

## Addendum - PBS Dependant

Applications for leave to remain under the Points Based System will fall for refusal if you have overstayed for more than 28 days on the date of application, unless there were exceptional circumstances which prevented you from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:

- the end of the last period of leave to enter or remain granted,
- the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971, or
- the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there are exceptional circumstances which prevented you from applying in time you must submit evidence of the exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that you or your representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that you or your representative were unable to submit the application in time.
- inability to provide necessary documents. This would only apply to exceptional or unavoidable circumstances beyond your control, such as UK Border Agency being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).



UK Visas  
& Immigration

---

**PBS**  
(DEPENDANT)  
version 10/2013

# Points Based System (Dependant) - Policy Guidance

This guidance is  
to be used for all  
PBS (Dependant)  
applications made  
on or after 1 October  
2013

---

**CONTENTS**

**Introduction.....1**

Documents we require ..... 1

Verification and other checks ..... 2

**Overview of the terms and conditions for applications by PBS migrants.....5**

**Periods of grant ..... 5**

Applying as the Family Member of a Tier 1, 2 or 5 migrant in the UK ..... 5

Applying as the Family Member of a Tier 4 (General) Migrant in the UK ..... 5

Additional evidential requirement for dependant children of PBS migrants who are born in the UK. .... 7

Conditions of Stay..... 7

Care arrangements for children ..... 8

Doctor or Dentist in training condition ..... 8

**Maintenance Requirement.....8**

Family members of Tier 1 (General), Tier 1 (Entrepreneur) and Tier 1 (Post Study Work) migrants ..... 8

Family members of Tier 1 (Investor) and Tier 1 (Exceptional Talent) migrants..... 9

Family members of Tier 1 (Graduate Entrepreneur) migrants ..... 9

Family member of a Tier 2 Migrant..... 9

Family member of a Tier 4 (General) Student ..... 9

How many months money does a family member of a Tier 4 (general) Student need? ..... 11

The family member of a Tier 4 (General) Student where the student does not have an established presence in the UK if the Tier 4 (General) Student is studying in inner London..... 11

The family member of a Tier 4 (General) Student where the student has an established presence in the UK if the Tier 4 (General) Student is studying in inner London ..... 12

Family member of a Tier 5 (Temporary Worker) ..... 12

Documents we require ..... 13

**Evidence for applications made as the dependant of a person with leave under Tier 1, 2 or 5 .....13**

Official financial sponsorship or government sponsor ..... 17

Children of PBS Migrants ..... 17

**Annex A - Applicants who have been on a NHS Foundation Programme  
or who have been working as a Doctor or Dentist in training during their most  
recent period of leave. ....20**

## Introduction

1. This document provides policy guidance for family members of a PBS migrant. It reflects policy at the date of publication and we may change it. It should be read together with paragraphs 319A to 319K of the Immigration Rules. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the UK Border Agency. When we refer to 'you' or 'your', this means the PBS dependant.
2. You can apply as a PBS Dependant if you meet the criteria set out in this guidance and the Immigration Rules, and you are:
  - the family member of a person with, or applying for, leave under Tier 1, 2, 4 or 5 of the Points Based System; or
  - the spouse or partner of a person with indefinite leave to remain or British Citizenship who last held leave in Tier 1, 2, or 5 of the Points Based System and you do not yet qualify for indefinite leave to remain; or
  - the child of a person with indefinite leave to remain or British Citizenship who last held leave in Tier 1, 2, or 5 of the Points Based System and:
    - your other parent does not yet qualify for indefinite leave to remain; and
    - you last held leave as PBS Dependant granted on or after 9 July 2012.
3. Where we refer to the dependant of a Tier 1, 2 or 5 migrant, all of these references will also include those applicants who are applying for further leave to remain in the PBS dependant category when their sponsor (the Tier 1, 2 or 5 migrant) has gone on to acquire indefinite leave to remain. If you are applying as the dependant of a person who has indefinite leave to remain, or British Citizenship, you should read this guidance as if they were still in their last PBS immigration category. For example if the person with indefinite leave to remain last held PBS leave in Tier 1, you should read the guidance as if you are applying as the dependant of a Tier 1 migrant.
4. A family member of a Tier 2 and Tier 5 PBS migrant applying in the United Kingdom can make their PBS (Dependants) application online or using the equivalent paper application form. Family members of a Tier 1 and Tier 4 PBS migrant applying in the United Kingdom must make their PBS (Dependants) application using the paper application form.
5. This application form and more general information are on our website at: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

## Documents we require

6. You must ensure that you provide all of the necessary supporting documents at the time you sends us your application. We will only accept the supporting documents specified in the Immigration Rules.
7. If you have submitted:
  - A sequence of documents, and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);
  - A document in the wrong format;
  - A document that is a copy and not an original document.

we may contact you or your representative in writing, and request the correct documents. We must receive the requested documents at the address specified in the request within 7 working days of

the date of the request. We will not ask for further information where we do not anticipate that a correction of minor errors or omissions will lead to an approval.

