

# **ADDENDUM Tier 1 (Post-Study Work)**

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### **IMPORTANT NOTE**

**From 6 April 2012 Tier 1 (Post-Study Work) is closed to all applicants.**

**Dependants can still apply to join applicants who have obtained prior entry clearance for Tier 1 (Post-Study Work).**



Home Office

**UK Border  
Agency** office

**TIER 1  
(POST-STUDY  
WORK)**  
07/13

# Tier 1 (Post-Study Work) of the Points Based System - Policy Guidance

This guidance is  
to be used on or  
after 1 July 2013

## CONTENTS

<b>Introduction</b> .....	<b>2</b>
<b>General Guidance for Applicants to the Points Based System</b> .....	<b>3</b>
Self-assessment .....	3
Documents we require .....	3
Verification and other checks .....	4
Additional evidence for sponsored students .....	6
Administrative review (entry clearance applications only) .....	7
Appeal Rights (in-country applications) .....	7
Date of application .....	7
<b>Tier 1 (Post-Study Work) Overview of Terms and Conditions</b> .....	<b>8</b>
<b>Tier 1 (Post-Study Work) - Points Scoring</b> .....	<b>12</b>
Points scoring assessment – initial applications.....	12
<b>Initial Applications</b> .....	<b>14</b>
Attributes.....	14
Immigration Status in the United Kingdom during the period of study and /or research in the United Kingdom .....	16
Points scoring assessment – transitional arrangements .....	18
Attributes.....	18
<b>English Language Requirement</b> .....	<b>19</b>
English language assessment.....	19
Maintenance requirement – all applications .....	19
Change of circumstances .....	21
<b>Annex A - Administrative Review</b> .....	<b>23</b>
<b>Annex B - Applicants who have been on an NHS Foundation programme or working as doctor or dentist in training during their last period of leave ....</b>	<b>25</b>

## INTRODUCTION

1. This document provides policy guidance on Tier 1 (Post-Study Work) of the points based system. Please note that it reflects policy at the time of publication and is subject to change. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the Home Office. It should be read in conjunction with the relevant paragraphs of the Immigration Rules.
2. An applicant making an application from outside the United Kingdom for entry clearance should go to our website at: where he/she can find the forms and more information on how to fill them in.
3. An applicant making an application from inside the United Kingdom for an initial grant of leave under Tier 1 (Post-Study Work) or under the transitional arrangements in this category, should go to our website to find the application form at <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier1poststudy>
4. Applicants in all the points based system categories will be subject to General Grounds for Refusal. This means that even if the applicant qualifies under the specific category of the Rules under which he/she is applying to come here, there may be other reasons (such as his/her previous immigration history) that may lead to the application being refused. Further information on General Grounds for Refusal is available on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9/>
5. Please be advised that you should not make plans to travel outside of the Common Travel Area whilst your application is under consideration. Where you travel prior to a decision being reached on your application, your application will be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.
6. Please be advised that notification of our decision and any documents that you have submitted in support of your application will usually be returned by Royal Mail Recorded Delivery. If you require your documents to be returned by Royal Mail Special Delivery you must provide a pre-paid Special Delivery envelope of a sufficient size to return all your documentation with your application.

## GENERAL GUIDANCE FOR APPLICANTS TO THE POINTS BASED SYSTEM

### Self-assessment

7. We have a points based calculator that enables an applicant to self-assess whether he/she is likely to score enough points for his/her application to succeed.

8. The points based calculator is on our website at: <http://www.ukba.homeoffice.gov.uk/pointscalculator>.

9. An applicant can enter details of his/her attributes. The points based calculator then calculates the points we may award for the attributes section of the points assessment. The applicant can also confirm that they satisfy the English language requirement and enter details of whether he/she has enough money to support himself/herself in the United Kingdom.

10. The points based calculator will provide a summary of the information an applicant enters, the points awarded for each section and the overall score.

11. Under Tier 1 (Post-Study Work), an applicant must score:

- at least 75 points for attributes (Appendix A of the Immigration Rules); and
- 10 points for English language (Appendix B of the Immigration Rules); and
- 10 points for maintenance (funds available) (Appendix C of the Immigration Rules).

12. The results of the points based calculator show the possible points an applicant might score and do not guarantee the application will be successful. We make a decision after receiving the full application and the evidence to support it.

### Documents we require

13. The applicant must ensure he/she provides all of the necessary supporting documents at the time he/she sends us the application. We will only accept the documents specified in this guidance.

14. If the applicant does not provide the specified documents, we will contact him/her to ask for them only when he/she has 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 will contact the applicant or their representative in writing, and the evidence must be received by the Home Office processing centres within 7 working days. If the applicant does not send in the correct documents we may refuse the application. We will not ask for further information where none of the information has been submitted (for example an English language certificate is missing); or where we do not anticipate that a correction of minor errors or omissions will lead to an approval because the application will fail for other reasons.

15. Any documentary evidence that the applicant provides must be the original (not a copy) unless we say otherwise.

16. 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.

17. We only need evidence that is directly relevant to the application, as set out in this guidance. We will not consider unrelated evidence when calculating the points score.

