

## **ADDENDUM - Tier 1 General**

# **THIS ROUTE CLOSED ON 6 APRIL 2015**

**The guidance remains available for applicants who hold extant leave in the route and who wish to apply for Indefinite Leave to Remain before the closure to Tier 1 (General) applicants on 6 April 2018.**

### **IMPORTANT NOTES**

- 1) Tier 1 (General) is closed to overseas applicants. Applications from people who are not already in the UK with leave in a category that permits switching into Tier 1 (General) will no longer be accepted. Dependants can still apply to join applicants who have obtained prior entry clearance for Tier 1 (General).
- 2) With effect from 6 April 2015, Tier 1 (General) will close and applications to extend leave will no longer be accepted. Applicants who are currently in the UK and who wish to apply to extend their stay must submit an application on or before 5 April 2015.
- 3) Tier 1 (General) extensions will be granted for either three years or the balance the applicant needs to take their time granted in the category to five years, whichever is longer. Applicants who wish to apply for indefinite leave to remain in the future must still ensure that they do not have excessive absences from the UK throughout the 5 years and can meet the specific Tier 1 (General) ILR requirements.
- 4) The Home Office will assess what provisions are needed for indefinite leave to remain applications once all extension applications have been processed after April 2015, and will consider making adjustments in a future change to the Immigration Rules. Under the current Rules however, applications for indefinite leave to remain will no longer be accepted in the Tier 1 (General) category from 6 April 2018. Applicants who are currently in the UK and who wish to apply for indefinite leave to remain must submit an application on or before 5 April 2018.



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# Tier 1 (General) of the Points Based System – Policy Guidance

This document gives the policy guidance for Tier 1 (General) migrants of the Points Based System, and should be read with paragraphs 245C to 245CD-SD of the Immigration Rules (these can be found on our website at: [www.gov.uk/government/collections/immigration-rules](http://www.gov.uk/government/collections/immigration-rules))

It is correct at the time of publication but may change, so you should always check that you have the right version by going to our website.

To see the Immigration Rules in full and for more information on how to apply, go to our website which can be found at: [www.gov.uk/tier-1-general](http://www.gov.uk/tier-1-general).

This guidance  
is to be used  
for applications  
made on or after  
2 March 2015

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## INTRODUCTION

1. This document provides policy guidance on Tier 1 (General) 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. From 23 December 2010, the Tier 1 (General) category is no longer open to those applying from outside the UK. If you are making an application from inside the UK for an extension of your existing leave under Tier 1 (General) you should go to our website to find the application form at [www.gov.uk/tier-1-general](http://www.gov.uk/tier-1-general).
3. Applications made under all the points based system categories will be subject to General Grounds for Refusal. This means that even if you qualify under the specific category of the Rules under which you are applying, there may be other reasons (such as your previous immigration history) that may lead to the application being refused. Further information on General Grounds for Refusal is available on our website at [www.gov.uk/government/publications/general-grounds-for-refusal-about-this-guidance](http://www.gov.uk/government/publications/general-grounds-for-refusal-about-this-guidance)
4. 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 request your passport back from us to 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.
5. 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

6. We have a points based calculator that enables you to self-assess whether you are likely to score enough points for your application to succeed.
7. The points based calculator is on our website at: [www.points.homeoffice.gov.uk/guide/migrant-jsf/SelfAssessment/SelfAssessment.faces](http://www.points.homeoffice.gov.uk/guide/migrant-jsf/SelfAssessment/SelfAssessment.faces).
8. You can enter details of your age, qualifications, previous earnings and experience in the UK. The points based calculator then calculates the points we may award for the attributes (main requirements) section of the points assessment. You can also then enter details of your English language ability and whether you have enough money to support yourself in the UK.
9. The points based calculator will provide a summary of the information you enter, the points awarded for each section and the overall score.

10. The results of the points based calculator show the possible points you 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

11. You must ensure you provide all of the necessary supporting documents at the time you send us the application. We will only accept the documents specified in the Immigration Rules and covered in this guidance.
12. If you have submitted specified documents in which:
  - Some of the documents in a sequence have been omitted (for example, if one bank statement from a series is missing); or
  - A document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or
  - A document is a copy and not an original document; or
  - A document does not contain all of the specified information;

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 a successful application because it would be refused for other reasons; or
- where a specified document has been completely omitted.

If you have submitted a specified document that is:

- in the wrong format; or
- a copy and not an original document; or
- which does not contain all of the specified information, but the missing information is verifiable from:
  - other documents submitted with the application; or
  - the website of the organisation which issued the document, or
  - the website of the appropriate regulatory body;

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.

13. Any documentary evidence that you provide must be the original (not a copy) unless we say otherwise.
14. Where any specified documents provided are not in English or Welsh, you must provide the original and a full translation that can be independently verified

The translation must:

- confirm that it is an accurate translation of the original document;
  - be dated;
  - include the full name and original signature of the translator or an authorised official of the translation company;
  - include the translator or translation company's contact details; and
  - if you are applying for leave to remain or indefinite leave to remain, be fully certified and include details of the translator or translation company's credentials.
15. We only need evidence that is directly relevant to the application, as specified in the Immigration Rules and covered in this guidance. We will not consider unrelated evidence when calculating the points score.

## Verification and other checks

16. 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.
17. We will ask for a variety of verifiable documents to enable us to consider the application.
18. We may want to check the supporting documents you send with your application. 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.
19. 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

20. 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.
21. 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 you to claim those points.
22. Verification may delay our decision on an application so we will only do it when there are clear reasons for it.

## Reasonable doubt

23. 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

24. 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 your application. If a document is confirmed as false we will normally refuse your 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. 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 you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If you have not sent any other documents, we will award zero points in that area.

## Refusing applications without making verification checks

25. 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 have sent 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

26. 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.
27. 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

28. 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

29. 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 the application because you do not meet the funds requirement and because you have 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**

30. 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 UK and overseas); and
  - checking the accuracy and authenticity of documents with banks, universities and professional bodies.

### **Standard procedure**

31. We will record the results of our enquiries, to ensure that we record any feedback consistently.
32. 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.
33. 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.
34. Our compliance team may visit your employer or educational institution (if you are a student) before we make a decision on the application.

## **What happens if I disagree with the decision reached on my application?**

### **Rights of Appeal and Administrative Review**

#### **In country applications for leave to remain made before 2 March 2015**

35. If your application for leave to remain (permission to stay in the UK) under Tier 1 (General) was made before 2 March 2015 and we refuse it, depending on your appeal rights, you may be able to submit an appeal if you want to challenge the decision. Details of whether and how you can appeal against our decision will be included in the decision letter.