If you have submitted a specified document that is:

- in the wrong format, or
- a copy and not an original document,

we may approve your application exceptionally if we are satisfied that the specified documents are genuine and that you meet all the other requirements. We reserve the right to request the original documents in the correct format and to refuse applications if the specified documents are not provided.

8. Any documentary evidence that you provide must be the original (not a copy) unless we say otherwise.
9. Where a document is not in English or Welsh, the original must be accompanied by a fully certified translation by a professional translator. This translation must include details of the translator's credentials and confirmation that it is an accurate translation of the original document. It must also be dated and include the original signature of the translator.
10. We only need evidence that is directly relevant to the application, as set out in the Immigration Rules and this guidance. We will not consider unrelated evidence.
11. If you are the dependant of a Tier 4 Student who qualifies for our differentiation arrangements because you are considered to be "low risk", you will be required to provide fewer evidential documents when submitting your application. Where you are exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. The UK Border Agency reserves the right to request these documents from you in all cases.
12. You qualify for our differentiation arrangements if:
  - The Tier 4 student is sponsored by a Highly Trusted Sponsor; and
  - You are applying for leave at the same time as the Tier 4 student; and
  - You are applying for entry clearance in your country of nationality or for leave to remain in the UK; and
  - You hold the same nationality as the Tier 4 student and both of you are nationals of one of the countries listed at Appendix H of the Immigration Rules. You can check this at: [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixh/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixh/)

### Verification and other checks

13. We aim to consider applications quickly. However, we must also be confident that applications meet the requirements of the Immigration Rules, and that the information you provide is a true reflection of your background.
14. We will ask for a variety of verifiable documents to enable us to consider your application.
15. We may want to check the supporting documents you send with your application. Therefore, you must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.
16. There are two situations in which we will undertake a check:
  - Verification checks** – where we have reasonable doubts that the documents are genuine; or

- **Other checks** – where we carry out further checks, for example, where we have doubts about an application, or the documents sent with the application, but the doubts are not serious enough for us to make a verification check.

### Verification checks

17. Where we have reasonable doubts that a specified document is genuine we may want to verify the document with an independent person or government agency.
18. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in your application. If the document is being used as evidence to support your application, we also want to ensure that it meets the requirements of the Rules.
19. Verification may delay our decision on your application so we will only do it when there are clear reasons for it.

### Reasonable doubt

20. There are many reasons why we may doubt that a specified document is genuine and what we consider to be a reasonable doubt will depend on an individual application. However, our judgments will be based on the facts we have.

### Outcome of verification check

21. There are three possible outcomes of a verification check:
  - **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider your application as normal.
  - **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse your application because you do not meet the funds requirement and because you have sent a false document.
  - **Verification check inconclusive.** If we cannot verify that the document is either genuine or false then we will ignore it as evidence. If you have sent other specified documents as evidence that you meet the requirements of the Rules, we will consider these as normal. If you have not sent any other documents, you will not meet the requirements of the Rules.

### Refusing applications without making verification checks

22. We may refuse an application without making verification checks in two circumstances:
  - Where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.
  - Where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document.

## Other checks

23. We will make other checks where, for example we have doubts about an application, or the documents sent with the application, but these are not serious enough for us to make a verification check.
24. These checks may delay our decision on an application so we will only make them when we have clear reasons to do so.

## Extra checks

25. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases, we may carry out more checks.

## Outcome of other checks

26. There are four possible outcomes of these checks:
- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
  - **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse your application because you do not meet the funds requirement and because you have sent a false document.
  - **Check inconclusive.** If we cannot verify that the document is either genuine or false then we will consider the application as if the document is genuine.
  - **Check gives us cause to have reasonable doubt about the genuineness of a specified document.** If we cannot verify that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

## Procedure for verification and other checks

27. The procedures for both verification checks and other checks will usually be similar and will vary from case to case, but they may involve:
- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
  - checking the accuracy and authenticity of documents with banks, universities and professional bodies.