## Verification and other checks

18. 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 an applicant provides is a true reflection of his/her background.

19. We will ask for a variety of verifiable documents to enable us to consider the application.

20. We may want to check the supporting documents an applicant sends with his/her application. Therefore, he/she 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.

21. 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

22. 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.

23. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles the applicant to claim those points.

24. Verification may delay our decision on an application so we will only do it when there are clear reasons for it.

### Reasonable doubt

25. 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

26. 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 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 an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the Home Office and is likely to jeopardise any future application.
- **Verification check inconclusive.** If we cannot verify that the document is either genuine or false then we will ignore it as evidence for scoring points. If the applicant

has sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If the applicant has not sent any other documents, we will award zero points in that area.

### **Refusing applications without making verification checks**

27. 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 an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

### **Other checks**

28. 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.

29. 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**

30. 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**

31. 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 an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the Home Office and is likely to jeopardise any future application.
- **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**

32. 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.

### **Standard procedure**

33. We will use a standard form to record the results of our enquiries, to ensure that we record any feedback consistently.

34. If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.

35. If we make checks on an applicant who is self-employed we will try to establish the business presence, for example by checking business and/or tax registration.

36. Our compliance team may visit the applicant's employer or educational institution (if the applicant is a student) before we make a decision on the application.

### **Additional evidence for sponsored students**

37. For the purposes of this section of the guidance, 'sponsored' means 'wholly supported by an award that covers both fees and living costs'.

38. An applicant who has had permission to be in the United Kingdom in one of the following categories, within the last 12 months, may have been sponsored in his/her studies by a Government or an international scholarship agency:

- student; or
- Tier 4; or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis.

39. If the applicant is currently sponsored by a Government or an international scholarship agency, or such sponsorship ended within the past 12 months of this application being made, the applicant must provide us with the sponsor's unconditional consent in writing to us, giving the applicant permission to remain in or re-enter the United Kingdom. If the sponsor does not give unconditional consent or gives permission for a limited time, we will refuse the application.

40. The evidence must be original, on the official letter-headed paper or stationery of the organisation and have the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

41. If an applicant has received private sponsorship during his/her studies (for example from an employer or relative), we do not require the sponsor's consent.

42. For more advice on sponsored students, see **chapter 3, section 3** of the Immigration Directorate Instructions, which you can find on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter3/>



## **Administrative review (entry clearance applications only)**

43. If we refuse an application for entry clearance and the applicant thinks that a mistake has been made, the applicant can ask us to check our decision. This is known as an 'administrative review'. Full guidance on administrative reviews can be found at **Annex A** below. Please note, applicants who are already in the United Kingdom cannot apply for an administrative review.

## **Appeal Rights (in-country applications)**

44. If we refuse an application for leave to remain and the applicant thinks that a mistake has been made, the applicant may be able to appeal against our decision. Details on how and if an applicant can appeal against our decision will be included with his/her reasons for refusal letter.

## **Date of application**

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

### **For applications made in the UK:**

- 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 Home Office;

### **For applications made outside the UK:**

- 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.

## TIER 1 (POST-STUDY WORK) OVERVIEW OF TERMS AND CONDITIONS

46. The following table explains some of the key features of Tier 1 (Post-Study Work). Full details of the requirements are in paragraphs 245F to 245FE of the Immigration Rules.

<b>Description of category:</b>	<p>The Tier 1 (Post-Study Work) category aims to retain the most able international graduates who have studied in the United Kingdom. It will also enhance the United Kingdom's overall offer to international students.</p> <p>Successful applicants will be free to seek employment without having a sponsor for the duration of their Tier 1 (Post-Study Work) leave.</p> <p>This category provides a bridge to highly skilled or skilled work. Individuals with Tier 1 (Post-Study Work) leave will be expected to switch into another part of the points based system as soon as they are able to do so.</p>
<b>Length of grant:</b>	<p>Successful applicants in the Tier 1 (Post-Study Work) category will receive a single grant of leave for two years.</p> <p>No further or subsequent grant will be made under Tier 1 (Post-Study Work).</p> <p>Applicants in the Tier 1 (Post-Study Work) category will not be able to apply to extend their leave in the United Kingdom.</p> <p>An applicant who has previously been granted entry clearance or leave to remain as a participant in the International Graduates Scheme, or its predecessor, the Science and Engineering Graduates Scheme, or as a participant in the Fresh Talent: Working in Scotland Scheme will not be able to apply for entry clearance under Tier 1 (Post-Study Work).</p>
<b>Indefinite leave to remain:</b>	<p>Time spent in the Tier 1 (Post-Study Work) category does not count towards the period an individual needs to spend in the United Kingdom before being eligible to apply for indefinite leave to remain.</p> <p>Leave in the Tier 1 (Post-Study Work) category does not lead to settlement.</p>