## Applications for permissions to stay made on or after 2 March 2015

36. If your application for leave to remain under Tier 1 (General) was made on or after 2 March 2015, you cannot appeal against our decision. You can apply for an administrative review of the decision if you think the Home Office has made an error in considering your application. Details of how to make an administrative review application will be included in the decision letter. If you want more information about administrative review, this can be found on our website at: [www.gov.uk/ask-for-a-visa-administrative-review](http://www.gov.uk/ask-for-a-visa-administrative-review)

### Date of application

37. The date of application will be taken to be the following:
- 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 of the Home Office; or
  - Where the application form is submitted in person at a Premium Services Centre (PSC), the date on which the application and associated payment is accepted.
38. You, or any member of the public can report illegal immigrants and other immigration offences via our website [www.gov.uk/report-immigration-crime](http://www.gov.uk/report-immigration-crime)

## TIER 1 (GENERAL) OVERVIEW OF TERMS AND CONDITIONS

39. The following table explains some of the key features of Tier 1 (General). Full details of the requirements are at paragraph 245C to 245CD-SD of the Immigration Rules.

<b>Description of category:</b>	<p>The Tier 1 (General) category is aimed at migrants who wish to engage in highly skilled employment in the UK.</p> <p>Successful applicants will be free to seek employment without having a sponsor or to take up self-employment/business opportunities in the UK.</p>
<b>Periods of grant:</b>	
<b>Leave to Remain</b>	<p>For a period of 3 years or</p> <p>The period the you need to take your total leave granted in this category to 5 years, whichever is the longer.</p> <p>Please note that this does not guarantee that any future application you make for indefinite leave to remain will be successful. You must meet the requirements of the Immigration Rules in place at the time you apply for indefinite leave to remain.</p>

<p><b>Indefinite Leave to Remain</b></p>	<p>You must have spent a continuous period of five years lawfully in the UK, of which the most recent period must have been spent with permission to stay as a Tier 1 (General) migrant. The rest of this period may be made up of permission to stay as:</p> <ul style="list-style-type: none"> <li>• Tier 1 (General) migrant;</li> <li>• Tier 2 (General) migrant, a Tier 2 (Minister of Religion) migrant or a Tier 2 (Sportsperson) migrant,</li> <li>• Tier 2 (Intra-Company Transfer) migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as a Tier 2 (Intra-Company Transfer) migrant granted under the Rules in place before 6 April 2010,</li> <li>• Highly Skilled Migrant Programme (HSMP) participant;</li> <li>• Work Permit Holder;</li> <li>• Innovator;</li> <li>• Self-Employed Lawyer;</li> <li>• Writer, Composer or Artist.</li> </ul> <p>Full requirements for a grant of indefinite leave to remain under Tier 1 (General) may be found at paragraph 245CD of the Immigration Rules and in the IDI found on</p> <p><a href="http://www.gov.uk/government/collections/chapter-6a-settlement-immigration-directorate-instructions">www.gov.uk/government/collections/chapter-6a-settlement-immigration-directorate-instructions</a></p>
<p><b>Switching into the Tier 1 (General) route</b></p>	<p>Switching is permitted by applicants who have, or were last granted, leave as :</p> <ul style="list-style-type: none"> <li>• a Highly Skilled Migrant;</li> <li>• a Self-Employed Lawyer;</li> <li>• a Writer, Composer or Artist;</li> </ul>

<b>Conditions applying to applicants</b>	<p>Leave to remain under this route will be subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) no recourse to public funds,</li> <li>(ii) registration with the police, if this is required by paragraph 326 of the Immigration Rules, and</li> <li>(iii) no Employment as a Doctor or Dentist in Training, unless you <ul style="list-style-type: none"> <li>a) 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</li> <li>b) 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 their employment, whether that is employment as a Doctor or Dentist in Training or otherwise, and has been employed during that leave as a Doctor or Dentist in Training.</li> </ul> </li> <li>iv) No employment as a professional sportsperson (including as a sports coach).</li> </ul>
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40. Applications for further leave to remain under the Points Based System will fall for refusal if you have overstayed for more than 28 days, 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 Home Office 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).

41. If you need to leave the UK you are advised to ensure that you have sufficient leave remaining to enable you to gain re-entry into the UK, as there is no longer any provision for entry clearance under this route. If you leave the UK you must therefore re-enter the UK before your existing leave expires.
42. Any further leave to remain (for example an extension or indefinite leave) is granted from the date that we make the decision, not the date your extant leave expires. We encourage applications to be made at least a month before your extant (still existing) leave expires. You should note however that if the application is made significantly earlier than one month before the expiry of your leave, there is a risk of a shortfall in the required period of leave should you subsequently make an application for indefinite leave to remain.
43. Please note that Tier 1 (General) extension applications will no longer be accepted from 6 April 2015. Tier 1 (General) indefinite leave to remain applications will no longer be accepted from 6 April 2018.
44. If you wish to be exempt from the condition prohibiting employment as a Doctor or Dentist in Training you must provide the documents specified in Annex A of this guidance. Where you do not include all of the requested information, any grant of leave will be subject to the condition.

**Please note** that any grant of leave under Tier 1 **will** include the restriction on working as a doctor or dentist in training unless you can meet the conditions explained in Annex A.

## **TIER 1 (GENERAL) - POINTS SCORING**

### **Points scoring requirements**

45. In order to obtain leave to remain within Tier 1 (General) you must score enough points and send supporting evidence where appropriate.
46. **Important** - If you were last granted leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-employed Lawyer, or as a Tier 1 (General) Migrant under the rules in place before 19 July 2010, and have not been granted leave in any categories other than these under the rules in place since 19 July 2010, you must have 75 points from your attributes (Appendix A of the Immigration Rules).

If you do not fall into the above group you must score 80 points for attributes.

(Unless you are covered by the HSMP Forum judicial review judgment. To apply for an extension of stay you will need to use the FLR Tier 1 (HSMP) application form in conjunction with the FLR Tier 1(HSMP) Guidance Notes available on the website on [www.gov.uk/visas-immigration](http://www.gov.uk/visas-immigration))

**All applicants also** need to score

- 10 points for English language (Appendix B of the Immigration Rules); and
  - 10 points for maintenance (funds) available (Appendix C of the Immigration Rules)
47. The points available are shown below (continued on next page):

## Points tables

Applications for leave to remain where you have, or last had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-employed Lawyer, or as a Tier 1 (General) Migrant under the rules in place before 6 April 2010 and you have not been granted leave in any category other than these since 6 April 2010

Qualification	Points	Previous earnings	Points	UK Experience	Points	Age (at date of application for first grant)	Points		
Bachelor's degree (see paragraph 56 below)	30	£16,000-£17,999.99 (see paragraph 77 below)	5	If £16,000 or more of the previous earnings for which points are claimed were earned in the UK	5	Under 28 years of age	20		
Master's degree	35	£18,000-£19,999.99 (see paragraph 77 below)	10						
PhD	50	£20,000-£22,999.99	15						
		£23,000-£25,999.99	20					28 or 29 years of age	10
		£26,000-£28,999.99	25						
		£29,000-£31,999.99	30						
		£32,000-£34,999.99	35					30 or 31 years of age	5
		£35,000-£39,999.99	40						
		£40,000 or more	45						

