



Home Office

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

Our Ref SHEFF1/5460005

Date 03 Sep 2024

Dear ARCHANA RAI

Your human rights claim in an application for entry clearance made on 16/07/2024 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 FM  
DMC Sheffield

## REASONS FOR REFUSAL

## **ROA**

On 16/07/2024 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**

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 do not meet the eligibility relationship requirement of paragraphs E-ECP.2.1. to 2.10.

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Paragraph E-ECP.2.1 of Appendix FM of the Immigration Rules states that the applicant's partner must be:

- (a) a British Citizen in the UK, subject to paragraph GEN.1.3.(c); or
- (b) present and settled in the UK, subject to paragraph GEN.1.3.(b); or
- (c) in the UK with refugee leave or with humanitarian protection; or
- (d) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN 1.3.(d); or
- (e) in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay, in accordance with paragraph GEN.1.3.(e).

Your sponsor is not a British Citizen, is not settled in the UK and does not have refugee leave or humanitarian protection.

GEN.1.3.(d) defines “in the UK with limited leave under Appendix EU” as an EEA national in the UK who holds valid limited leave to enter or remain granted under paragraph EU3 of Appendix EU to these Rules on the basis of meeting condition 1 in paragraph EU14 of that Appendix. Your sponsor was granted and holds Limited under Family/Private Life. I therefore refuse your application under paragraph EC-P.1.1(d) of Appendix FM of the Immigration Rules. (E-ECP.2.1)

### **Eligibility Financial Requirement**

You meet the eligibility financial requirement of paragraphs E-ECP.3.1. to 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>