<p><b>Initial applications</b></p>	<p>This should be completed by applicants who are either:</p> <ul style="list-style-type: none"> <li>• currently outside the United Kingdom and wish to enter as a Tier 1 (Post-Study Work) migrant. Prior entry clearance is mandatory for this route. Anyone attempting to enter into the United Kingdom through this route without entry clearance will be refused entry; or</li> <li>• currently in the United Kingdom with leave as a student (this includes student, student nurse, student re-sitting examinations, student writing up a thesis) and wish to switch into Tier 1 (Post-Study Work).</li> </ul> <p>Dependants that are in the United Kingdom may apply under Tier 1 (Post-Study Work), but they are unable to switch into becoming the main applicant for this category. The dependant must leave the United Kingdom and make an application for entry clearance from overseas.</p> <p>An applicant who has previously been granted entry clearance or leave to remain as a Tier 1 (Post-Study Work) migrant or as a participant in the International Graduates Scheme, the Science and Engineering Graduates Scheme, or the Fresh Talent: Working in Scotland Scheme <b>will not</b> be able to apply for entry clearance or leave to remain under Tier 1 (Post-Study Work), unless they are applying under the transitional arrangements.</p>
<p><b>Transitional arrangements:</b></p>	<p>Transitional arrangements for migrants that are in the United Kingdom and whose current or last grant of leave was in Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT:WISS) are detailed below.</p>

<p><b>Switching into the Tier 1 (Post-Study Work) category:</b></p>	<p>Switching into the Tier 1 (Post-Study Work) category will only be permitted where the applicant has or has last been granted leave as a:</p> <ul style="list-style-type: none"> <li>• student;</li> <li>• student nurse;</li> <li>• student re-sitting examinations;</li> <li>• student writing up a thesis;</li> <li>• Tier 4 Migrant;</li> <li>• Postgraduate Doctor or Dentist.</li> </ul> <p>Applicants who are in the United Kingdom with any other category of leave will not qualify to switch into the Tier 1 (Post-Study Work) category whilst in the United Kingdom (subject to the transitional arrangements for those with leave as a participant in the Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT: WISS)). We will refuse any applications from these applicants.</p>
<p><b>Applicants must meet the following conditions:</b></p>	<p>Leave to remain under this route will be subject to the following conditions:</p> <p>a) No recourse to public funds (which means the applicant will not be able to claim most benefits paid by the state);</p> <p>b) Registration with the police, if this is required by paragraph 326 of the Immigration Rules; and</p> <p>c) no Employment as a Doctor or Dentist in Training, unless the applicant</p> <ul style="list-style-type: none"> <li>• has obtained a primary degree in medicine or dentistry at bachelors level or above 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</li> <li>• has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or</li> <li>• has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training</li> </ul>

47. All applicants wanting to travel to the United Kingdom under Tier 1 (Post-Study Work) of the points based system will need prior entry clearance.

48. Applicants who are currently working as a 'Doctor or Dentist in Training' should submit the documents specified in Annex B of this guidance. Where an applicant does not include all of the requested information, any grant of leave will be subject to the 'Doctor/Dentist in Training' restriction.

## TIER 1 (POST-STUDY WORK) - POINTS SCORING

### Points scoring assessment – initial applications

49. In order to obtain entry clearance or leave to remain within Tier 1 (Post-Study Work) an applicant must score enough points and send supporting evidence where appropriate.

50. Under Tier 1 (Post-Study Work) an initial applicant must score:

- 75 points for attributes (Table 9 in Appendix A of the Immigration Rules); and
- 10 points for English language (Appendix B of the Immigration Rules); and
- 10 points for maintenance (funds) (Appendix C of the Immigration Rules).

(This excludes applicants in the United Kingdom under the Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT: WISS) who should apply under the transitional arrangements).

51. The requirements for the award of points for initial applicants under Tier 1 (Post-Study Work) are:

<b>Attributes (pass mark = 75):</b>		<b>Points available</b>
<b>1</b>	The applicant has been awarded:  a) a United Kingdom recognised bachelor's or postgraduate degree;  b) a United Kingdom Postgraduate Certificate in Education (PGCE) or Professional Graduate Diploma of Education (PGDE); or  c) a Higher National Diploma (HND) from a Scottish institution	<b>20</b>
<b>2</b>	The applicant studied for the eligible award at a United Kingdom institution that is a United Kingdom recognised or listed body, or holds a sponsor licence under Tier 4 of the points based system  or  If the applicant is claiming points for having been awarded an HND from a Scottish Institution: the HND must have been studied at a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance.	<b>20</b>
<b>3</b>	The applicant's periods of UK study and/or research towards his eligible award were undertaken whilst he had entry clearance, leave to enter or leave to remain in the UK that was not subject to a restriction preventing him from undertaking a course of study and/or research.	<b>20</b>

<b>4</b>	The applicant made the application for entry clearance or leave to remain as a Tier 1 (Post-Study Work) migrant within 12 months of obtaining the eligible award or within 12 months of completing a United Kingdom Foundation Programme Office affiliated Foundation Programme as a postgraduate doctor or dentist.	<b>15</b>
<b>English language (pass mark = 10)</b>		
<b>5</b>	Tier 1 (Post-Study Work) applicants who meet the pass-mark of 75 points for attributes (above) will satisfy the English language requirement.	<b>10</b>
<b>Maintenance (pass mark = 10)</b>		
<b>6</b>	<ul style="list-style-type: none"> <li>• Applicants for leave to remain in the United Kingdom must have £800 of available funds</li> <li>• Applicants for entry clearance to come into the United Kingdom must have £2,800 available funds</li> </ul>	<b>10</b>