## Date of application

28. The date of your application will be taken to be the following:

### For applications made in the united Kingdom:

- where the application form is sent by post, the date of posting; or
- where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office;

- where the application form is submitted online, the date when you submit your application form and pay your application fee online.

### **For applications made outside the united Kingdom:**

- the date that the fee associated with the application is paid. This means the date shown on your payment receipt, which depends on how you paid for your visa application, for example, at a British Diplomatic Post, visa application centre or online.

## **OVERVIEW OF THE TERMS AND CONDITIONS FOR APPLICATIONS BY PBS MIGRANTS**

29. You should read the Immigration Rules that apply at the time that you make your application.

### **Periods of grant**

30. We will grant leave in line with the expiry date of the PBS migrant's (or main applicant's) leave, except where the PBS migrant has been granted indefinite leave to remain. In these cases, we will grant you a period of three years leave. An application for further leave may then be made if required to take you up to the applicable qualifying period for indefinite leave to remain.

### **Applying as the Family Member of a Tier 1, 2 or 5 migrant in the UK**

31. If you are the family member of a Tier 1, 2, or 5 migrant, you cannot apply in the UK if you:

- were last granted leave to enter or remain as a visitor, unless the relevant points-based system migrant, who you are applying to be dependant of has, or is being granted leave to remain as a Tier 5 (Temporary Work) migrant in the creative and sporting subcategory; or
- are on temporary admission or temporary release.

### **Applying as the Family Member of a Tier 4 (General) Migrant in the UK**

32. If you are the family member of a Tier 4 (General) applicant, whether or not you can apply for the PBS Dependant category in the UK depends on the type of permission to stay that you have and type of course the Tier 4 (General) student is studying, or will be studying.

33. You can be the family member of a Tier 4 (General) applicant where they are applying for, or have been granted, entry clearance, leave to enter, or leave to remain in the United Kingdom as a Tier 4 (General) Student if:

- (i) the Tier 4 (General) applicant is a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a course of study longer than six months; or
- (ii) the Tier 4 (General) applicant is:
  - a) applying for, or has been granted entry clearance or leave to remain in order to undertake a course of study at post-graduate level for 12 months or longer;

and

- b) is sponsored by a sponsor who is a Recognised Body or a body in receipt of funding as a higher education institution from either:
- I. the Department for Employment and Learning in Northern Ireland;
  - II. the Higher Education Funding Council for England;
  - III. the Higher Education Funding Council for Wales; or
  - IV. the Scottish Funding Council;

or

- (iii) the Tier 4 (General) applicant is applying for, or has been granted leave to remain as a Tier 4 (General) Student on the doctorate extension scheme; or
- (iv) the following conditions are met:
- a) the Tier 4 (General) applicant is applying for entry clearance , leave to enter, or leave to remain, to undertake a course of study that is longer than six months and either:
    - (1) has entry clearance, leave to enter, or leave to remain as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months ; or
    - (2) last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and
  - b) You (the family member) must either-
    - (1) have entry clearance, leave to enter, or leave to remain as a family member of a Tier 4 (General) Student or a student with entry clearance, leave to enter, or leave to remain, to undertake a course of study longer than six months; or
    - (2) have last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as the family member of a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and
  - c) the Tier 4 (General) applicant Migrant and you (the family member) must be applying at the same time.

34. To apply in the UK you must also either:

- have previously held leave as the dependant of the Tier 4 (General) applicant, or in the case of children of the Tier 4 (General) applicant's dependant partner, in this, or in another immigration category; or
- be a child born in the UK to a PBS migrant and their dependant partner. The child must have been born in the UK to a PBS Migrant and their dependant partner and either:

- have been born during the PBS Migrant's most recent period of leave as a Tier 4 (General) Student or Student and their course must have been for more than six months duration; or
- where the PBS Migrant's most recent period of leave was to re-sit examinations or repeat a module of a course, the child must have been born during a period of leave granted for the purposes of re-sitting examinations or repeating a module of a course or during the Tier 4 (General) applicant's grant of leave for a course of more than six months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module; or
- must have been born no more than three months after the expiry of that most recent grant of leave and must be applying for entry clearance.

35. Tier 4 (General) students who will be studying in the UK for six months or less cannot bring their partners and/or children (also known as dependants) to the United Kingdom with them.