## All other applications for leave to remain

Qualification	Points	Previous earnings	Points	UK Experience	Points	Age (at date of application for first grant)	Points
Bachelor's degree	30	£25,000-£29,999.99	5	If £25,000 or more of the previous earnings for which points are claimed were earned in the UK	5	Under 30 years of age	20
Master's degree	35	£30,000-£34,999.99	15				
PhD	45	£35,000-£39,999.99	20				
		£40,000-£49,999.99	25			30 to 34 years of age	10
		£50,000-£54,999.99	30				
		£55,000-£64,999.99	35				
		£65,000-£74,999.99	40				
		£75,000-£149,999.99	45			35 to 39 years of age	5
		£150,000 or more	80				

<b>For each of the following:</b>	<b>Points</b>
Qualifications	<b>30-50*</b>
Previous Earnings	<b>5-80*</b>
UK Experience;	<b>5</b>
Age;	<b>5-20*</b>
Please see relevant section below for further details.	
<b>English language: pass mark = 10</b>	
Evidence to prove that you speak English to the required standard and meet the requirements of this guidance. Please see relevant section below for further details.	<b>10</b>
<b>Maintenance: pass mark = 10</b>	
Evidence to establish that you hold a specified level of funds (£900) for applications received before 1 July 2014 to support yourself in the UK.  Evidence to establish that you hold a specified level of funds (£945) for applications received on or after 1 July 2014 to support yourself in the UK.  Please see relevant section below for further details.	<b>10</b>

\* Please note that this table indicates the maximum range of points for each section. For a detailed breakdown of what points are relevant to you, please see the individual tables for each attribute.

48. All the relevant requirements of the Immigration Rules must also be met.

## ATTRIBUTES.

### Age

49. Please refer to Appendix A Tables 2 and 3 and paragraph 33 and 34 of the Immigration Rules and the points tables above.
50. This assessment is intended to recognise that it is more difficult for a highly skilled young graduate to score maximum points in the previous earnings category, compared to an older counterpart with the same level of skills. There is a greater potential for young highly skilled individuals to be active in the labour market for longer than their older counterparts. The age assessment involves the award of points depending on age.
51. If you have been granted leave since your first grant of leave in a category not listed in this paragraph, points will be awarded based on your age at the date of application, for a grant of leave in a category listed in this paragraph where leave has not been granted in any category not listed in this paragraph, between that grant of leave and the current application.

### Documents Required – All Applications

52. Paragraph 39B of the Immigration Rules states that where the Rules require that specified documents be provided, only such specified documents will be accepted as evidence for the relevant requirements. For applications for Tier 1 (General), the specified documents are given below:
  - i) Biometric Residence Permit (BRP), which contains the date of approval of the last grant of leave and the your age; or
  - ii) Current valid original passport/travel document containing the last visa granted to you.

If you have had more than one grant of leave in the category we will use the details on the BRP or visa in the passport together with the details held on our database to confirm the date of entry to the category.

### Qualifications

53. You can claim points according to the level of the qualification you have. Please refer to Appendix A Table 2 and 3 and paragraphs 12-17 of the Immigration Rules.
54. You will be awarded no points for a Bachelor's degree if:
  - (a) your last grant of entry clearance was as a Tier 1 (General) migrant under the rules in place between 31 March 2009 and 5 April 2010, or
  - (b)
    - i) you have had leave to remain as a Tier 1 (General) migrant under the rules in place between 31 March 2009 and 5 April 2010, and
    - ii) your previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly Skilled Migrant, as a Writer, Composer or Artist, as a Self-employed Lawyer, or as a Tier 1 (General) migrant.

55. You can only score points for one qualification.
56. To score the relevant points, your academic qualification must meet, or exceed, the recognised standard of a UK bachelor's, master's or PhD, as verified by the National Academic Recognition Information Centre for the UK (UK NARIC). Points can also be awarded for vocational and professional qualifications where they are at least equivalent to one of the levels set out above providing that they can be verified either through UK NARIC or by the appropriate UK professional body.
57. Points can only be awarded if we receive the specified documentary evidence of the your qualification. More information on this is contained in the section below.
58. There may be a very small number of applicants who are currently in the UK under Tier 1 (General) or the Highly Skilled Migrant Programme (HSMP) and whose qualification has previously been assessed to be of a higher level than shown by the Tier 1 (General) points based calculator.
59. These applicants may claim the higher points score, in line with the previous assessment, provided they are using the same qualification as used in their initial application. Appendix A paragraph 17 of the Immigration Rules gives more details.
60. In these cases, we will refer to our records. We will only be able to award a higher points score where each of the following requirements is met:
  - you are currently in the UK under Tier 1 (General) or the HSMP;
  - you are relying on the same qualification for which we previously awarded points in this area;
  - the earlier assessment of the qualification confirmed that it was equivalent to a higher level of qualification than is now shown by the points based calculator; and
  - there is no evidence that you used deception to obtain the earlier decision.

## **How qualifications are assessed**

61. We will assess the qualifications you use by referring to the points based calculator on our website. The calculator contains information from UK NARIC on the equivalency of overseas qualifications.
62. UK NARIC is a private company that specialises in comparing overseas qualifications to UK academic levels. You should claim points if the points based calculator confirms that the qualification used meets or exceeds the recognised standard of a Master's degree or a PhD in the UK and for extension applications the recognised standard of a Bachelor's degree.

## Checking qualifications

63. You should check the level of your qualification by using the points based calculator which is on our website at: [www.points.homeoffice.gov.uk/gui-migrant-jsf/SelfAssessment/SelfAssessment.faces](http://www.points.homeoffice.gov.uk/gui-migrant-jsf/SelfAssessment/SelfAssessment.faces).
64. For academic qualifications, if you cannot find details of your qualification on the points based calculator, you may still wish to claim points for it. If so, you should contact UK NARIC directly for an assessment of the level of the qualification and, if UK NARIC confirms it is of the required level, obtain a letter and/or confirmation certificate from UK NARIC. Contact details for UK NARIC are on its website at <http://ecctis.co.uk/naric/>. UK NARIC may charge a fee for confirming qualifications.
65. If UK NARIC cannot confirm these details, we will not award points for the academic qualification. In this case, you may wish to use an alternative qualification if you have one.
66. For professional/vocational qualifications, where you are unable to find details of your qualification on the points based calculator, you may still wish to claim points for the qualification in question. In these circumstances you should obtain written confirmation from the appropriate UK professional body of the qualification's equivalence to UK academic levels. Please note the alternative evidence will only be accepted where UK NARIC has made no assessment. If UK NARIC has assessed the qualification, we will use that assessment in scoring the application and disregard any evidence supplied from the professional body.

