



Home Office

Children of students granted leave under Part 3 of the Immigration Rules

This guidance is based on the Immigration Rules.

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Children of students granted leave under Part 3 of the Immigration Rules

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This guidance tells you how children of students granted leave under Part 3 of the Immigration Rules can qualify for leave in the UK with their parents.

This guidance is based on the Immigration Rules part 3, paragraphs 79 to 81. See related link to the Immigration Rules.

People can apply for leave in this category if they are the child of a person with leave in one of the following categories:

- pre-Tier 4 students
- student nurses
- people re-sitting an examination
- people writing up a thesis
- overseas qualified nurses or midwives
- postgraduate doctors or dentists
- students' union sabbatical officers

All of these categories have been deleted from the Immigration Rules. These categories (apart from overseas qualified nurses or midwives) were replaced by Tier 4 of the points-based system (PBS) on 31 March 2009. Overseas qualified nurses and midwives with a job offer must now apply under Tier 2 of the PBS.

Children of people who have existing leave in one of these categories, can continue to be granted leave to join their parents.

Where reference is made in this guidance to 'students', this refers to the categories listed above. It does not refer to short-term students - see paragraphs A57A to A57H of the Immigration Rules. Short-term students are not permitted to bring children to the UK to join them.

Related links

[Changes to this guidance](#)

[Contact](#)

[Information owner](#)

Safeguard and promote child welfare

External links

[Paragraphs 79 to 81 of the Immigration Rules](#)

This document was archived in april 2018 as this immigration route no longer exists

This guidance is based on the Immigration Rules.

	<p>This guidance does not tell you how to consider applications for leave from children of people with leave under Tiers 2 or 4 of the points-based system.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.</p>	
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Children of students granted leave under Part 3 of the Immigration Rules

Key facts

Category: Children of students granted leave under Part 3 of the Immigration Rules	
Eligibility criteria	<p>In order to meet the requirements the applicant must:</p> <ul style="list-style-type: none">• be the child of either a:<ul style="list-style-type: none">○ student○ student nurse○ person re-sitting an examination○ person writing up a thesis○ overseas qualified nurse or midwife○ postgraduate doctor or dentist○ students' union sabbatical officer• be under the age of 18 or have current leave in this category• not be:<ul style="list-style-type: none">○ married○ in a civil partnership○ forming an independent family unit○ leading an independent life• be maintained and accommodated adequately with no access to public funds• not stay in the UK beyond the period of leave granted to their parent• have:<ul style="list-style-type: none">○ both parents lawfully present in the UK or about to be granted entry clearance or leave to remain at the same time as the applicant○ one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant <p>unless:</p> <ul style="list-style-type: none">○ the student is the applicant's only surviving parent○ the student has and has had sole responsibility for the applicant's upbringing○ there are serious or compelling family or other considerations that would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care <ul style="list-style-type: none">• if applying for leave to remain, must not be in the UK in breach of immigration laws, except for any period of overstaying:<ul style="list-style-type: none">○ for 28 days or less, which will be disregarded○ if the application was submitted before 9 July 2012

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Application forms	Entry clearance – VAF 3B Extension – FLR(O) Settlement – N/A
Cost of application:	Fees for Home Office services
Entry Clearance mandatory?	Yes, unless the person is a: <ul style="list-style-type: none"> • non-visa national who does not intend to stay in the UK for more than 6 months • one of the following: <ul style="list-style-type: none"> ○ British national (overseas) ○ British overseas territories citizen ○ British overseas citizen ○ British protected person ○ person who under the British Nationality Act 1981 is a British subject
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	<ul style="list-style-type: none"> • Code 1 if their parent was or will be granted leave as a student for 12 months or longer • Code 3 if their parent was or will be granted leave as a student for less than 12 months
Entry Clearance endorsements	'D: STUDENT DEPENDANT', with the initial and surname of the student to be added in the 'add endorsement' field.
Conditions of leave to remain	No recourse to public funds. Cannot work if granted leave on code 3 conditions.
How long is leave to remain normally granted for?	The same as the leave granted to the parent who has applied as a student.
Are dependants allowed?	No
Work and study allowed?	Yes, unless their parent was granted less than 12 months' leave as a student.
Is switching into this category allowed?	Yes, from any category, unless the applicant is aged 18 or over on the date they apply.
Does this category lead to settlement (indefinite leave to remain)?	No
Is knowledge of language and life required?	No
CID case type	<ul style="list-style-type: none"> • Child aged under 18, applying at same time as their parent, biometric information required: <ul style="list-style-type: none"> ○ DEP Children (BRP) (except paras 296-303) – LTR • Child (including where child is over 18) applying at same time as their parent, biometric information not required: <ul style="list-style-type: none"> ○ DEP Children (except paras 296-303) – LTR

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	<ul style="list-style-type: none">• Child under 18, applying separately from their parent, biometric information required:<ul style="list-style-type: none">○ DEP Child (BRP) Joining Person with LTR (except paras 296-303) – LTR• Child (including over 18) applying separately from their parent, biometric information not required:<ul style="list-style-type: none">○ DEP Child Joining Person with LTR (except paras 296-303) – LTR• Child aged 18 or over, applying at same time as their parent, biometric information required:<ul style="list-style-type: none">○ DEP Over 18 (BRP) (Dependant Child) (except paras 317-322) – LTR• Child aged 18 or over, applying separately from their parent, biometric information required:<ul style="list-style-type: none">○ DEP Over 18 (BRP) (Dependant child) (except paras 317-322) – LTR.
Immigration Rules paragraphs	79-81