### **Additional evidential requirement for dependants of PBS migrants whose last grant of leave was not in this capacity.**

36. If you are applying as a family member of a PBS migrant and your last grant of leave was not as their dependant or you are a child born in the UK, you will need to provide the following documents:

#### **Partners**

marriage or civil partnership certificates

bank statements in joint names

Council tax/utility bills in joint names

#### **Children**

Full birth certificate showing both parents names

If you are a child dependant over the age of 16 you will also need to include the documents listed in paragraph 111.

### **Conditions of Stay**

37. You will have the following conditions attached to any leave:

- No recourse to public funds,
- Registration with the police, if this is required by paragraph 326 of the Immigration Rules,
- No Employment as a Doctor or Dentist in Training, unless you:
  - have obtained a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System; or

- are applying for leave to remain and have, or have last been granted, entry clearance, leave to enter or leave to remain that was not subject to a condition restricting your employment, whether that is employment as a Doctor or Dentist in Training or otherwise, and have been employed during that leave as a Doctor or Dentist in Training.

38. If you are the family member of a Tier 4 (General) Student, if the main applicant's grant of leave is for less than 12 months you will not be allowed to work whilst in the UK, unless the main applicant is a Government Sponsored Student.
39. If you are the family member of a Tier 4 (General) student, you will not be allowed to work whilst in the UK if the main applicant's grant of leave is for a course of study below degree level, unless the Tier 4 migrant is a government sponsored student
40. In order to be granted entry clearance as a spouse, civil partner, unmarried or same sex partner, you and the main applicant must be aged 18 or over on the date you are due to arrive in the United Kingdom.

### Care arrangements for children

41. All arrangements for children's care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations. More information can be found on the Department of Health website:

- Accommodation of students under eighteen by further education colleges: national minimum standards and inspection regulations: [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4005629](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)
- Boarding schools: national minimum standards, inspection regulations: [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006331](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331)
- Residential special schools: national minimum standards, inspection regulations: [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_4006472](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_4006472)

### Doctor or Dentist in training condition

42. If you have been working as a 'Doctor or Dentist in Training' during your most recent period of leave, you should submit the documents specified in Annex A of this guidance. If you do not include all of the requested information, any grant of leave will be subject to the 'Doctor or Dentist in Training' restriction.

### MAINTENANCE REQUIREMENT

43. Please refer to paragraphs 319C, 319H and appendix E of the Immigration Rules.
44. One of the requirements for family members of Points Based System Migrants is that you must be able to support yourself for the entire duration of your stay in the UK without needing help from public funds (for example benefits provided by the state). If you cannot, you could face financial hardship because you will not have access to most state benefits.

### Family members of Tier 1 (General), Tier 1 (Entrepreneur) and Tier 1 (Post Study Work) migrants

45. If the Tier 1 Migrant is outside the United Kingdom or has been present in the United Kingdom for less than 12 months, you must show that you, the Tier 1 Migrant, or (for children) your other

parent who is also legally present in the United Kingdom have at least £1800 to support you; this is in addition to any funds the Tier 1 Migrant needs to prove they have enough money to support themselves.

46. If the Tier 1 Migrant has been in the United Kingdom for 12 months or more, you must have £600 to support yourself.
47. For example, the Tier 1 Migrant has been in the UK for 6 months and is making an application at the same time as their spouse and two children. They must show that they have £1800 for their spouse and a further £1800 for each child, in addition to £900 required for their own support. In total the family will require evidence that they hold £6300 in available funds ( $£1800 \times 3 = £5400 + £900$ ).
48. If the same Tier 1 Migrant and their family had been present in the UK for two years, they would require evidence that they held £2700 ( $£600 \times 3 = £1800 + £900$ ) in available funds.
49. If you are applying as the family member of a Tier 1 (Entrepreneur) migrant you cannot use the same funds to meet the maintenance requirement that the Tier 1 (Entrepreneur) used to meet the attributes requirement (appendix A of the Immigration Rules).

