal from the UK, arrest or detention by Home Office or police • escaping from Home Office detention • switching nationality • troublesome or frivolous applications • not meeting the terms of the re-documentation process • taking part, attempting to take part, or facilitating, in a sham marriage or marriage of convenience • harbouring an immigration offender • people smuggling or helping in people smuggling This is not a complete list of offences. You must consider all cases on their merits and take into account family life in the UK and, if the applicant is a child, the level of responsibility for any breach. Before you decide to refuse under this paragraph, you must refer your decision to an entry clearance manager (ECM) to be authorised. For more information on refusing entry clearance and refusal wording, see:	

	• Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

No ability to return or be accepted elsewhere

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This page contains guidance for entry clearance officers on what to consider when an applicant cannot be let back in to their home country or another country after a stay in the UK. This relates to general grounds for refusal under paragraph 320(13) of the rules. For visitors, refuse under paragraph V 3.16 of Appendix V. 'Returnability' is whether or not a person can return to their home country after visiting the UK. When an applicant's ability to return is in doubt you must consider whether their travel document allows them to return to the country of issue. For example: • a national passport with text or an endorsed re-entry visa which gives them permission to return to the country of issue • a non-national travel document with text which gives them permission to return to the country of issue • a re-entry visa or permit which will give permission to enter another country after the end of their stay in the UK – the re-entry visa or permission must be valid for at least 2 months longer than the period for which entry to the UK would be granted If the applicant does not have such a travel document, you should refuse entry clearance under paragraph 320(13). However, you cannot refuse leave to enter under this paragraph if the passenger meets the rules for: • settlement • leave to enter as a spouse which leads to settlement • is able to return elsewhere For more information on refusing entry clearance and refusal wording, see:	

	• Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

No written sponsor undertaking

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This page contains guidance for entry clearance officers on what to consider when an applicant applying for entry clearance does not show that their sponsor will maintain and accommodate them. This relates to general grounds for refusal under paragraph 320(14) of the rules. For visitors refuse under paragraph V 4.4 of Appendix V. Where requested, if a sponsor does not confirm in writing that they will maintain and accommodate the applicant during their stay you must refuse entry clearance under paragraph 320(14). For more information on undertakings, see ECB12. For more information on refusing entry clearance and refusal wording, see related links: • Refusing entry clearance: general guidance • Refusal wording	**External links** International group guidance on undertakings

General grounds for refusal

Child under 18, no parent or guardian written consent

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	This page contains guidance for entry clearance officers on what to consider when an applicant under the age of 18 applies for entry clearance without the permission of their parent or legal guardian. This relates to general grounds for refusal under paragraph 320(16) of the rules. For visitors this relates to paragraph V 4.12 of Appendix V. This applies where the child is not applying or travelling with their parent or legal guardian and where written consent has been requested. See section 2 of Visitor: supporting documents guide. You must carefully consider your statutory duty to children, under section 55 of the Borders, Citizenship and Immigration Act 2009, before you apply the instructions in this guidance either to children or people with children. For more information on section 55, see: Safeguard and promote child welfare. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Criminal convictions and offending

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good

This page contains guidance for entry clearance officers (ECOs) on what to consider when an applicant applying for entry clearance has been convicted of a criminal offence.

This relates to general grounds for refusal under paragraph 320(18A) and 320(18B) of the rules. For visitors refuse under paragraph V 3.5 of Appendix V.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out on this page. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

Paragraph 320(18A) or V 3.5(a) for visitors
You must consider refusing an applicant under paragraph 320(18A) if within the 12 months before the date on which the application is decided, they have been convicted of, or admitted to, an offence for which they received a non-custodial sentence, or other out of court disposal that is recorded on their criminal record.

Paragraph 320(18B) or V 3.5(b-c) for visitors
You must consider refusing an applicant under paragraph 320(18B) if in the view of the Secretary of State:

- their offending has caused serious harm
- they are a persistent offender who shows a particular disregard for the law

If you decide to refuse an applicant on either of these grounds, you must take into account any human rights grounds and make sure that your refusal is both proportionate and reasonable.