## Documents required – all applications

67. If you have previously been given permission to stay in the UK under Tier 1 (General) or the HSMP, and previously scored points for the same qualification for which you wish to claim points in your current application, you do not need to send evidence of your qualification again.
68. Paragraph 39B of the Immigration Rules states that only specified documents will be accepted as evidence for applications for Tier 1 (General). The specified documents are given below:
  - i) Original certificate of award of the qualification. This document must be the original (not a copy) and must clearly show:
    - your name;
    - the title of the award;
    - the date of the award; and
    - the name of the awarding institution.

We will not accept original **provisional** certificates. The original certificate of award must always be provided unless you are awaiting graduation having successfully completed your degree or you no longer have the certificate and the institution who issued the certificate is unable to produce a replacement. In which case you should send:

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

69. If you are awaiting graduation but have successfully completed your degree or no longer have the certificate and the awarding institution is unable to issue a replacement, you should send an original academic reference from the institution that is awarding the degree together with an original academic transcript.
70. The academic reference from the institution awarding the degree must be on the official headed paper of the institution and clearly show:
- your name;
  - the title of award;
  - the date of award, confirming that it has been/will be awarded; and
  - either the date that the certificate will be issued (if you have 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 all of the following:

- your name;
  - the name of the academic institution;
  - the course title; and
  - confirmation of the award.
71. If you cannot provide your original certificate for one of the reasons given above and are claiming points for a qualification with a significant research bias (frequently doctorates) you may not be able to provide an academic transcript. In these cases we will accept an academic reference alone. The academic reference must include all the information detailed above.

**Additional documents required for qualifications that cannot be found on the points based calculator.**

72. If you cannot find details of your academic qualification on the point-based calculator, you must, in addition to the document or documents listed above, submit an original letter/certificate from UK NARIC confirming the equivalency of the level of your qualification.
73. If you cannot find details of your professional/vocational qualification on the points based calculator, you should, in addition to the document or documents listed above, submit an original letter from the appropriate UK professional body confirming the equivalence to UK academic levels of your qualification. This must clearly show:
- the name of the qualification, including the country and awarding body; and
  - confirmation of which UK academic level this qualification is equivalent to.

## Previous earnings

74. Further information can be found in Appendix A tables 2 and 3 and paragraphs 12, and 18-30 of the Immigration Rules.
75. You will be awarded no points for previous earnings of less than £20,000 if:
- (a) your last grant of entry clearance was as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, or
- (b)
- i) you have had leave to remain as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, and
  - ii) your previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly Skilled Migrant, as a Writer, Composer or Artist, as a Self-employed Lawyer, or as a Tier 1 (General) Migrant.
76. You can claim points for the earnings you have previously made for your work.
77. You can claim points for previous earnings in any single, consecutive 12-month period during the 15 months immediately before the date of applying. You may claim points for a 12-month period of earnings outside of this 15 months if you can show that you have been:
- away from the workplace for a time during the last 12 months because of a period of maternity or adoption-related absence.
78. All the periods we specify are calendar months (for example 14 January – 13 February).
79. If you claim for a period of earnings that is more than 12 months, or have not indicated a period for assessment of earnings, we will assess the most recent period of 12 months for which you have provided evidence.
80. Additionally, we will not consider evidence of earnings from a period outside the 15 months immediately before the application, except when you are claiming a period of absence for maternity or adoption-related absence.
81. You do not have to be in continuous or full-time employment during the 12 months being assessed.
82. You may claim for a period of earnings of less than 12 months if you have earned sufficient funds to claim the necessary points.
83. We will only consider actual earnings. We will never consider earnings claimed on a **pro rata** basis (for example when you have worked part-time and try to claim for what you might have earned if the work had been full-time).

## **Genuine earnings test**

84. On 1 October 2013, the Immigration Rules changed to tackle abuse on Tier 1 (General) while leaving genuine migrants unaffected.

If we are not satisfied that your earnings are from genuine employment, points for those earnings will not be awarded. This may affect your points score under both Previous Earnings and UK Experience.

When considering your earnings, we will assess the following;

- The evidence you have submitted;
- Whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in your financial transactions or records without being earned;
- Whether the business from which the earnings are claimed can be shown to exist (or have existed) when you claim to have earned the money and has been lawfully and genuinely trading;
- Previous earnings claims you made to the Home Office compared to declarations you made to other Government Departments;
- Your previous educational and business experience in relation to your claimed business activity;
- Your immigration history and previous activity in the UK;
- Where the nature of your employment or business requires you to have mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained;
- Any payments made by you to other parties and
- Any other relevant information.

We may request additional information and evidence. We will refuse your application if the requested documents are not received within 28 days of the date of request.

We may request that you attend an interview and refuse your application if you fail to comply with such a request.

## **Maternity or adoption-related absence**

85. The provision for maternity or adoption-related absence is designed to allow you to claim points for previous earnings under Tier 1 (General) if you have been unable to earn during the 12 months before the application because of a period of maternity or adoption-related absence from the workplace.

86. This rule allows you to claim previous earnings for 12 months of the most recent 15-month period in which you have been working, not counting the period of maternity or adoption-related absence.

For example: You have been working for four months, take a period of maternity or adoption-related absence for 12 months, then return to work for eight months before applying. In these circumstances we would consider the combined periods of four and eight months during which you worked, but would not count the 12 months of maternity or adoption-related absence.

87. The maximum period of maternity or adoption-related absence that we will discount is 12 months.
88. If you are still absent from work for maternity or adoption-related reasons at the time of your application, we will consider a period of 12 months taken from the 15 months immediately before the absence began.
89. If you have had maternity or adoption-related absence in the 12 months before your application you can claim for earnings during this period if you wish, such as statutory maternity or adoption payments.

## Documents required

90. For us to consider earnings from a period before the 15 months immediately before the application, because of maternity or adoption-related absence from the workplace (for the purposes of paragraph 39B of the Immigration Rules) you must provide **two pieces** of specified evidence to prove that absence was for maternity or adoption reasons. The specified documents that meet the requirements of the Immigration Rules are listed below.
- i) Birth certificate or certificate of adoption (as appropriate). This should be the original full birth certificate or original full certificate of adoption (containing the names of parents/ adoptive parents) of the child for whom the period of maternity or adoption-related absence was taken. This certificate should always be sent if one has been issued.

You must also send one of the following (or both if the birth certificate or certificate of adoption is not available):

- ii) Letter from your employer. This should be an original letter, on the company headed paper, and must confirm the start and end dates of the period of maternity or adoption-related absence.

and/or

- iii) Original payslips or other payment or remittance documents. These should cover the entire period for which the maternity or adoption-related absence is being claimed and should show the statutory maternity or adoption payments to you. Documents provided must be original, and on the official letter-headed paper of the issuing authority.

If the birth certificate or certificate of adoption is not available then you should provide the documents specified at ii) and iii) above.

If you are unable to supply two documents from the three listed above, you may use another document listed at iv) below as an alternative for one of the pieces of evidence required. However, at least one piece of evidence to prove the maternity or adoption-related absence must be one of those specified in i) to iii) above.

