



Home Office

Web [www.gov.uk/ukvi](http://www.gov.uk/ukvi)

Our Ref

Date 20 Jul 2018

Dear

Your human rights claim in an application for entry clearance made on 29/03/2018 is refused.

**What this means for you**

You can appeal this decision. Instructions on how to appeal are in the 'next steps' section of this letter.

**The reasons for this decision are set out on the next page.**

Yours sincerely,

SH  
Entry Clearance Officer  
Sheffield DMC

## REASONS FOR REFUSAL

ROA

On 29/03/2018 you made an application for entry clearance to the UK under Appendix FM to the Immigration Rules on the basis of your family life with your partner [REDACTED]

Your application has been considered under those Rules, and with reference to Article 8 of the European Convention on Human Rights (ECHR). The relevant Immigration Rules can be viewed on gov.uk here: [www.gov.uk/guidance/immigration-rules](http://www.gov.uk/guidance/immigration-rules).

This decision takes into account as a primary consideration the best interests of any relevant child in line with section 55 of the Borders, Citizenship and Immigration Act 2009.

We have considered your application under paragraph EC-P.1.1. of Appendix FM. However, you do not qualify for entry clearance under the 5-year partner route for the following reasons:

### **Suitability**

Your application does not fall for refusal on grounds of suitability under Section S-EC of Appendix FM.

### **Eligibility**

Under paragraph EC-P.1.1.(d) you do not meet all of the eligibility requirements of Section E-ECP of Appendix FM for the following reasons:

#### **Eligibility Relationship Requirement**

You meet the eligibility relationship requirement of paragraphs E-ECP.2.1. to 2.10.

#### **Eligibility Financial Requirement**

You do not meet the eligibility financial requirement of paragraphs E-ECP.3.1. to 3.4.

Your sponsor is not exempt from the financial requirements as defined paragraph E-ECP.3.3. I am not able to take into account any potential employment you have available to you in the UK or any offers of financial support from third parties. In order to meet the financial requirements of the Rules your sponsor needs a gross income of at least £18,600 per annum.

You have stated in Appendix 2 that you wish for your sponsor's income to be considered under category B, less than 6 months with current employer or variable income – overseas sponsor returning to the UK. To qualify under these category, you need to meet 2 parts of the rules.

Firstly, the applicant's partner must have a confirmed offer of salaried or non-salaried employment to return to in the UK (starting within 3 months of their return). This must have a gross annual starting salary (or in non-salaried employment a gross annual income from that employment, based on the rate or amount of pay and the standard or

core hours to be worked provided by the employer in evidence) sufficient to meet the financial requirement, alone or in combination with any or all the sources at section 5.3.6.

Secondly, a couple returning to the UK must in addition have received in the 12 months prior to the date of application the level of income required to meet the financial requirement, based on the gross amount of salaried or non-salaried employment income overseas of the applicant's partner.

In respect of salaried employment outside of the UK, evidence should be a reasonable equivalent to the following:

(a) Payslips covering:

(i) a period of 6 months prior to the date of application if the person has been employed by their current employer for at least 6 months (and where paragraph 13(b) of this Appendix does not apply); or

(ii) any period of salaried employment in the period of 12 months prior to the date of application if the person has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a) of this Appendix), or in the financial year(s) relied upon by a self-employed person.

(j) Where any specified documents provided are not in English or Welsh, the applicant must provide the original and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State. The translation must be dated and include:

- (i) confirmation that it is an accurate translation of the original document;
- (ii) the full name and original signature of the translator or an authorised official of the translation company;
- (iii) the translator or translation company's contact details; and
- (iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

(b) A letter from the employer(s) who issued the payslips at paragraph 2(a) confirming:

- (i) the person's employment and gross annual salary;
- (ii) the length of their employment;
- (iii) the period over which they have been or were paid the level of salary relied upon in the application; and
- (iv) the type of employment (permanent, fixed-term contract or agency).

(c) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 2(a), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

I note that you have provided three payslips however not only are they not translated but there are only three of them and they do not show your sponsor was in receipt of £18,600 pa. You have also not submitted an employment letter containing all the relevant details. You have therefore failed to provide the required documents relating to your sponsor's employment. These documents are specified in the Immigration Rules in Appendix FM-SE and must be provided.



From the evidence provided your sponsor's gross income from her employment with [REDACTED] Bakim Evi is £1,009.04 from the 3 months' payslips that you have provided (Amount translated on Oanda on the date of the application).

You have included a letter dated 23/03/18 from [REDACTED] offering your sponsor a job as an assistant manager commencing on 02/07/18, however in your application there is no mention of this job offer as you state that your sponsor will immediately look for a job on arrival. As there is no mention of your sponsor working at [REDACTED] I am therefore not satisfied she genuinely intends to. Furthermore, [REDACTED] is located in Leeds and your sponsor's accommodation is in Bury 40 miles away. It is not clear how she qualified for the job, having previously been employed as a housekeeper and now intending to work as a manager on £30,000 p/a therefore I am not satisfied that it is a genuine job offer or that she genuinely intends to take it.

I therefore refuse your application under paragraph EC-P.1.1(d) of Appendix FM of the Immigration Rules. (E-ECP.3.1)

The documents you have provided do not demonstrate that you and your sponsor will be accommodated without overcrowding this property as there are other people living at the property other than your sponsor. I am therefore not satisfied that there will be adequate accommodation without recourse to public funds. I therefore refuse your application under paragraph EC-P.1.1(d) of Appendix FM of the Immigration Rules. (E-ECP.3.4)

### **Eligibility English Language Requirement**

You meet the eligibility English language requirement of paragraphs E-ECP.4.1. to 4.2.

### **Exceptional Circumstances**

We have considered, under paragraphs GEN.3.1. and GEN.3.2. of Appendix FM as applicable, whether there are exceptional circumstances in your case which could or would render refusal a breach of Article 8 of the ECHR because it could or would result in unjustifiably harsh consequences for you or your family. In so doing we have taken into account, under paragraph GEN.3.3. of Appendix FM, the best interests of any relevant child as a primary consideration.

You have provided no information or evidence to establish that there are any exceptional circumstances in your case.

### **Refusal under the Partner Rules**

In light of the above, your application is refused under paragraph D-ECP.1.3. of Appendix FM with reference to paragraph EC-P.1.1.(d) and you do not qualify for entry clearance on the 5-year partner route, or on the 10-year partner route on the basis of exceptional circumstances, under Appendix FM.

## NEXT STEPS

ROA

### **RIGHT OF APPEAL**

You have 28 days from the date you receive this decision to appeal. Information on how to appeal, the appeal process and the fees payable are all available online at:

<https://www.gov.uk/immigration-asylum-tribunal/appeal-from-outside-the-uk>

If you want to seek legal advice you must do so now.

### **IMMIGRATION HEALTH SURCHARGE**

If you have paid the Immigration Health Surcharge it will be refunded. You may need to pay again if any appeal is successful.

<https://www.homeofficesurveys.homeoffice.gov.uk/s/visasurveyuk>