### **Family members of Tier 1 (Investor) and Tier 1 (Exceptional Talent) migrants**

50. Dependants of Tier 1 (Investors) and Tier 1 (Exceptional Talent) do not need to satisfy the maintenance requirement.

### **Family members of Tier 1 (Graduate Entrepreneur) migrants**

51. If the Tier 1 (Graduate Entrepreneur) is outside the United Kingdom or has been present in the United Kingdom for less than 12 months, you must have £1200 to support yourself.
52. If the Tier 1 (Graduate Entrepreneur) has been in the United Kingdom for 12 months or more, you must have £600 to support yourself.
53. This requirement can be met by either having savings of £1200 or £600 where the Tier 1 (Graduate Entrepreneur) has been in the United Kingdom for 12 months or more, which must have been held for at least a 90 consecutive day period prior to the date of application; or providing an endorsement letter from UK Trade and Investment (UKTI) confirming that it has awarded funding that is at least sufficient to cover the required maintenance funds for the main applicant, you and any other PBS Dependants.

### **Family member of a Tier 2 Migrant**

54. You must have £600 to support yourself.
55. This requirement can be met by:
  - having savings of £600 which must have been held for at least three months prior to the date of application; or
  - the Tier 2 A-rated sponsor providing a written undertaking that, should it become necessary, it will maintain and accommodate the family member for a month. The undertaking may be limited provided the limit is at least £600 per family member.
56. For example, the Tier 2 Migrant is making an application at the same time as their spouse and two children. They must show that they have £600 for their spouse and a further £600 for each

child, in addition to £900 required for their own support. In total the family will require evidence that they hold £2700 in available funds (£600 x 3 = £1800 + £900).

57. If you apply at the same time as the main applicant, you are only required to provide evidence that you meet the maintenance requirement when the Tier 2 Migrant is also required to meet the maintenance requirement. If you apply separately from the main applicant you will always need to have the necessary funds to meet the maintenance requirement or have a written undertaking from an A-rated Sponsor.

58. For example, where the Tier 2 Migrant is submitting an application because they are changing employment within Tier 2, neither the Tier 2 Migrant nor any family member is required to submit evidence that they meet the maintenance requirement.

### **Family member of a Tier 4 (General) Student**

59. If you are the family member of a Tier 4 (General) Student, your maintenance requirements will depend on the following circumstances:

- the length of the course;
- where the main applicant will be studying in the United Kingdom; and
- whether the main applicant already has an established presence studying in the UK.

60. The Tier 4 (General) Student will be either:

- On a course based in inner London
- On a course based in outer London or anywhere else in the UK.

61. To meet basic living expenses, not including fees, a student:

- Studying in inner London for the majority of his/her study must have £1000 per month;
- Studying in outer London or anywhere else in the United Kingdom for the majority of his/her study must have £800 per month.

62. We will use the address given as the main study site to assess whether the student will study for the majority of the time in inner London (more than 50% of their study time). The following London Boroughs are subject to the £1000 per month maintenance requirement:

- Camden,
- City of London,
- Hackney, Hammersmith and Fulham,
- Haringey,
- Islington,
- Kensington and Chelsea,
- Lambeth,

- Lewisham,
- Newham,
- Southwark,
- Tower Hamlets,
- Wandsworth, and
- Westminster.

All other London Boroughs and any other area in the United Kingdom will be subject to the £800 per month requirement.

63. The student's education provider will be able to tell the student which London Borough he/she is based in.
64. If the student will be studying at more than one site, and one site is in inner London and one site is not, we will base the maintenance requirements on where the student will spend the majority of their time studying, the student will need to get this address from the Tier 4 sponsor.
65. If the course involves study that is split equally between two or more sites, the main study site named by the sponsor in the Confirmation of Acceptance for Studies will be used to assess the level of maintenance required.
66. If we do not have the borough in the address we will enter the postcode into <http://www.aboutmyvote.co.uk/> and if it confirms that the address is in a London Borough that is listed above we will apply the inner London maintenance requirement.

### **How many months money does a family member of a Tier 4 (general) Student need?**

67. If you are a family member of a Tier 4 (General) student, you must show that you have enough money to cover your monthly living costs whilst the student is studying in the United Kingdom.
68. The amount of money you have to show will depend on whether the student already has an established presence studying in the United Kingdom. Where a student has an established presence studying in the United Kingdom, you will need to show less money for living costs.
69. A Tier 4 (General) student (including Post-graduate Doctors and Sabbatical Officers) has an established presence studying in the UK if they have current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, as a student, or as a Post-graduate Doctor or Dentist when applying for further leave and on the date of application they:
- have finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or
  - are applying for a continued study on a single course where the applicant has completed at least six months of that course.

A Tier 4 (General) student can qualify for the reduced maintenance levels whether they are applying from inside the UK or from overseas.