- iv) Other documents. In certain circumstances you will be unable to supply two of the documents specified at i) to iii) above (for example if no birth certificate has been issued). In these cases, you should fully explain the reasons and supply alternative documents as evidence of the maternity or adoption-related absence for the period claimed. The alternative documents must be from an official source and must be independently verifiable.

We can only accept other documents as evidence of maternity or adoption-related absence if we are satisfied that the specified documents cannot be provided.

Where two of the specified documents at i) to iii) above are not available we will accept the following alternative documents or types of documents:

- official adoption papers issued by the relevant authority;
- any relevant medical documents that you are content to let us see;
- a relevant extract from a register of birth provided it is accompanied by an original letter from the issuing authority.

We will not accept the following documents or types of documents:

- personal letters of confirmation;
- newspaper announcements;
- other unofficial document.

## **Assessment of previous earnings**

91. We will assess your earnings. If you are in salaried employment, (including a Director of a company for example) we will assess your gross salary before tax. This also includes self-employed applicants who draw a salary from their businesses. If you earned the money in a country with no tax system, we will consider your total earnings for the period.
92. If you are self-employed and have chosen to retain the profits within the business, your earnings are limited to the share of the business's **net** profits to which you are entitled. The appropriate proportion of the net profit of the business (that is, after tax and outgoings) can therefore be counted as your gross salary. We will only consider profits made during the appropriate 12-month earnings period for which you are claiming.
93. We will not consider earnings made during a time when you were in breach of the UK's immigration laws.

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

94. If you earned money in the UK for a period during which you remained overseas (eg. a company director drawing a UK salary but remaining based outside the UK) such earnings will be accepted.

### **Earnings we will include in the assessment**

95. We will include previous earnings from:
- salaried employment; or
  - self-employed activities.
96. Where you are claiming earnings for self-employment in the UK, additional documentation will be required to demonstrate that you are established as being self-employed.
97. Your overall total earnings can include those from several sources of work, including a combination of salaried employment and self-employed activities.
98. Earnings do not need to have been with a single employer.
99. Earnings can be considered from full-time, part-time, temporary and short-term work.
100. Earnings may include, among other things:
- salaries (includes full-time, part-time, and bonuses);
  - earnings from self-employment;
  - earnings from business activities;
  - statutory and contractual maternity pay and statutory and contractual adoption pay;
  - allowances (such as accommodation, schooling or car allowances) that form part of your remuneration package;
  - dividends paid by a company in which you are active in the day-to-day management, or where you receive the dividend as part or all of your remuneration package;
  - income from property rental, where this forms part of your business; and
  - payment in lieu of notice (a payment made instead of requiring an employee to work the normal period of notice when leaving a job).
101. Unearned sources of income that we will not consider as previous earnings include:
- expenses (such as accommodation, schooling or car allowances) that reimburse you for money you have previously spent;
  - dividends, unless paid by a company in which you are active in the day-to-day management, or unless you receive the dividend as part or all of your remuneration package;

- income from property rental, unless this forms part of your business;
- interest on savings and investments;
- funds that were inherited;
- employer pension contributions;
- money paid to you as a pension;
- expenses where the payment reimburses you for money you have previously spent;
- the value of the shares you receive when offered a job under an employee shareholder employment contract;
- redundancy payment;
- sponsorship for periods of study;
- state benefits; or
- prize money or competition winnings, other than where they are directly related to your main profession or occupation.

## **Allowances**

102. We will only include allowances (such as those for accommodation or schooling for your children) in the assessment of your previous earnings if they are part of your remuneration package and are not paid to reimburse you for money you have previously spent.
103. We will only accept allowances as earnings if they are declared in your payslips and there is a contractual obligation on the employer's part to make these payments.

## **Converting overseas earnings into pounds sterling (£)**

104. Earnings made overseas must be converted into pounds sterling so that we can assess them. The official exchange rate we use is the one produced by OANDA.
105. You should use the closing exchange rate on the OANDA website at [www.oanda.com/currency/classic-converter](http://www.oanda.com/currency/classic-converter) on the last day of the period for which you have claimed earnings in that currency. This is an independent website, for which we are not responsible.
106. If your overseas earnings fall either side of a period of maternity or adoption-related absence, we will calculate earnings using the closing exchange rate for the last day of each period of earnings claimed.

107. If, during the period for which we are considering your previous earnings, you have earned money from outside the UK, you can include these in the calculation to score points for earnings. You should provide details of the overseas earnings, in the original currency in which they were paid. You should convert these earnings into pounds sterling by using the closing exchange rate on the OANDA website for the last day of the period for which you have claimed earnings in that currency.

## Documents required

108. We will only award points for previous earnings if you send specified supporting documentary evidence with your application.
109. You must provide at least **two different types** of supporting document for each source of earnings claimed. Each piece of supporting evidence must be from a separate source and support all the other evidence so that together they clearly prove the earnings claimed. For example: When providing documents for salaried employment, you should not send payslips together with a P60, because we consider both of these documents to be from the same source.
110. Supporting documents must show all the relevant earnings you claim. If earnings from a particular source have been paid in more than one way, you must send two types of document for each part of the payment claimed.

For example: You have been paid for your salaried employment by means of a salary and a dividend. If the gross and net dividend payments are included on your payslip, and can be supported by details of the net dividend payment on your bank statements, you could submit bank statements and payslips as supporting evidence for both the salary and the dividend claimed. However, if the dividend details are not included on the payslips, you must also send separate dividend vouchers to support the dividend payments and cross-reference these with the bank statements you provide.

111. **Where you are providing evidence from an accountant or accountancy firm** the accountant must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body. If the earnings were for work done while you were in the UK, such evidence must come from an accountant or accountancy firm in the UK who is a member of a recognised supervisory body. These are: The Institute of Chartered Accountants in England and Wales (ICAEW); the Institute of Chartered Accountants in Scotland (ICAS); the Institute of Chartered Accountants in Ireland (ICAI); the Association of Chartered Certified Accountants (ACCA); the Chartered Institute of Public Finance and Accountancy (CIPFA); the Institute of Financial Accountants (IFA); or the Chartered Institute of Management Accountants (CIMA); the Association of Accounting Technicians (AAT). From 6 April 2014 members of the Association of International Accountants (AIA) are also members of a recognised supervisory body. If the earnings were made while you were not in the UK, the evidence must come from one of the above accountants or from an accountant or accountancy firm on the list of full members given on the website of the International Federation of Accountants, on <http://web.ifac.org/about/member-bodies>

112. In addition to the documents required to demonstrate earnings, if you are claiming points for self-employed earnings made in the UK you must provide documents to show that you are registered as self-employed and were registered as self-employed for the period when this money was earned.
113. Paragraph 39B of the Immigration Rules states that only specified documents will be accepted as evidence for applications for Tier 1 (General). The specified documents are given below:
- i) Payslips: These should be original formal payslips showing the employer's name. Other payslips must be accompanied by a letter from your employer, on the employer's company headed paper confirming the earnings. The payslips must cover the whole period claimed (for example, if payslips are produced monthly, the applicant must provide the payslip for each month of the period claimed).
  - ii) Personal bank statements showing the payments made to you: Bank statements provided must be on official bank stationery, and must show payments to you. If you wish to submit electronic bank statements you should also provide a supporting letter from the bank on the bank's headed paper confirming that the documents are authentic. Alternatively an electronic bank statement bearing the official stamp of the bank issuing the statements will be accepted. This stamp must appear on every page of the statement.
  - iii) Letter from your (previous and/or present) employer(s) (or in the case of winnings, the relevant awarding body) confirming that you have received the exact amount claimed. This is a letter on company headed paper which clearly shows your earnings during period claimed, and the date and amount of each payment. This letter should be dated after the period for which earnings are being claimed and should clearly show your gross and net pay.