52. All the requirements of the Immigration Rules must also be met.



## INITIAL APPLICATIONS

### Attributes

#### Qualification

53. An applicant can claim 20 points if he/she has been awarded one of the following qualifications:

- A United Kingdom recognised degree at Bachelor, Master or PhD level; or
- A Postgraduate Certificate in Education (PGCE) /Professional Graduate Diploma of Education (PGDE); or
- A Higher National Diploma (HND) from a Scottish institution.

#### United Kingdom recognised degree at Bachelor level or postgraduate level

54. For a qualification to be considered a United Kingdom recognised degree at Bachelors, Masters or PhD level, it must have been awarded by a United Kingdom recognised body.

55. A United Kingdom recognised body is an institution which has been granted degree awarding powers by a Royal Charter, an Act of Parliament or the Privy Council. All United Kingdom universities and some higher education colleges are United Kingdom recognised bodies.

56. Further information on the United Kingdom recognised bodies can be found on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dcsf.gov.uk/recognisedukdegrees>.

#### Postgraduate certificate in education

57. A United Kingdom Postgraduate Certificate in Education (PGCE)/Professional Graduate Diploma of Education (PGDE) is acceptable for this requirement. It is not necessary for the awarding body to be United Kingdom recognised body.

#### Higher National Diploma (HND) from a Scottish Institution

58. The qualification must be an HND and it must be at level 8 on the Scottish Credit Qualifications Framework. The institution at which the applicant studied for his/her HND must be a Scottish institution. We will use the address of the institution to confirm this point.

#### Qualifications that are not acceptable

59. Qualifications that cannot be used for the award of points include:

- Foundation degrees;
- Honorary degrees;
- Qualifications awarded in the United Kingdom by overseas awarding bodies;
- Qualifications undertaken solely at an overseas campus of United Kingdom institutions;
- Professional and vocational qualifications (unless they are of a type listed in paragraph 53); and
- Postgraduate certificates and diplomas (except PGCE/PGDE).

60. An eligible qualification is one which has been awarded 20 points under this scoring section. Therefore, if the applicant fails to score points in this section, they will not score points for any of the other attributes.

#### Documents required

61. Paragraph 245 AA (and 54 of Appendix A) of the Immigration Rules state that we will only award points when an applicant provides the specified evidence that he/she meets the requirements for this category.

62. In order to score 20 points for this attribute, the specified evidence the applicant must provide is:

i) the original certificate of award. This must be the applicant's original certificate (not a copy) and must clearly show the:

- applicant's name;
- title of the qualification; and

- name of the awarding body.

We will not accept provisional certificates.

If the certificate has yet to be issued, the applicant will be unable to provide the original certificate of award. In these circumstances, the applicant must provide:

ii) an original letter from the institution at which the applicant studied towards his/her eligible qualification. The letter must be an original letter (not a copy), on the official letter-headed paper of the United Kingdom institution at which the applicant studied. It must have been issued by an authorised official and must confirm the:

- applicant's name;
- title of the qualification;
- Date of the award (as defined in paragraph 79 of these guidance notes);
- the body awarding the qualification;
- explain the reason why the applicant is unable to provide their original certificate of award; and
- confirm that the certificate will be issued.

### **Institution**

63. An applicant can claim 20 points if he/she has undertaken a period of study for the eligible qualification at an institution that:

- Is a United Kingdom recognised or United Kingdom listed body; or
- In relation to an HND from a Scottish institution, is a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance; or
- Holds a sponsor licence under Tier 4 of the points-based system. Please see <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsporsoreducation> for a list of those who hold sponsor licences.

Where the institution studied at is removed from one of the relevant lists, any award completed after the date the institution was removed from the relevant list will not be eligible for an award of points and the evidence will be discounted.

### **United Kingdom recognised or listed body**

64. A United Kingdom recognised body is as described in paragraph 55 above. A United Kingdom listed body is an institution that is not a United Kingdom recognised body but which provides full courses that lead to the award of a degree by a United Kingdom recognised body.

65. Further information on both recognised and listed bodies can be found on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dcf.gov.uk/recognisedukdegrees>.

### **Scottish institution**

66. Applicants claiming points for an HND from a Scottish institution must have studied at a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance. A 'bona fide private education institution' is defined in paragraph 6 of the Immigration Rules.

67. The Scottish institution must be on the Register of Education and Training Providers list which can be found on the website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/diusregister.pdf>

Alternatively, the institution should hold a sponsor licence under Tier 4 of the points-based system.

### **Documents required**

68. 20 points will be awarded for this attribute if the applicant has provided the specified evidence as detailed in paragraph 62 above.