70. You can qualify for the reduced maintenance levels whether you are applying from inside the United Kingdom or from overseas.

71. If the student does not have an established presence studying in the United Kingdom, you must show that you have money for your living costs for each month of the student's course up, to a maximum of 9 months.
72. A student with an established presence studying in the United Kingdom must show that they have money for their living costs for each month of their course up, to a maximum of 2 months.
73. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, you must show that you have enough money for eight months.

**The family member of a Tier 4 (General) Student where the student does not have an established presence in the UK if the Tier 4 (General) Student is studying in inner London**

74. If you are the family member of a Tier 4 (General) Student who is studying in inner London, you must have £600 per month up to a maximum of 9 months, to support yourself.
75. For example, if the Tier 4 (General) Student who is studying in inner London is making an application at the same time as his/her spouse and two children. They must show that they have £600 for their spouse and a further £600 for each child, in addition to £1000 required for their own support. In total the family will require evidence that they hold £2800 in available funds ( $£600 \times 3 = £1800 + £1000$ ) per month up to a maximum of 9 months.

**If the Tier 4 (General) Student is studying in outer London or anywhere else in the UK**

76. If you are the family member of a Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom, then you must have £450 per month up to a maximum of 9 months, to support yourself.
77. For example, if the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom is making an application at the same time as their spouse and two children. They must show that they have £450 for their spouse and a further £450 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold £2150 in available funds ( $£450 \times 3 = £1350 + £800$ ) per month up to a maximum of 9 months.

**The family member of a Tier 4 (General) Student where the student has an established presence in the UK if the Tier 4 (General) Student is studying in inner London**

78. If you are the family member of a Tier 4 (General) Student who is studying in inner London, you must have 2 months maintenance of £600 per month, to support yourself.
79. For example, if the Tier 4 (General) Student who is studying in inner London is making an application at the same time as their spouse and two children. They must show that they have £600 for their spouse and a further £600 for each child, in addition to £1000 required for their own support. In total the family will require evidence that they hold 2 months maintenance of £2800 per month in available funds ( $£600 \times 3 = £1800 + £1000$ ).

**If the Tier 4 (General) student is studying in outer London or anywhere else in the UK**

80. If you are the family member of a Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom, you must have 2 months maintenance of £450 per month, to support yourself.
81. For example, if the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom is making an application at the same time as their spouse and two children. They must show that they have £450 for his/her spouse and a further £450 for each child, in addition to £800 required for their own support. In total the family will require evidence that they hold 2 months maintenance of £2150 per month in available funds (£450 x 3 = £1350 +£800).

### **Family member of a Tier 4 (Child) Student Migrant**

82. The dependant route is not available for a family member of a Tier 4 (Child) Student migrant.

### **Family member of a Tier 5 (Temporary Worker)**

83. If you are the family member of the Tier 5 (Temporary Worker), you must have £600 to support yourself.
84. For example, the Tier 5 (Temporary Worker) Migrant is making an application at the same time as his spouse and two children must show that he has £600 for his spouse and £600 for each child, in addition to £900 required for his own support. In total the family will require evidence that they hold £2700 in available funds (£600 x 3 = £1800 + £900).
85. If you are the family member of a Tier 5 (Temporary Worker) who is extending their leave, you are required to provide evidence of meeting the maintenance requirement.

### **Documents we require**

86. This evidence must be original, on the official letter-headed paper or stationery of the organisation and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
87. Evidence must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, pension funds etc, regardless of notice period are not acceptable.
88. If you wish to rely on a joint account as evidence of available funds, you, the main applicant, or (for children) your other parent who is legally present in the United Kingdom, must be named on the account along with one or more other named individual(s).
89. All evidence must be dated no more than 31 days before the application is submitted.
90. Where the funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of the application, taken from the rates published on [www.oanda.com](http://www.oanda.com).
91. You will not meet the requirements of the Immigration Rules for maintenance where your ability to meet the maintenance requirement is based on evidence of funds that are held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements appears at Appendix P of the Immigration Rules and can also be found on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/)

## EVIDENCE FOR APPLICATIONS MADE AS THE DEPENDANT OF A PERSON WITH LEAVE UNDER TIER 1, 2 OR 5

92. The documents required by Appendix E of the Immigration Rules are specified below:

i) Personal bank or building society statements covering the 90 day period immediately before the application. The personal bank or building society statements should clearly show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- transactions covering the 90 day period;
- that there are sufficient funds present in the account (the balance must not fall below £600 or £1800, as above, at any time during the 90 day period).

