



Home Office

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

Our Ref SHEF1/4742919

Date 29 Feb 2024

Dear VISHMA KUMAR THAPA

Your human rights claim in an application for entry clearance made on 10/12/2023 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,

ECO ZH  
DMC SHEFFIELD

## REASONS FOR REFUSAL

**ROA**

On 10/12/2023 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. 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](https://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**

Under paragraph EC-P.1.1.(c), your application falls for refusal on grounds of suitability under Section S-EC of Appendix FM.

You state on your visa application form that your sponsor has been employed by Wasabi co Ltd since 20 October 2022 as a kitchen team member with a salary of £26,400.00 per annum. In support of this you have provided 6 monthly payslips and a letter of employment from wasabi co Ltd.

However, checks completed by this office with HMRC and recorded in a Document Verification Report (DVR) have determined these documents are false. The weekly payslips provided dated for the period from 07/06/2023 to 06/12/2023 do not match the records provided by HMRC. do not match the records provided by HMRC.

Based upon the information received from HMRC it is deemed that the employment letter and weekly payslips issued by Wasabi Co Ltd for your sponsor are deemed to be false.

Considering all the above I am not satisfied your sponsor's claimed employment with wasabi co ltd is genuine. I am satisfied the documents submitted have been produced for the purpose of this application and that the employment is contrived. Therefore, I am satisfied, with or without your knowledge, false information and documents have been submitted in support of your application. Consequently, your application is refused under paragraph EC-P.1.1(c) of Appendix FM to the Immigration Rules. (S-EC.2.2(a))

### **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.

You have stated in your Visa Application Form that you meet the financial requirement through your sponsor's employment. 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 Appendix FM your sponsor needs a gross income of at least £18,600 per annum. You state that your sponsor is employed by Wasabi co Ltd since 20 October 2022 as a kitchen team member with a salary of £26,400.00 per annum. In support of this you have provided 6 monthly payslips and a letter of employment from wasabi co Ltd.

However, for the reasons set out above, I am not satisfied this claimed employment is genuine. You have not provided any further evidence or information to suggest your sponsor has any other income from any other permitted sources in which to meet the financial requirement and HMRC records also corroborate this. Based on the details outlined above, I am satisfied that the financial requirement is not met. I therefore refuse your application under paragraph EC-P.1.1(d) of Appendix FM of the Immigration Rules. (E-ECP.3.1)

### **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.(c) and (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>