## Immigration Status in the United Kingdom during the period of study and /or research in the United Kingdom

69. An applicant can claim 20 points if he/she can establish that the whole of his/her period of study in the United Kingdom for the eligible qualification was completed whilst he/she had leave to enter /remain that was not subject to a restriction preventing him/her from undertaking a course of study and/or research.

70. No points will be awarded if the applicant's immigration status did not permit them to pursue a course of study at any point during which he/she was studying in the United Kingdom towards the eligible qualification.

71. An applicant does not have to have remained in the United Kingdom throughout the entire period of their study. It is reasonable to expect, for example, that a student may have undertaken periods of overseas study and/or research whilst obtaining the eligible qualification.

72. Please note, that whilst you may be eligible for an award of points under this attribute you can only apply to switch into Tier 1 (Post-Study Work) if you have, or have last been granted leave to enter or remain as a:

- Student (paragraphs 57 to 62 of the Immigration Rules);
- Student nurse (paragraphs 63 to 69 of the Immigration Rules);
- Student re-sitting an examination (paragraph 69A to 69F of the Immigration Rules);
- Student writing up a thesis (paragraphs 69G to 69L of the Immigration Rules);
- Tier 4 migrant (paragraphs 245ZT to 245ZZD of the Immigration Rules);

If your period of study was undertaken with leave to enter or remain in any other category you will need to leave the United Kingdom and apply for entry clearance from outside the United Kingdom.

## Documents required

73. In order to score 20 points for this attribute, the specified items of evidence the applicant must provide are:

- original passport(s), travel document(s) or BRP (Biometric Residence Permit) containing the relevant grant(s) of leave in the United Kingdom for the period during which the applicant studied and/or conducted research for his/her eligible qualification in the United Kingdom; and
- an original letter from the institution at which the applicant studied towards his/her eligible qualification. The letter must be an original letter (not a copy), on the official letter-headed paper of the United Kingdom institution at which the applicant studied. It must have been issued by an authorised official and must confirm the:
  - applicant's name;
  - title of the qualification;
  - start and end dates of the applicant's period/s of study and/or research for this qualification at the United Kingdom institution.

The original letter in support of points claimed for other attributes is acceptable as evidence for this attribute, providing it contains all the required information.

74. We will check the applicant's immigration status in the United Kingdom throughout the whole period of his/her study and/or research in the United Kingdom. To do this, we will cross-check the evidence provided in the application with the applicant's relevant passport(s), travel document(s) or BRP (Biometric Residence Permit). This check will enable us to establish that, for the period of study and/or research in the United Kingdom, the applicant was here in an immigration route that did not place any restriction which prevented the applicant from undertaking a course of study and/or research.

75. Applicants must send their original passports, travel documents or BRP (Biometric Residence Permit) with their application, unless it is not available for one of the following reasons:

- It has been lost or stolen;
- It has expired; or
- It is elsewhere in the Home Office.

76. If this is the case we will attempt to verify his/her status in the United Kingdom during the period of study and/or research by checking the electronic records we hold internally.

77. If we cannot establish his/her status during the period of study and/or research in the United Kingdom by checking his/her immigration status using our electronic records, we will not award any points and we will refuse the application.

#### **Date of eligible qualification/Completion date of United Kingdom Foundation Programme.**

78. An applicant can claim 15 points if the eligible qualification was obtained within the 12 months immediately before his/her application for entry clearance or leave to remain under Tier 1 (Post-Study Work) or if his/her application for entry clearance or leave to remain is being made within 12 months of completing a United Kingdom Foundation Programme Office affiliated Foundation Programme as a postgraduate doctor or dentist.

79. The date of award is taken as the date on which the applicant was first notified, in writing, by the awarding institution, that the qualification has been awarded. This notification may have been made in writing, directly to the applicant, or by the institution publishing details of the award, either in writing (for example, via an institution notice board) or electronically (for example, on the institution's website). Where the notification was not in the form of direct correspondence to the applicant, we will require direct confirmation of the date of award from the institution in writing.

80. We do not accept the date of award as the date of graduation.

81. Providing the date of award of the eligible qualification is no more than 12 months before the date of application, 15 points will be awarded for this attribute.

82. Applicants may submit an application for leave to remain before the completion of his/her Foundation programme provided that he/she **will** complete the Foundation Programme, no more than 30 days after submitting this application

#### **Documents required**

83. In order to score 15 points for this attribute, the specified evidence the applicant must provide is:

- a) original document from the institution at which the applicant studied towards his/her eligible qualification or Foundation Programme as a postgraduate doctor of dentist (where the applicant is applying within 12 months of this period).

The letter must be an original letter (not a copy), on the official letter-headed paper of the United Kingdom institution at which the applicant studied. It must have been issued by an authorised official and must confirm the:

- applicant's name;
- title of the qualification;
- start and end dates of the applicant's period/s of study and/or research for this qualification at the United Kingdom institution; and date of award (as defined in paragraph 79 of these guidance notes).

84. If the applicant has already provided an original letter in support of points claimed for the other attributes, then the same letter is acceptable as evidence in support of this attribute, providing it contains all the required information.

