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**CHAPTER 5
SECTION 6****MINISTERS OF RELIGION,
MISSIONARIES AND MEMBERS OF RELIGIOUS ORDERS****1. INTRODUCTION**

Paragraphs 170 & 171 of HC 395 provide for the admission of ministers of religion, missionaries and members of religious orders coming to work full-time as such. These terms are intended to apply to **full-time** religious workers of all faiths, including those who have no formally ordained ministry. Although all 3 kinds of workers are given the same conditions they are separate categories to which different requirements apply (see **ANNEX Q**).

Entry clearance is mandatory for this category.

Please note: Some organisations with the title "church", including the Church of Scientology and the Unification Church ("Moonies") are not accepted as religions for the purposes of the Immigration Rules and their members should not be treated as ministers of religion or missionaries (see ANNEX U "Religious Organisations/Groups").

2. LEAVE TO ENTER AS A MINISTER OF RELIGION, MISSIONARY OR MEMBER OF A RELIGIOUS ORDER

The requirements to be met by a person seeking leave to enter in this category are set out in Paragraph 170 in Part 5 of HC 395 and **must** be referred to when reading the following advice.

2.1. Key points

The main points on which the immigration officer needs to be satisfied are:

- That the passenger holds a valid entry clearance as a minister of religion, missionary or member of a religious order; and
- That there is no reason to believe that false representations were made in order to obtain the entry clearance or that circumstances have changed since its issue; and
- That refusal is not justified on the grounds of restricted returnability, medical grounds, grounds of criminal record, or on the grounds that the person is the subject of a deportation order or that his exclusion is conducive to the public good.

2.2. Further guidance

The immigration officer may require further guidance where facts have come to light which may not have been available to the entry clearance officer and it is necessary to establish whether or not the entry clearance has been rendered invalid.

ANNEX Q provides general guidance concerning, respectively, ministers of religion, missionaries and members of religious orders and information about concessionary arrangements.

ANNEX S provides a list of duties appropriate to a minister of religion which would be additional to the "core duties" noted in ANNEX Q.

ANNEX T provides a list of major world religions together with respective background notes.

ANNEX U provides information and advice relating to certain religious organisations/groups.

2.3. Granting leave to enter

Leave to enter as a minister of religion, missionary or member of a religious order should be granted for a period not exceeding 12 months on Code 4.

NB: There is a concession under which Mormon missionaries are granted entry for 2 years on Code 1.

Ministers of religion, missionaries and members of religious orders are not required to register with the police (see **Chapter 10 "Police Registration"**).

2.4. INDECS CODES

MOR Minister of religion, missionary or member of a religious order (including Mormon missionaries)

2.5. Refusal of leave to enter

* Where a **non-visa national** seeks entry in this capacity without a valid United Kingdom entry clearance issued for this purpose, he should normally be refused entry under Paragraph 172 of HC 395.

* A **visa national** seeking entry without a valid United Kingdom visa falls to be refused under Paragraph 320(5). See **Chapter 9, Section 2** to these instructions.

* Where a passenger seeking entry in this capacity holds an entry clearance for this purpose, refusal may only be considered under Paragraph 321 (See **Chapter 9, Section 3** to these instructions).

* In the case of a person returning to the United Kingdom from a temporary absence abroad, within a period for which he was previously given leave, reference **must** be made, before refusal, to **Chapter 1, Section 9, "Persons returning to resume previous leave"**.

ANNEX V provides examples of refusal formulae.

2.6. On entry refusal codes

E4 Lack of required non-settlement entry clearance, including those set aside on

grounds of misrepresentation, forgery, failure to disclose material facts or where a change of circumstances has removed the basis of claim to admission.

Z1 Other reasons

2.7. **Right of appeal and corresponding refusal form**

There is no right of appeal against refusal of leave to enter as a minister of religion, or a missionary or a member of a religious order, where no entry clearance is held, under Section 13(3B)(a) of the Immigration Act 1971 (as set out in Section 11 of the Asylum and Immigration Appeals Act 1993).

Form IS 82D should therefore be used.

The ***"Port Instructions for on-entry asylum applications"*** provides details of the appropriate forms to use in mixed asylum/non-asylum cases.

3. **LEAVE TO REMAIN AS A MINISTER OF RELIGION, MISSIONARY OR MEMBER OF A RELIGIOUS ORDER**

The requirements to be met by a person seeking to remain in the United Kingdom as a minister of religion, missionary or member of a religious order are set out in Paragraph 173 of HC 395 and ***must*** be referred to when reading the following advice.