(Where an employer letter includes only total gross and net earnings figures for the whole earnings period claimed, we will consider this document. However, only where the dates of the earning period and the total gross/net earnings stated in the letter exactly correspond with the information included in the other documentary evidence of these earnings provided, will we be able to award points.)

- iv) Official tax document produced by the tax authority or employer, showing earnings on which tax has been paid or will be paid in a tax year. For these purposes, we define official tax documents as:
  - a document produced by a tax authority that shows details of declarable taxable income on which tax has been paid or will be paid in a tax year (for example a tax refund letter or tax demand);
  - a document produced by an employer as an official return to a tax authority, showing details of earnings on which tax has been paid in a tax year (for example a P60 in the UK); or

- a document produced by a person, business, or company as an official return to a tax authority, showing details of earnings on which tax has been paid or will be paid in a tax year. The document must have been approved, registered, or stamped by the tax authority (this is particularly relevant to some overseas tax systems, for example SARAL in India).

Please note that because tax documents are usually produced at the end of a fixed tax period they will not necessarily show the entire period for which you are claiming previous earnings unless they are for the exact period claimed. You should therefore be cautious about using these documents unless you are sure they show the exact amount of earnings for which you is claiming points.

- v) Dividend vouchers. Dividend vouchers must show the amount of money paid by the company to you, normally from its profits. They should confirm both the gross and net dividend paid. You should provide a separate dividend voucher or payment advice slip for each dividend payment, to cover the whole period claimed.
- vi) Self-employed applicants only - letter from your accountant (confirming that you received the exact amount you are claiming, or the net profit to which you are entitled). This is a letter from your accountant on headed paper confirming the gross and net pay for the period claimed. The letter should give a breakdown of salary, dividends, profits, tax credits and dates of net payments earned. If your earnings are a share of the net profit of the company, the letter should also explain this. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.
- vii) Invoice explanations or payment summaries from your accountant. These are summaries or explanations created by your accountant. These explanations should include a breakdown of the gross salary, tax deductions and dividend payments made to you. The total gross salary and dividend payments should be the same as your earnings. The payment summary should enable us to check that these correspond with the net payments into your personal bank account. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.
- viii) Company or business accounts that clearly show the net profit of the company or business. Accounts must show both a profit and loss account (or income and expenditure account if the organisation is not trading for profit) and the balance sheet should be signed by a director. Accounts should meet statutory requirements and should clearly show the net profit made over the earnings period to be assessed.

- ix) Business bank statements showing the payments made to you: Bank statements provided must be on official bank stationery, and must show each of the payments that you are claiming. If you wish to submit electronic bank statements you should also provide a supporting letter from the bank on the bank's headed paper confirming that the documents are authentic. Alternatively an electronic bank statement bearing the official stamp of the bank issuing the statements will be accepted. This stamp must appear on every page of the statement.
- x) Where you are submitting a combination of bank statements and a letter/invoice summary from your accountant, you must also provide any invoices generated during the period for which earnings are being claimed. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

114. If you are claiming earnings from self-employment in the UK, you must provide evidence that you were paying Class 2 National Insurance (NI) contributions during the period/s of self-employment used to claim points.

115. NI contributions may be paid by quarterly bill or direct debit, or you may have applied for a small earnings exception certificate. You must provide one of the following documents, according to your individual circumstances.

- i) If your NI is paid by quarterly bill: You must provide the bill from the quarter immediately before the application. This must be an original document and not a copy.
- ii) If your NI is paid by direct debit: You must provide a copy of the most recent bank statement issued before the application, showing the direct debit payment of NI to HM Revenue & Customs (HMRC). Please see the requirements for bank statements above.
- iii) If you have low earnings: You should provide an original small earnings exception certificate issued by HMRC for the most recent return date.
- iv) Original welcome letter from HMRC: If you have recently registered as self-employed you will have received a welcome letter from HMRC containing your unique taxpayer reference number, but may not yet have the other evidence above. The original, dated document should be provided.

HMRC will issue the welcome letter or the small earnings certificate at any time up to six weeks from the date of first contact.

### **Extra information required**

116. You must provide full contact details for each source of income you give us, so we can verify all supporting documents if necessary.

117. You should also provide any information or explanation of the documents submitted that may help us to consider the earnings claimed.

For example:

You are operating through a limited liability company that is administered on your behalf by an accountant. The name on the payment advice may therefore differ from the credit payment entries on your bank statements. In these cases you should provide a letter from your accountant to clarify the relationship between everyone concerned; or

You are one of a number of shareholders in the business and are claiming for net profits made over the earnings period. You should provide a letter from your accountant, confirming the percentage share you are entitled to receive from the business's net profit (before you have paid any additional tax due).

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

### **Examples of document combinations to provide**

118. The evidence you can provide will depend on your circumstances and how you earned the money. We give examples of typical combinations of documents below. We have divided them into employment types to help you find the right examples.

119. These examples are not the only combination of documents we will accept for each employment type and you can use other combinations of documents, providing these meet the requirements of the 'documents required' section above:

### **Employees who receive a salary:**

A salaried employee could provide a combination of:

- personal bank statements covering the full 12-month earnings period;

and either:

- original payslips for the full 12-month earnings period; or
- a letter from their employer.

(We consider that payslips and letters from an employer are from the same source and you should therefore not provide a combination of these two types of document.)

### **Employees who receive a salary and dividend payments:**

- If you are paid with a combination of salary and dividends, and both payments appear on your payslip, you could provide:
- personal bank statements for the full 12-month earnings period and either:
- original payslips for the full 12-month earnings period; or
- a letter from your employer.

**If you are paid with a combination of salary and dividends, and the salary and dividend payments do not both appear on your payslip, you could provide the documents listed above plus:**

- dividend vouchers for each dividend payment claimed, showing both the gross and the net dividend.

### **Self-employed earnings within a business or company structure:**

If you have worked in a self-employed capacity in your own business or company structure and have chosen to keep your earnings within the business or company, you could provide:

- business or company accounts that meet statutory requirements and show the net profit made for the earnings period claimed; and
- personal/business bank statements.