Only the most recent statement must be dated within 31 days of the date of application.

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

If you wish to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, you will need to provide a supporting letter from your bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement. Statements that simply show the balance in the account on a particular day are not sufficient.

ii) Building society passbook. The building society passbook should clearly show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the financial institution's name and logo;
- transactions covering the 90 day period;
- that there are sufficient funds present in the account (the balance must not fall below £600 or £1800, as above, at any time during the 90 days period).

iii) Letter from bank confirming funds and that they have been in the bank for at least 90 days. The letter from a bank or building society should show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the date of the letter;

- the funds held in the account; and
- that the funds have been in the bank for at least 90 days and the balance has not fallen below £600 or £1800, as in the examples above, at any time during the 90 day period.

Letters that simply state the balance in the account on a particular day or an average balance over the 90 day period are not sufficient.

iv) Letter from a financial institution regulated by either the Financial Conduct Authority, the Prudential Regulatory Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) for the purpose of personal savings accounts confirming funds. This letter should show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- that the funds have been in the bank for at least 90 days and the balance has not fallen below £600 or £1800, as in the examples above, at any time during the 90 day period.

Letters that simply state the balance in the account on a particular day or an average balance over the 90 day period are not sufficient.

### **Evidence of certifying maintenance for family members of Tier 2 Migrants**

93. If you are making your application at the same time as the Tier 2 Migrant, then A-rated sponsors are able to certify your maintenance on the Tier 2 Migrant's Certificate of Sponsorship or by providing a letter. Your maintenance cannot be certified if your main applicant has indefinite leave to remain.
94. If you are making your application at the same time as the Tier 2 Migrant and the A-rated sponsor is certifying maintenance on the Certificate of Sponsorship, then you do not need to send us any documents for maintenance. We will take this information from the Certificate of Sponsorship.
95. If the A-rated sponsor is certifying maintenance on a letter, then the letter, which can be posted or faxed to you, must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and must show:
- your name;
  - the sponsor's name and logo;
  - confirmation that the sponsor has certified the maintenance; and
  - details of limiting the undertaking if appropriate

### **Evidence required for applications made as a Tier 4 dependant**

96. If you qualify for our differentiation arrangements because you are considered to be “low risk”, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents and we reserve the right to request any or all the evidential documents from this section from you.
97. The money you show us must be for your use for living in the UK. The full amount of this money - which should be held in the manner specified in the Immigration Rules - must continue to be available to you after your application is made, except for any money that has been paid for living costs.
98. If you apply separately from the Tier 4 (General) student we will require you and any other family members who are overseas to show that you have held the money for 28 days.
99. The documents required by Appendix E of the Immigration Rules are specified below:

i) Personal bank or building society statements covering the 28 day period immediately before the application. The personal bank or building society statements should clearly show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number
- the date of the statement;
- the financial institution’s name and logo;
- transactions covering the 28 day period;
- the amount of money available.

Only the most recent statement must be dated within 31 days of the date of application.

Ad hoc bank statements printed on the bank’s letterhead are admissible as evidence (this excludes mini-statements from cash points).

If you wish to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, you will need to provide a supporting letter from your bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement. Statements that simply show the balance in the account on a particular day are not sufficient.

ii) Building society passbook. The building society passbook should clearly show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the financial institution’s name and logo;
- transactions covering the 28 day period;
- the amount of money available.

iii) Letter from bank confirming funds and that they have been in the bank for at least 28 days. The letter from a bank or building society should show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the date of the letter;
- the funds held in the account; and
- that the funds have been in the bank for at least 28 days and the amount of money available.

Letters that simply state the balance in the account on a particular day or an average balance over the 28 day period are not sufficient.

iv) Letter from a financial institution regulated by either the Financial Conduct Authority, the Prudential Regulatory Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) for the purpose of personal savings accounts confirming funds. This letter should show:

- the name of the main applicant and/or your name, or (for children only) the name of your other parent who is also legally present in the United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- the amount of money available.

Letters that simply state the balance in the account on a particular day or an average balance over the 28 day period are not sufficient.

### **Official financial sponsorship or government sponsor**

100. If the Tier 4 (General) Student has official financial sponsorship (i.e. is being given money to cover their course fees and living costs), this sponsorship may also be intended to cover costs of you and any other family member(s).