The Rehabilitation of Offenders Act 1974
The Rehabilitation of Offenders Act 1974 applies to immigration and nationality

Related links

Contacts for referred and deferred cases

External links

Crown Prosecution Service sentencing manual

	decisions taken on or after 1 October 2012, when the Home Office became exempt from the act. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Refusal is conducive to the public good

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good

This page contains guidance for entry clearance officers (ECO) on what to consider when it is conducive to the public good not to admit a person to the UK.

This relates to general grounds for refusal under paragraph 320(19) of the rules. For visitors refuse under paragraph V 3.3 of Appendix V.

The 13 December 2012 rules changes on criminality thresholds changed the refusal paragraphs set out on this page. For further information on the refusal paragraphs, see: Refusal paragraphs following December 2012 rules change.

You must consider refusing an applicant under paragraph 320(19) when:

- admitting the person to the UK could unfavourably affect the conduct of foreign policy
- the person is subject to a United Nations (UN) or European Union (EU) travel ban that has not yet been listed under the Immigration (Designation of Travel Bans) Order 2000, see guidance on International travel bans
- the person is a threat to national security
- there is reliable evidence the person has been involved in or associated with war crimes or crimes against humanity – it is not necessary for them to have been charged or convicted

Official sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official sensitive: end of section

Related links

Contacts for referred and deferred cases

Refer or defer entry clearance cases

- admitting the person may lead to a breach of UK law or public order
- admitting the person may lead to an offence being committed by someone else – for example, the applicant may have extreme views which if expressed could result in civil unrest and a breach of the law

Official sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

The information on this page has been removed as it is restricted for internal Home Office use.

Official sensitive: end of section

Standard of proof

If you decide to refuse an applicant under paragraph 320(19), you must be able to show that your decision was based on sufficiently reliable information. You must consider each case on its individual merits. If you decide to refuse an applicant, you must have strong evidence to support your decision.

Allegations, unsubstantiated and vague generalisations are not sufficient. However, intelligence given by UK law enforcement agencies or relevant and reliable open-

	source information may give sufficient grounds for your refusal. **Applicants who have not been convicted** You can refuse an applicant under paragraph 320(19) even though they have not been convicted of an offence. There may be cases when the police have given a caution or decided to drop charges to remove the person from the UK. A caution will suggest that the criminal behaviour was not serious enough or that the police did not think it was in the public interest to prosecute. You must consider the circumstances of the case and the severity of the offence before you decide whether to refuse under paragraph 320(19). When you decide to refuse an applicant under paragraph 320(19), you must not refer to the details of the caution, reprimand, final warning or arrest in the refusal notice. You must also make sure that your refusal notice covers the consideration you have given to the proportionality and impact of human rights considerations. An applicant may request further information about why you have refused their application. You may tell them any information which is on the court certificate for entry clearance purposes. This information can be given either in writing or verbally. For more information on refusing entry clearance and refusal wording, see: • Refusing entry clearance: general guidance • Refusal wording	

General grounds for refusal

Entry clearance: NHS debt

Required information not provided
Returning resident: paragraph 18 not met
Returning resident away for more than two years
Passport authority not recognised by UK government
Contriving to frustrate the immigration rules
No ability to return or be accepted elsewhere
No written sponsor undertaking
Child under 18, no parent or guardian written consent
Criminal convictions
Refusal conducive to public good

This page contains guidance for entry clearance officers (ECOs) on what to consider when an applicant applying for entry clearance owes a debt to NHS bodies.

NHS bodies

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

Part 9 and Appendix V

You should normally refuse the entry clearance application under paragraph 320(22) for non-visit applications and paragraph V3.14 of Appendix V for visit applications if either of the following apply:

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

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

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

Appendix FM and Appendix Armed Forces

The Appendix FM routes are for those seeking to enter or remain in the UK on the

Related links

Refusing entry clearance: general guidance

Refusal wording

Safeguard and promote child welfare

External links

Considering human rights claims in visit applications

	basis of their family life with a person who is a British Citizen, is settled in the UK, or is in the UK with limited leave as a refugee or person granted humanitarian protection. The Appendix Armed Forces routes are for members of the armed forces, civilian employees and their families. You may consider refusing the entry clearance application under Appendix FM and Appendix Armed Forces if either of the following apply: • the individual has an outstanding healthcare debt or cumulative debt of £1000 or more incurred on or after 1 November 2011 • the individual has debts of £500 or more incurred on or after 24 November 2016 An individual who has incurred charges of under £1000 before 24 November 2016 cannot be refused on this basis after 24 November 2016 unless either of the following apply: • they incur further charges of at least £500 after 24 November 2016 • they incur further charges after 24 November 2016 bringing the total outstanding NHS debt since 1 November 2011 to over £1000 You must consider human rights factors in accordance with the Appendix FM guidance. **Consideration** You must check if the applicant has an outstanding total NHS debt that meets the above thresholds. A person may have an NHS debt if they have received secondary healthcare, which is healthcare provided to the person by a hospital. For guidance on secondary care treatment in England see the Department of Health website.	