If your accounts and bank statements only show the gross amount of profit for the business you should also provide a third piece of evidence showing the net profit of the business for the period claimed, for example a corporation tax return or an accountant's letter. This is because we can only consider the net profit of the business for your income.

If you are not the sole shareholder of the company you should also provide:

- a letter from your accountant confirming your shareholding and the proportion of net profit before tax to which you are entitled for the earnings period claimed.

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

### **Contractors:**

If you are a contractor who does not operate either through your own company or as an employee, you may provide:

- an accountant's letter confirming a breakdown of your gross and net earnings for the period claimed; and
- personal bank statements clearly highlighting all credit payments made to your account from employment undertaken during the earnings period claimed.

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

## UK experience

### Claiming points – initial applications only

120. You should read Appendix A, tables 2 and 3 and paragraphs 12, 31 and 32 of the Immigration Rules.
121. You can claim a maximum of five points if you have scored points for previous earnings and those earnings were made in the UK.
122. We will only award points for UK earnings if your immigration status in the UK legally entitled you to be in the UK and work here throughout the period during which the earnings were made.
123. You should note that the available points for UK experience differ at extension stage depending on what date you first successfully applied under Tier 1 (General) or the Highly Skilled Migrant Programme (HSMP).

### **Applications for leave to remain where you have, or were last granted, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-employed Lawyer, or as a Tier 1 (General) Migrant under the rules in place before 6 April 2010**

You may claim points for previous UK earnings if:

- you have scored points in the section for previous earnings; and
- the earnings for which those points were awarded were made in the UK.

124. If you have claimed points in the section for previous earnings, and these were for earnings made both in the UK and outside the UK, at least £16,000 of the earnings must be UK earnings to receive the points for UK Experience.

### **Applications for leave to remain where you have, or last had, leave as a Tier 1 (General) migrant under the rules in place on or after 5 April 2010 and including the rules in place after 19 July 2010.**

You may claim points for previous UK earnings if:

- you have scored points in the section for previous earnings; and
- the earnings for which those points were awarded were made in the UK.

125. If you have claimed points in the section for previous earnings, and these were for earnings made both in the UK and outside the UK, at least £25,000 of the earnings must be UK earnings to receive the points for UK.

126. There are no specific documentary requirements for claims in this area as the necessary documentation will have been provided in respect of the Previous Earnings assessment.

# ENGLISH LANGUAGE REQUIREMENT

## English language assessment

127. English is the most widely spoken language of the UK. The ability to speak English to a competent level improves your potential to succeed in the UK labour market and assists in integration into the UK.
128. In order to qualify you must provide the specified documents to show that you have a good knowledge of English.
129. There are three ways in which you can show you meet the English language requirement. You can:
  - be a national of a majority English speaking country; or
  - pass an English language test detailed in this guidance; or
  - hold a degree that was taught in English and is equivalent to a UK bachelor's degree or above.

## Claiming points

130. You meet the English language requirement, without the need to provide evidence, if you were last given permission to stay in the UK:
  - under Tier 1 (General) and are applying for an extension of leave to remain; or
  - as a Highly Skilled Migrant Programme (HSMP) participant under the Immigration Rules which came into force on 5 December 2006 and are applying for an extension of leave to remain under a Tier 1 category.
131. Applications from people who are unable to score 10 points in the section for English language requirements will be refused. We will refuse these applications even if you have attained the pass mark for attributes and has met all the other requirements of the Immigration Rules for permission to stay as a Tier 1 (General) migrant.

## National of a majority English speaking country

132. Nationals of the majority English- speaking countries listed below automatically meet the English language requirement:
  - Antigua and Barbuda;
  - Australia;
  - The Bahamas;
  - Barbados;

- Belize;
- Canada;
- Dominica;
- Grenada;
- Guyana;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago; and
- the United States of America.

## **Documents we require**

133. Paragraph 39B of the Immigration Rules states that only specified documents will be accepted as evidence of this requirement. The specified documents are:

- i) Current valid original passport or travel document

If you who are unable to submit your current original passport or travel document at the time of the application you must give full reasons for this in the Passport Information section of the application form.

The only valid exceptional circumstances in which alternative specified documents may be provided are where your current passport or travel document has:

- been lost;
- been stolen;
- expired and been returned to the relevant authorities;
- been sent to another part of the Home Office.

Paragraph 39B of the Immigration Rules states that only specified documents will be accepted as evidence of this requirement. You may exceptionally provide the following alternative specified documents:

- ii) Current national identity document.

iii) Original letter from your home government or embassy. This document must be original, on the letter-headed paper of the government or embassy and must bear the official stamp of that institution. It must have been issued by an authorised official of that institution and must confirm your:

- full name;
- date of birth; and
- nationality.

## English language test

134. We will only accept test certificates from providers that have been assessed as meeting our requirements. Details are available on our website at: [www.gov.uk/tier-1-general](http://www.gov.uk/tier-1-general). You must have passed an English language test that is still within its validity period, and achieved at least CEFR level C1 in all four components (reading, writing, speaking and listening).

135. If you have a disability (for example, you have hearing difficulties) you are not exempt from the English language requirement. You should contact a test provider for details of support that can be provided while taking the test.

## Documents we require

136. You must provide the documents given in Appendix O of the Immigration Rules with your application to confirm your qualification. The documents should clearly show:

- your name;
- that you have achieved or exceeded level C1 of the Council of Europe's Common European Framework for Language learning in all four components (reading, writing, speaking and listening);
- the date of the award; and
- that the test documents are still valid and have not expired.

137. The only exception to this requirement is where you have undertaken the Pearson Test of English (PTE) Academic test. In these cases you should provide a print out of your online score report. You should also ensure that you have made your online results available to the Home Office on the Pearson verification system. Where you fail to do this no points will be awarded for English Language.

## Degree taught in English

138. You may provide evidence that you hold a degree which is equivalent to UK Bachelors level and which was taught or researched in English to a particular level as evidence of your English language ability.

139. The degree **must**:

- be recognised by National Academic Recognition Information Centre for the UK (UK NARIC) as equivalent to a UK Bachelor's degree; and
- have been taught in English to a standard comparable to that of level C1 on the Council of Europe's Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR). Details can be found on the Council of Europe website at [http://www.coe.int/t/dg4/linguistic/Cadre1\\_en.asp](http://www.coe.int/t/dg4/linguistic/Cadre1_en.asp)

140. Where the degree was taken in a majority English speaking country, listed below, we will assume it to have been taught in English:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Dominica;
- Grenada;
- Guyana;
- Ireland;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago;
- the UK;
- the United States of America.

Please note that Canada is not on this list.

141. Where the degree was taken in another country we will assess it using the points based calculator on our website. The calculator contains information from UK NARIC on whether overseas qualifications are equivalent to UK Bachelors level or higher.

142. You can claim points when the points based calculator confirms that the degree:

- meets or exceeds the equivalent level to UK Bachelors degree; and

- was taught to a competent standard of English equivalent to level C1 on the Council of Europe's Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR).

