



## **FAMILY VISIT VISAS INFORMATION FACT SHEET FOR MEMBERS OF PARLIAMENT ACTING ON BEHALF OF THEIR CONSTITUENTS**

This fact sheet sets out how we will approach requests for information from MPs.

**This note is, however, intended only as a guide to our general policy. Full guidance can be found on our website at: <https://www.gov.uk/visas-immigration>**

### **Family Visit Visas**

Many British citizens and persons settled in the UK have family living overseas, understandably, this leads to high volumes of visa applications from their relatives to visit them in the UK. There is no specific category of 'Family Visitor' in the immigration rules but in order to meet visit visa requirements, the applicant must, amongst other things:

- Intend to visit the UK for no more than six months;
- Have enough money to support and accommodate themselves without working or having recourse to public funds, or demonstrate that they will be supported fully by friends or relatives; and
- Be able to meet the cost of their return journey.

The full immigration rule (paragraph 41) is available to view here –

- <https://www.gov.uk/government/publications/immigration-rules-part-2>

Unlike other temporary entry clearance applications, refusal of an application for a family visit visa attracted a full right of appeal. Those who qualified for a right of appeal were defined in regulations, not the immigration rules, and it is changes to those regulations that have restricted the definition of who qualifies for a full right of appeal. The Crime and Courts Bill 2013 removed appeal rights for family visitors.

This amendment is not intended to reduce the volume of applications from those who wish to visit relatives. But it does mean that applicants need to ensure that they submit with their application sufficient evidence to satisfy the Entry Clearance Officer that they meet the requirements of the immigration rules. If they do not meet the requirements of the immigration rules, an applicant will receive a comprehensive written notice, which explains why they have been refused. Rather than having the ability to appeal this decision, if they wish to travel to the UK they would need to submit a new application, addressing all of the reasons for refusal that the ECO noted in the refusal notice.

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Analysis of a sample of allowed Family Visit Visa appeals by the then UK Border Agency suggests that the vast majority of allowed appeals result from the submission of new or additional evidence at the appeal stage and, therefore, this could have been included in the original application. This is not the correct way to submit evidence for a visa application.

### APPLICATION PROCESS

Full guidance is available on our website - <https://www.gov.uk/family-visit-visa>

Depending on where an applicant lives, they may be able to make a visa application online or by printing out and completing application form VAF1B. As part of the application, they will need to enrol their fingerprints and facial image (known as 'biometric information') at a visa application centre.

The country finder on our website will inform the applicant on the following:

- how to apply in their country (including how to apply online);
- the location of our visa application centres;
- how long we generally take to process visa applications; and
- how documents will be returned to them.

If their application is successful, they can find information about what will happen at the border (including customs requirements) in the Customs and travel information section of the website.

Suggested 'supporting document' guidance can be found on our website here:

<https://www.gov.uk/government/publications/visitor-visa-guide-to-supporting-documents>

### OUTCOMES

There are some common reasons why we refuse family visit visas:

- Lack of family ties in home country;
- Lack of evidence of assets, job etc in home country;
- Lack of evidence of who will pay for the visit;
- Poor immigration history of the applicant (for example overstaying);
- Previous non compliance with the conditions of a previously issued visa;
- Several, usually long, visits to the UK suggesting that the applicant is not genuinely seeking entry as a visitor;
- Insufficient evidence of sponsor's ability to maintain and accommodate the applicant/s; and
- Insufficient evidence that the applicant and sponsor are related as claimed.

## **Official**

### **REPRESENTATIONS FROM CONSTITUENTS**

#### **WHAT MPs CAN DO WHEN THEY RECEIVE REPRESENTATIONS FROM CONSTITUENTS?**

MPs can:

- Explain why the decision was made; and
- Explain that we will not review the decision if it is because new documentation is submitted.

## **Official**

### **WHEN WILL WE REVIEW DECISION**

We will review decisions:

- If there are compelling compassionate circumstances; or
- Where an MP makes representations which highlight a potentially erroneous decision. We will explore this with the Entry Clearance Officer/Manager and consider whether the decision needs to be reviewed. If it's clear we have made an error we will reconsider.

### **HOW TO ASK FOR REVIEW**

You should contact your MP Account Manager.

### **TIMESCALES FOR REVIEW**

As each case is individual it is difficult to give a general timescale. However, your MP Account Manager will advise you of the timescale when they receive your representations.

### **WHEN WILL A DECISION NOT BE REVIEWED**

Depending on the circumstances we may decide not to review a decision. For example, where an MP's representations are in effect submitting evidence that the applicant could/should have submitted in their original application we will not review the decision. In these types of case our advice will be that a new application should be submitted.

### **NEXT STEPS FOR CONSTITUENTS WHERE DECISION HAS BEEN REVIEWED**

#### **DECISION MAINTAINED**

The applicant will be advised to make a fresh application ensuring that all the issues raised in the refusal notice are addressed. No guarantee of success can be given as they must meet all the relevant immigration rules.

#### **DECISION OVERTURNED**

The applicant will be contacted to resubmit their passport so that their visa can be issued.