Note: The EC/Turkey Association Agreement, 1963, confers certain rights on Turkish Nationals who are already working in the United Kingdom. See section 10 of this chapter "EC/Turkey Association Agreement"

3.1. **Key points**

Caseworkers must satisfy themselves:

- that the applicant entered the United Kingdom with a valid entry clearance for this category; and
- that the applicant's services are still required by the head of his congregation, or his employer, or the head of the religious order for which his entry clearance was granted; and
- that he is still working for the same congregation, employer or religious order; or
- that if he wishes to change employment within the same category, (which he may be allowed to do) the applicant continues to meet the requirements of the Rules; and
- that if given leave to enter the UK as a Minister of Religion after 23 August 2004 continues to meet the requirements of paragraph 170 (ii) – (iva); or
- that if given leave to enter the UK as a Minister of Religion, before 23 August 2004 continues to meet the requirements of paragraph 170 (ii) – (iv).

3.2. **Switching**

The requirements to be met by those seeking to switch into the minister of religion

category are set out in paragraph 174A of HC395 and **must** be referred to when reading the following advice. Caseworkers must satisfy themselves that the applicant:

- was admitted to the United Kingdom or given an extension of stay, except as a visitor under paragraphs 40-56 of these Rules, which has resulted in him spending a continuous period of at least 12 months here prior to the application being made; and
- has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the extension is sought or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and
- is to be appointed to a position as a minister of religion and is suitable for such a position, as certified by the leadership of his prospective congregation;
- and meets the requirements of paragraph 170(ii)-(iva).

3.3. Further guidance

***ANNEX Q** provides general guidance concerning, respectively, ministers of religion, missionaries and members of religious orders, and information about concessionary arrangements.*

***ANNEX R** provides advice about a standardised questionnaire for use in minister of religion cases, together with an example of the questionnaire.*

***ANNEX S** provides a list of duties appropriate to a minister of religion which would be additional to the "core duties" noted in **ANNEX Q**.*

***ANNEX T** provides a list of major world religions together with respective background notes.*

***ANNEX U** provides information and caseworking advice relating to certain religious organisations/groups.*

3.4. Granting leave to remain

* Where leave to enter was granted in this capacity leave to remain may be granted for up to 3 years on Code 4 provided the requirements of the Rules are met. Where the applicant has applied to switch in-country leave should be granted for 12 months on Code 4 in the first instance.

* Ministers of religion, missionaries and members of religious orders are not required to register with the police (see **Chapter 10 "Police Registration"**).

3.5. INDECS

F7 Extension - Permit free - minister of religion, missionary or member of religious order

3.6. Refusal of leave to remain

Chapter 9, Section 1 "Adverse Decisions - General Guidance" provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

Refusal of extension of stay as a minister of religion, missionary or member of a religious order is under Paragraph 175 of HC 395 on the grounds that each of the provisions of Paragraph 173 or 174A is not met.

ANNEX V provides examples of refusal formulae.

3.7. INDECS

F9 Refusal (Permit free employment).

4. SETTLEMENT

Under Paragraph 176 of HC 395 settlement may be granted to those who have completed 4 years here in this category, **if it is specifically applied for**. However, if an applicant who has been in the United Kingdom for 4 years applies for leave for a **limited** period, the application should **not** be treated as one for settlement. (See Chapter 5, Section 1, **Annex F**, if further information on this point is required).

The requirements to be met by a person seeking settlement in the United Kingdom as a minister of religion, or a missionary, or a member of a religious order are set out in Paragraph 176 of HC 395 and **must** be referred to when reading the following advice.

4.1. Key points

In considering applications for indefinite leave in this capacity, caseworkers must be satisfied that the applicant:

- has spent a **continuous** period of 4 years here in this capacity;
- that his services are still required by the leadership of his congregation, or his employer, or the head of the religious order to which he belongs.
- has met the requirements of Paragraph 173 or 174A throughout the 4 year period

4.2. Further Guidance

ANNEX F provides general guidance relating to settlement.

ANNEX Q provides general guidance concerning, respectively, ministers of religion, missionaries and members of religious orders, and information about concessionary arrangements.

ANNEX R provides advice about a standardised questionnaire for use in minister of religion cases, together with an example of the questionnaire

ANNEX S provides a list of duties appropriate to a minister of religion which would be additional to the "core duties" noted in ANNEX Q.

ANNEX T provides a list of major world religions together with respective background notes.

ANNEX U provides information and caseworking advice relating to certain religious organisations/groups.

4.3. **Granting settlement**

If the requirements of the Rules are met settlement may be granted under Paragraph 176 of HC 395.

4.4. **INDECS**

1K 4 years as a minister of religion

1L 4 years as a missionary or member of a religious order

4.5. **Refusal of settlement**

Chapter 9, Section 1 "Adverse Decisions - General Guidance" provides important advice about the decision making process and should be consulted whenever an application falls to be refused.

Refusal will be under Paragraph 177 on the grounds that each of the requirements of Paragraph 176 is not met.

ANNEX V provides examples of refusal formulae.

4.6. **INDECS**

X7 Settlement refusal - premature or inappropriate application - applicant still has concurrent leave

X8 Settlement refusal - applicant for settlement other than as a husband or wife - no extension of leave granted