## Checking qualifications

143. You should check your degree by referring to the points based calculator on our website at: [www.points.homeoffice.gov.uk/gui-migrant-jsf/SelfAssessment/SelfAssessment.faces](http://www.points.homeoffice.gov.uk/gui-migrant-jsf/SelfAssessment/SelfAssessment.faces).
144. Where the points based calculator is unable to confirm these details, points will not be awarded for the qualification in question.
145. Where you are unable to find details of your qualification on the points based calculator, UK NARIC will not be able to verify whether a qualification satisfies the English language requirement. In these circumstances, you should either present an alternative qualification from the points based calculator if you possess one, or select an alternative means of satisfying the English language requirement.

## Documents we require

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

- i) Original certificate of award. This document must be original and must clearly show:

- your name;
- the title of the award;
- the date of the award; and,
- the name of the awarding institution. Please note that original provisional certificates are not acceptable

This document must always be provided unless you are awaiting graduation but have successfully completed your degree or no longer have the certificate and the awarding institution is unable to issue a replacement, you should send an original academic reference from the institution that is awarding the degree together with an original academic transcript.

- ii) Academic reference 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:

- your name;
- the title of award;
- that the qualification has been/will be awarded; and
- either the date that the certificate will be issued (if you have 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:

- your name;
- the name of the academic institution;
- the course title; and
- confirmation of the award.

You should ensure that the contact details for the awarding body are up-to-date, because if we need to verify the details and are unable to contact the institution we will not accept this evidence and may therefore refuse the application.

## **MAINTENANCE (FUNDS)**

### **Maintenance requirement – all applications**

147. One of the requirements of Tier 1 is that you must be able to support yourself for the entire duration of your stay in the UK without use of public funds (benefits provided by the state). If you are unable to support yourself, you could face financial hardship because you will not have access to most state benefits.
148. In order to qualify for leave to remain under Tier 1 (General) you must show that you have enough money to support yourself. The maintenance requirements are detailed below:
149. Applicants in the UK seeking further leave to remain must have at least £945 of personal savings which must have been held for a consecutive 90 day period prior to the date of application
150. The exchange rate of overseas currency will be made using the OANDA rate conversion on the date of application. [www.oanda.com](http://www.oanda.com)
151. You may want to check the potential costs of living in the UK. If you do not expect to get any income from your work in the UK after the first month, you may want to check that you have enough money to support yourself and any dependants.
152. 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: [www.gov.uk/browse/visas-immigration/work-visas](http://www.gov.uk/browse/visas-immigration/work-visas). Where the main applicant's 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.

153. We will not consider money earned during a time that you were in breach of the UK's immigration laws as evidence of maintenance funds.
154. For example: Earnings made from UK employment will only be considered if you had leave to enter or remain in the UK at the time they were earned, and in a category which permitted you to take that employment.

## Documents we require

155. 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.
156. 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, overdrafts, credit cards, pension funds etc, are not acceptable, regardless of notice period.
157. No points will be awarded where the specified documents show that the funds are held in a financial institution with which the Home Office is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements is published on the Home Office website at:  
[www.gov.uk/government/publications/immigration-rules-appendix-p](http://www.gov.uk/government/publications/immigration-rules-appendix-p)
158. If you wish to rely on a joint account as evidence of available funds, you must be named on the account along with one or more other named individual.
159. Where you are providing evidence of maintenance from a single account, we will always assess the funds available to you from the closing balance given on the document provided.
160. 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 you from the closing balance of the most recent document.
161. Where evidence from two or more accounts are submitted, we will assess the funds available to you using:
- the most recent closing balance of one account, plus
  - any additional money available to you on the date of that closing balance, for which you have provided the required evidence.

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

162. We will only accept the following specified documents for 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 31 days before the date of application.

The personal bank or building society statements should clearly show:

- your name;

- the account number;
- the date of the statement;
- the financial institution's name and logo;
- any transactions during the 90 day period;
- that there are enough funds present in the account (the balance must always be at least £945), covering the 90 day period before the date of application;

All statements must be on the bank's stationery, unless you are submitting electronic statements.

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

If you wish to submit electronic bank statements these must contain all of the details listed above. In addition, you will need to provide either:

- a supporting letter from your 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 you hold enough funds for the full period needed.

- ii) Building society pass book covering a consecutive 90 day period, ending no more than 31 days before the date of application:

The building society pass book should clearly show:

- your 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 £945), 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 31 days before the date of application:

The letter from a bank or building society should show:

- your name;
- the account number;
- the date of the letter;
- the financial institution's name and logo;

- the funds held in your account;
- that £945 has 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 31 days 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 you held enough funds for the full period needed.

iv) Letter(s) from a financial institution should cover a consecutive 90 day period ending no more than 31 days before the date of the 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 money in the account; and
- that the funds £945 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 the Financial Conduct Authority (FCA)/ 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.

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

## **Change of Circumstances**

163. If during your stay under Tier 1 (General), you wish to change your:

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

complete a change of circumstances form which is available on our website at: [www.gov.uk/change-circumstances-visa-brp](http://www.gov.uk/change-circumstances-visa-brp).

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.

If your current grant of leave was made by means of a Biometric Residence Permit (BRP), to change your:

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

you must send a new application on form NTL or TOC. Please see the related link: changes to BRP available on our website at [www.gov.uk/transfer-visa](http://www.gov.uk/transfer-visa).

## **Annex A – evidence required to be permitted work as a doctor or dentist in training.**

Where you were last granted leave under Tier 1 (General) or the Highly Skilled Migrant Programme (HSMP) which was not subject to a condition restricting your employment and you were employed during this period as a doctor in training or on an NHS foundation programme; or where 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;

you can apply to be exempted from the condition prohibiting this type of employment.

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

**To prove that you are/were working as a Doctor in Training-** a letter from the NHS Trust employing you, confirming that you are/were (during the period of your last leave) working in a post/programme that has been approved by the General Medical Council as a training programme or post.

**To prove that you are/were working as a Dentist in Training-** you must provide a letter from the NHS Trust employing you, confirming that you are/were (during the period of your last leave) working in a post/ programme that has been approved by the Joint Committee for Postgraduate Training in Dentistry 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 restriction on working as a doctor or dentist in training.

**To prove that 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 –**

- i) An original certificate of award of the qualification. This document must be the original (not a copy) and must clearly show:
  - your name;
  - the title of the award;
  - the date of the award; and
  - the name of the awarding institution.

We will not accept original provisional certificates.

The original certificate of award must always be provided unless you are awaiting graduation having successfully completed your degree or you no longer have the certificate and the institution who issued the certificate is unable to produce a replacement. In which case you should send:

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

If you are awaiting graduation but have successfully completed your degree or no longer have the certificate and the awarding institution is unable to issue a replacement, you 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:

- your name;
- the title of award;
- the date of award, confirming that it has been/will be awarded; and
- either the date that the certificate will be issued (if you have 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:

- your name;
- the name of the academic institution;
- the course title; and
- confirmation of the award.