NHS bodies use their own internal processes to recover the monies owed, and will only notify the Home Office once the debt has been outstanding for 2 months and there is no agreement to pay by instalments.

Refusal on the basis of NHS debt is discretionary rather than mandatory. You must consider the following before refusing on the basis of NHS debt:

- you must be satisfied that there are no compelling or compassionate circumstances or human rights considerations that would make refusal inappropriate because discretion should be exercised in the person's favour
- the unpaid debt relates to one or more NHS bodies and the total value of the debt is at least £1000 or more incurred on or after 1 November 2011 (for all case types), or either:
  - (in the case of applications other than those made under Appendix FM / Appendix Armed Forces) £500 or more incurred on or after 6 April 2016
  - (in the case of applications made under Appendix FM / Appendix Armed Forces) £500 or more incurred on or after 24 November 2016 in line with the relevant NHS regulations

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

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False representations

You must consider whether the applicant's stated reason for entering or remaining in the UK at the time of their previous application was genuine, or whether their true intention was to gain free access to healthcare that is chargeable. If the person made a false representation about the purpose of their current or previous application, you must refuse their application on this basis. For more information on false representations in a current application, see the Deception section of this guidance. For information about deception in a previous application, see Previous breach of immigration rules.

Where the NHS debt relates to a linked dependant

A linked dependant is a person who is applying for entry clearance as a dependant of the main applicant at the same time as the main applicant. If you refuse the main applicant because they owe an NHS debt, you must also refuse any linked dependants. However, if you refuse an application from a linked dependant because the dependant owes an NHS debt, you must not also refuse the main applicant on the basis of the dependant's debt.

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

	Office by the health body. If, however, such details have been inadvertently passed on by the health body (i) that data should not be retained on the applicant's record and (ii) no mention must be made of the nature of the treatment in the decision letter. You must consider the best interests of any child affected by the decision and any Article 8 implications. **Recently discharged NHS debt** An NHS debt was recently discharged if it was paid off in the 6 month period before the application was made. If the applicant has only recently discharged their debt to the NHS, before granting entry clearance, you must consider the effect of paying off the debt on the person's ability to meet any relevant requirements of the Immigration Rules. This includes the ability of the applicant to maintain and accommodate themselves while in the UK and that they have no intention to seek further NHS treatment without paying, unless such access is permitted on the route under which they are applying. A refusal on the grounds of insufficient funds should be made under the relevant rules and not under the NHS debtor rules. **Discharged NHS debt** Once the NHS debt has been cleared, there will no longer be a reason to refuse entry on this basis. The applicant must satisfy you that they meet the all requirements of the Immigration Rules for the category in which they are seeking entry before you grant the application. This includes the ability of the applicant to maintain and accommodate themselves while in the UK. You must consider whether the applicant has sufficient funds to support themselves in the UK, given that they previously had an outstanding healthcare debt. You must also consider whether they intend to access further NHS treatment without paying, unless such access is permitted on the route under which they are applying.	

General grounds for refusal

Entry clearance: Litigation debt

Required information not provided Returning resident: paragraph 18 not met Returning resident away for more than two years Passport authority not recognised by UK government Contriving to frustrate the immigration rules No ability to return or be accepted elsewhere No written sponsor undertaking Child under 18, no parent or guardian written consent Criminal convictions Refusal conducive to public good	Litigation debt is a debt owed to the Home Office where the court or Tribunal has ordered another party to pay our legal costs. For information on how to consider cases when the applicant owes a litigation debt, see the separate Litigation debt guidance.	**Related links** Refusing entry clearance: general guidance Refusal wording Safeguard and promote child welfare **External links** Considering human right claims in visit applications