101. Where this is the case, you must provide a letter of confirmation from the Tier 4 (General) Student's official financial sponsor.

102. This may be Her Majesty's Government, their home government, the British Council or any international organisation, international company or university.

103. The letter must be on official letter-headed paper or stationery of the organisation of the official financial sponsor and have the official stamp of that organisation on it. It must show:

- both the Tier 4 (General) student's name and your name;
- the name and contact details of the official financial sponsor;
- the date of the letter

- the length of the sponsorship and
- the amount of money they are providing or a statement that they will cover the your full maintenance.

104. If the official financial sponsorship only covers part of your living costs, documentation must be provided to show the remaining maintenance, as detailed earlier in this guidance.

105. If you are applying at the same time as the Tier 4 (General) Student, the funds that you provide evidence of must be in addition to the funds for the Tier 4 (General) student. The same money cannot be counted twice.

For example, if the Tier 4 (General) student provides a letter confirming that he/she is in receipt of official financial sponsorship and you provide bank statements to cover your own living costs, the money held in the bank account must be in addition to the money that has been provided by the official financial sponsor to cover the Tier 4 (General) Student.

### **Children of PBS Migrants**

106. In order to apply for leave to remain as the child of a PBS migrant, you must be under the age of 18 on the date of application. If you are aged 18 or over, you must have, or have last been granted, leave as the family member of a PBS migrant or someone applying at the same time for leave as a PBS migrant.

107. You will not be considered to be a child family member of a PBS migrant where it is considered that you:

- are married or in a civil partnership
- have formed an independent family unit; or
- are living an independent life.

108. Children aged 18 or over who have not previously been granted leave as the family member of the PBS migrant cannot be granted be leave as the family member of a PBS migrant.

### **Not have formed an independent family unit**

109. Examples of when we might consider that there is an independent family unit include when you:

- are living with your partner; or
- have children of your own.

### **Not be living an independent life**

110. Examples of when we might consider you to be living an independent life include:

- where you are living away from the family home (except where you are at boarding school);
- where you are in full time employment;
- where you appear to be financially independent (that is where your income exceeds their expenditure).

### **Documents required**

111. If you are over the age of 16, you should submit the following documentation in support of your application. Two items from the list below confirming your residential address:

- bank statements; and/or
- credit card bills; and/or
- driving licence; and/or
- NHS Registration document; and/or
- letter from your current school, college or university confirming your address. This must be on official headed paper and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

112. The documents submitted should be from two separate sources and dated no more than a month prior to the date of application.

113. If you pay rent or board towards your keep, you should also provide details of how much this amounts to each calendar month.

114. Where you are residing separately from those on which you are claiming to be a family member, the following information or documentation should be submitted:

- reasons for residing away from the family home. Where this is due to academic endeavours you should submit confirmation from your university/college confirming your enrolment and attendance of the specific course. This should be on official headed paper and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
- you should also include evidence that you have been supported financially by your parents whilst residing away from the family home. The following documentation should be included with the application:
  - bank statements for you covering the three months prior to the application clearly showing the origin of the deposits; and
  - bank statements for your parent covering the three months prior to the application also showing corroborating payments out of their account.

**ANNEX A - APPLICANTS WHO HAVE BEEN ON A NHS FOUNDATION PROGRAMME OR WHO HAVE BEEN WORKING AS A DOCTOR OR DENTIST IN TRAINING DURING THEIR MOST RECENT PERIOD OF LEAVE.**

1. If you were last granted leave which was not subject to a condition restricting your employment and you have been on a NHS foundation programme or working as a 'Doctor or Dentist in Training' during your most recent period of leave, you can apply to be exempted from the condition prohibiting this type of employment.

2. In order to qualify for this exemption you should provide the following evidence:

a) To prove that you are on the Foundation Programme, a letter from your Postgraduate Dean that satisfies the requirements of the Immigration Directorate Instruction (IDI) on Postgraduate Doctors and Dentists (see in particular page 17 of that IDI) confirming:

- That you have a place on a Foundation Programme; and
- The Foundation Programme is recognised by the medical community; and
- The place on the Foundation Programme is full time.

or;

b) To prove that you have been working as a Doctor or Dentist in Training, you must provide a letter from the NHS Trust employing you confirming that you have been working in a post/programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post. Where you do not include all of the requested information, any grant of leave will be subject to the 'Doctor or Dentist in Training' restriction.

or;

c) Evidence of a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System.