#### **TIER 1 (POST-STUDY WORK) - POINTS SCORING**



## Points scoring assessment – transitional arrangements

85. Under the transitional arrangements of Tier 1 (Post-Study Work) applicants must score:

- 75 points for attributes (Appendix A of the Immigration Rules); and
- 10 points for English language (Appendix B of the Immigration Rules); and
- 10 points for maintenance (funds) (Appendix C of the Immigration Rules).

86. The requirements for the award of points for Tier 1 (Post-Study Work) are:

<b>Attributes (pass mark = 75)</b>		<b>Points available</b>
<b>1</b>	<p><b>Previous grants of leave:</b> The applicant is applying for leave to remain and has, or was last granted, leave as a participant in the:</p> <ul style="list-style-type: none"> <li>• International Graduates Scheme (IGS);</li> <li>• Science and Engineering Graduates Scheme (SEGS); or</li> <li>• Fresh Talent: Working in Scotland Scheme (FT:WISS)</li> </ul>	<b>75</b>
<b>English language (pass mark = 10)</b>		
<b>2</b>	Tier 1 (Post-Study Work) applicants who meet the pass-mark of 75 points for attributes (above) will satisfy the English language requirement.	<b>10</b>
<b>Maintenance (pass mark = 10)</b>		
<b>3</b>	• Applicants for leave to remain in the United Kingdom must have £800 of available funds	<b>10</b>

87. All the requirements of the Immigration Rules must also be met.

## Attributes

### Previous grant(s) of leave

88. Any applicant who is currently in the United Kingdom under one of the immigration categories below or whose last grant of leave was in one of these categories (which we have now deleted), may apply under the transitional arrangements to come into the Tier 1 (Post-Study Work) category, as described below. The deleted categories are the:

- International Graduates Scheme (IGS);
- Science and Engineering Graduates Scheme (SEGS); and
- Fresh Talent: Working in Scotland Scheme (FT:WISS).

89. With the implementation of Tier 1 (Post-Study Work), applicants who were granted less than 2 years leave under the International Graduates Scheme or the Science and Engineering Graduates Scheme will be able to apply to Tier 1 (Post-Study Work) under the transitional arrangements. These arrangements will enable them to obtain a total of up to 2 years leave under a combination of their previous scheme and Tier 1 (Post-Study Work).

90. Participants in the Fresh Talent: Working in Scotland Scheme will normally have been granted 2 years leave at the outset and therefore most of them will not need any transitional arrangements. However, an applicant who was granted less than 2 years leave under the Fresh Talent: Working in Scotland Scheme can apply under the transitional arrangements in Tier 1 (Post-Study Work) to get a total of 2 years leave under a combination of their previous scheme and Tier 1 (Post-Study Work).

## ENGLISH LANGUAGE REQUIREMENT

### English language assessment

#### Initial applications

91. An applicant who successfully achieves 75 points in the attributes section will satisfy the English language requirement. This is because the applicant will have shown in the attributes section that he/she has obtained an appropriate English qualification.

#### Transitional arrangements

92. If the applicant currently has, or was last granted leave as a participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme) or a participant in the Fresh Talent: Working in Scotland Scheme he/she will satisfy the English language requirement.

## MAINTENANCE (FUNDS)

### Maintenance requirement – all applications

93. One of the requirements of Tier 1 is that an applicant coming to the United Kingdom must be able to support himself/herself for the entire duration of his/her stay in the United Kingdom without use of public funds (benefits provided by the state). An applicant who is unable to support himself/herself could face financial hardship because he/she will not have access to most state benefits.

94. In order to qualify for entry clearance, or leave to remain under Tier 1 an applicant must show that he/she has enough money to support himself/herself. The maintenance requirements are detailed below:

- Applicants outside the United Kingdom seeking entry clearance must have at least £2,800 of personal savings which must have been held for a consecutive 90 day period before the date of application.

- Applicants in the United Kingdom seeking further leave to remain must have at least £800 of personal savings which must have been held for a consecutive 90 day period before the date of application.

The exchange rate of overseas currency will be made using the OANDA rate conversion on the date of the application. [www.oanda.com](http://www.oanda.com)

95. Applicants may want to check the potential costs of living in the United Kingdom. If an applicant does not expect to get any income from his/her work in the United Kingdom after the first month, he/she may want to check that he/she has enough money to support himself/herself and any dependants.

96. Any dependants wishing to join the main applicant must also provide evidence that they have sufficient funds. Please refer to the Dependants guidance which can be found on our website at: <http://www.ukba.homeoffice.gov.uk/workingintheuk/>. Where the main applicants application is made at the same time as applications by the partner or child of the main applicant, each applicant must have the total requisite funds specified in the relevant parts of Appendices C and E of the Immigration Rules. If each applicant does not individually meet the requirements of Appendices C and / or E, as appropriate, all the applications (the application by the Relevant Points Based System Migrant and applications as the partner or child of that Relevant Points Based System Migrant) will be refused.

97. We will not consider money earned during a time that an applicant was in breach of the United Kingdom's immigration laws as evidence of maintenance funds.

For example: Earnings made from the United Kingdom will only be considered if the applicant had leave to enter or remain in the United Kingdom at the time they were earned, and in a category which permitted the applicant to take that employment.

## Documents we require

98. The evidence used to support personal savings for at least a consecutive 90 day period must be original, and issued by an authorised official of that organisation.

99. Evidence must be in the form of cash funds held in an account (this includes savings accounts and current accounts even when notice must be given). Other accounts or financial instruments such as shares, bonds, pension funds etc, are not acceptable, regardless of notice period.

100. If the applicant wishes to rely on a joint account as evidence of available funds, he/she must be named on the account along with one or more other named individual.

101. Where an applicant is providing evidence of maintenance from a single account, we will always assess the funds available to an applicant from the closing balance given on the document provided.

102. Where two or more pieces of evidence from a single account are submitted (for example two consecutive bank statements) we will assess the funds available to the applicant from the closing balance of the most recent document.

103. Where evidence from two or more accounts are submitted, we will assess the funds available to the applicant using:

- the most recent closing balance of one account, plus
- any additional money available to the applicant on the date of that closing balance, for which the applicant has provided the required evidence.

We will always use the closing balance date from the account that most favours the applicant.

104. Only the following specified documents will be accepted as evidence of this requirement:

i) Personal bank or building society statements covering a consecutive 90 day period: The most recent statement must be dated no more than one calendar month before the date of application.

The personal bank or building society statements should clearly show:

- the applicant's name;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- any transactions during the 90 day period;

If the applicant wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the applicant will need to provide either:

- a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements; or
- 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.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

ii) Building society pass book covering a consecutive 90 day period, ending no more than one calendar month before the date of application:

The building society pass book should clearly show:

- the applicant's name;
- the account number;
- the financial institution's name and logo;



- any transactions during the 90 day period;
- that there have been enough funds present in the account (the balance must always be at least £2,800 or £800, as appropriate) covering the consecutive 90 day period before the date of application.

iii) Letter from bank confirming funds and that they have been in the bank for a consecutive 90 day period, ending no more than one calendar month before the date of application:

The letter from a bank or building society should show:

- the applicant's name;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the applicant's account;
- that the funds of £2,800 or £800 have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

The letter must be dated no more than one calendar month before the date of application.

All statements must be on the bank's letterhead/official stationery.

We will not accept letters which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

iv) The letter(s) from a regulated financial institution that you send us must cover a consecutive 90 day period ending no more than 31 days before the date of your application. The letter(s) must be the original (not a copy) and must clearly show:

- your name;
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the funds held in the account; and
- that the funds of £2,800 or £800 as appropriate, have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

The financial institution must be regulated by either the Financial Conduct Authority (FCA), the Prudential Regulatory Authority (PRA) or, in the case of overseas accounts, by the home regulator (the official regulatory body for the country the financial institution is in and where the money is held) for the purpose of personal savings accounts.

All statements must be on the bank's letterhead/official stationery.

We will not accept letters which show the balance in the account on a particular day as these documents do not show that the applicant holds sufficient funds for the full period needed.

## Change of circumstances

If during your stay under Tier 1 (Post-Study Work), you wish to amend:

- Your contact details; or
- Details of your criminal convictions; or
- Your representative's details; or
- Your dependants details

Then you should fill out a change of circumstances form which is available on our website at <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier1/poststudy/changeofcircumstancesform/>

This form should be sent to:

**Home Office**

**Change of Circumstances Form**  
**PO Box 3468**  
**Sheffield**  
**S3 8WA**

We will confirm that we have noted your change of circumstances in a letter. You should keep this letter with the original documents from your application.

However, if your current grant of leave was made by means of a Biometric Residence Permit (BRP), you should not use the change of circumstances form to notify us of any of the following changes to your circumstances:

- Change of name
- Change of date of birth
- Change of nationality
- Change of gender
- Change of appearance

In these circumstances, you must make an application for a new BRP, using the application form BRP (RC), this can be obtained from the Home Office website at <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/196971/formicfn1020091.pdf>

You should also use the BRP (RC) application form if you need to replace a BRP that has been lost, damaged or stolen.

## **ANNEX A - ADMINISTRATIVE REVIEW**

### **(Entry clearance applications only)**

#### **1. What is Administrative Review?**

Administrative Review is the mechanism for reviewing refusal decisions made under the Points Based System where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by the applicant. For time limits for making a request, see further paragraphs 6 and 7 below.

Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

#### **2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review?**

Where this occurs the matters should be dealt with under the normal complaints procedure. In such cases the applicant will be advised in writing.

#### **3. Who conducts the Administrative Review?**

An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. The applicant may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

#### **4. Who can apply for Administrative Review?**

Anyone refused entry clearance under Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

#### **5. How does the applicant apply?**

The applicant will receive the Administrative Review Request Notice with the entry clearance refusal notice.

The applicant must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

Applicants must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, the applicant will be asked to send in their passport.

#### **6. What is the deadline for applying for Administrative Review?**

The applicant has 28 days from the date of receipt of the refusal notice, to submit a request for Administrative Review.

#### **7. What if an application is submitted late?**

Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline.

If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to the applicant with a letter explaining why it is not being accepted.

#### **8. How many times can an applicant request an Administrative Review?**

Applicants may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to the applicant.

However, where the Administrative Review upholds a refusal but with different refusal grounds, the applicant may request an administrative review of these new refusal grounds.

If the applicant has new or further information, documents or other paperwork that they failed to submit with their original application, they will need to make a new application and pay the appropriate fee.

### **9. How long will the Administrative Review take?**

The administrative reviewer will complete their review and notify the applicant in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.

If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify the applicant in writing as to when to expect a decision.

### **10. What will the administrative reviewer look at?**

The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.

The applicant is not allowed to provide new evidence. Any new evidence must be disregarded unless the applicant was refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph 12).

Any new evidence submitted by the applicant must be returned to them together with the outcome of the Administrative Review.

### **11. How are Administrative Review decisions made?**

The administrative reviewer should focus on the areas which the applicant has asked to be reviewed. They will check that:

- points have been correctly awarded;
- documents have been correctly assessed; and
- verification checks have been properly carried out.

The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:

- failed to properly consider evidence submitted with the original application;
- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;
- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, the applicant may still be refused but with new grounds for refusal.

The administrative reviewer will not recommend that the original decision is overturned simply because the applicant claims there is a fault with Home Office's underlying processes or policies.

### **12. Does Administrative Review cover General Grounds for Refusal?**

Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal."

### **Reviews of refusals made under paragraphs 320(7A) and 320(7B) of the Immigration Rules**

The applicant may submit further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal. If an application has been refused because a false document was used or a false representation was made, the applicant may claim that they were unaware of the false documents or false representations.

The refusal will still stand but the applicant would have to prove that they did not know that false documents or false representations were used, if they are not to have any future applications automatically refused for 10 years. Where the documents related directly to the applicant (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless the applicant has clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

If the administrative reviewer does accept that the applicant did not knowingly use false documents or false representations, the refusal will still stand, but the applicant will not automatically have any future applications refused under the rules, paragraph 320 (7B) where false documents or false representations were used.

### **13. Does Administrative Review cover verification?**

Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

### **14. What are the possible outcomes of Administrative Review?**

There are three possible outcomes of Administrative Review:

- Uphold decision, reasons for refusal remain the same;
- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

### **15. How is the applicant informed of the result of the Administrative Review?**

Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify the applicant by letter. The applicant will not be entitled to a further Administrative Review as the grounds for refusal has not changed.

Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which were not notified originally, the applicant will be able to submit a further Administrative Review request limited to those fresh reasons.

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify the applicant by letter and request the applicant's passport.

### **16. Limited Right of Appeal**

The applicant can only appeal on any or all of the grounds referred to in section 84 (1) (b) and (c) of the Nationality, Immigration and Asylum Act 2002. These are that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

All entry clearance applicants under the Points Based System who are refused will be limited to residual grounds of appeal stated above.

The process for dealing with limited rights of appeal remains unchanged.



## **ANNEX B - APPLICANTS WHO HAVE BEEN ON AN NHS FOUNDATION PROGRAMME OR WORKING AS DOCTOR OR DENTIST IN TRAINING DURING THEIR LAST PERIOD OF LEAVE**

Where an applicant was last granted leave which was not subject to a condition restricting their employment and they were employed during this period on an NHS foundation programme or:

Where they have obtained a 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 they can apply to be exempted from the condition prohibiting this type of employment.

In order to qualify for this exemption an applicant should provide the following evidence:

**To prove that they are/were on the Foundation Programme-** a letter from their Postgraduate Dean that satisfies the requirements of the Immigration Directorate Instruction (IDI) on Postgraduate Doctors and Dentists (Chapter 3, section 6 see in particular page 17 of that IDI) confirming:

- That the applicant has/had during their last period of leave a place on a Foundation Programme; and
- The Foundation Programme is recognised by the medical community; and
- The place on the Foundation Programme is/ was full time.

**To Prove that they are/were working as a Doctor in Training** - the applicant must provide a letter from the NHS Trust employing them, confirming that he/she is/were (during the period of his/her last leave) working in a post/programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post.

Where an applicant does not include all of the requested information, any grant of leave will be subject to the 'Doctor in Training' restriction.

To prove that he/she has obtained a 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.

i) Original certificate of award of the qualification. This document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.

We will not accept original provisional certificates.

The original certificate of award must always be provided unless the applicant is awaiting graduation having successfully completed their degree or the applicant no longer has the certificate and the institution who issued the certificate is unable to produce a replacement. In which case he/she should send:

ii) An original academic reference from the institution that is awarding the degree together with an original academic transcript.

If the applicant is awaiting graduation but has successfully completed his/her degree or no longer has the certificate and the awarding institution is unable to issue a replacement, he/she should send an original academic reference from the institution that is awarding the degree together with an original academic transcript.

The academic reference from the institution awarding the degree must be on the official headed paper of the institution and clearly show the:

- applicant's name;
- title of award;
- date of award, confirming that it has been/will be awarded; and

- either the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to re-issue the original certificate or award.

The academic transcript must be on the institution's official paper and must show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.