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Children of students granted leave under Part 3 of the Immigration Rules

Changes to this guidance

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page lists the changes to the children of students granted leave under Part 3 of the Immigration Rules guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="490 391 831 432">Date of the change</th> <th data-bbox="831 391 1532 432">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 432 831 619">5 May 2015</td> <td data-bbox="831 432 1532 619"> Change request: remove references to children of prospective students- the category has been removed </td> </tr> <tr> <td data-bbox="490 619 831 805">13 November 2013</td> <td data-bbox="831 619 1532 805"> 6 month review by the modernised guidance team: <ul style="list-style-type: none"> • minor housekeeping changes </td> </tr> <tr> <td data-bbox="490 805 831 954"></td> <td data-bbox="831 805 1532 954"> For previous changes to this guidance you will find all earlier versions in the archive. See related link: Dependants outside PBS - archive. </td> </tr> </tbody> </table>	Date of the change	Details of the change	5 May 2015	Change request: remove references to children of prospective students- the category has been removed	13 November 2013	6 month review by the modernised guidance team: <ul style="list-style-type: none"> • minor housekeeping changes 		For previous changes to this guidance you will find all earlier versions in the archive. See related link: Dependants outside PBS - archive .	<p>Related links</p> <p>See also</p> <p>Contact</p> <p>Information owner</p> <p>Dependants outside PBS - archive</p>
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Children of students granted leave under Part 3 of the Immigration Rules

Entry or extension requirements

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This section tells you how to check an applicant meets the requirements to be granted leave as the child of a student granted leave under Part 3 of the Immigration Rules .</p> <p>Before considering an application you must check:</p> <ul style="list-style-type: none"> • the application is valid • the applicant’s passport or travel document is genuine • the applicant has given their biometric information • there are no general grounds for refusal <p>For more information, see related links:</p> <ul style="list-style-type: none"> • specified application forms and procedures • biometric information • general grounds for refusal <p>Biometric information</p> <p>Entry clearance Applicants applying for entry clearance and who are aged five years or over are required to give their biometric information. For further information, see related link: Applying for a visa.</p> <p>Leave to remain From 29 February 2012, all applicants applying for leave to remain in this category are required to give their biometric information as part of the application process.</p> <p>If the applicant applied on or before 28 February 2012, they were required to give their biometric information if their parent:</p> <ul style="list-style-type: none"> • was applying for leave to remain as a student at the same time 	<p>In this section</p> <p>Switching</p> <p>Checking that the child and parent(s) are related as claimed</p> <p>Checking the parents’ immigration status</p> <p>Applicants aged 18 years or older</p> <p>Independent life</p> <p>Parental responsibility</p> <p>Education</p> <p>Related links</p> <p>specified application forms and procedures</p> <p>Biometric information – case working</p> <p>Biometric information – introduction</p> <p>Biometric information –</p>
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- had already been granted leave to remain and this was granted on a biometric residence permit (BRP)

Other applicants who applied before 29 February 2012 were not required to give their biometric information when they applied. From 1 December 2012, all applicants granted leave to remain must give their biometric information, even if they were not required to when they applied.

If an applicant qualifies for leave to remain, but they were not required to give their biometric information at the time of application, you must send them a biometric invitation letter and application form before completing your action on the case.

For guidance on the process, see related link: Applying for a biometric residence permit – standard route applications.

Specified application form for leave to remain applications

For applications submitted on or before 28 February 2012, the specified application form for a person applying for leave to remain as the child of a student was:

- FLR (BID) if the applicant was required to give their biometric information
- FLR (O) if the application was not required to give their biometric information

Applicants applying on or after 29 February 2012 must apply on the current version of form FLR (O). This form now requires the applicant to apply for a biometric residence permit. Form FLR (BID) has been withdrawn.

Transitional arrangements apply to applications submitted between 29 February 2012 and 21 March 2012 inclusive. For guidance, see related link: Applications made within 21 days of specification of a form.

Immigration Rules requirements

The applicant must meet the requirements of paragraph 79 of the Immigration Rules. The applicant must:

enrolment

Applications made within 21 days of specification of a form

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[Paragraphs 79 to 81 of the Immigration Rules](#)

[Applying for a visa](#)

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- be the child of a:
 - student
 - student nurse
 - person re-sitting an examination
 - person writing up a thesis
 - overseas qualified nurse or midwife
 - postgraduate doctor or dentist
 - students' union sabbatical officer
- be under the age of 18 or have current leave in this category
- not be:
 - married
 - in a civil partnership
 - forming an independent family unit
 - leading an independent life
- be maintained and accommodated adequately with no access to public funds
- not stay in the UK beyond the period of leave granted to their parent
- have:
 - both parents lawfully present in the UK or about to be granted entry clearance or leave to remain at the same time as the applicant
 - one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicantunless:
 - the student is the applicant's only surviving parent
 - the student has and has had sole responsibility for the applicant's upbringing
 - there are serious or compelling family or other considerations that would make it desirable not to refuse the application. If this is the case suitable arrangements must have been made for the applicant's care in the UK
- if applying for leave to remain, must not be in the UK in breach of immigration laws, except for any period of overstaying:
 - for 28 days or less, which will be disregarded
 - if the application was submitted before 9 July 2012

For more information on these requirements, see related link: Paragraphs 79 to 81 of the

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	<p>Immigration Rules.</p> <p>Applications from overstayers For more information on the requirement not to be in the UK in breach of immigration laws, see related link: Applications from overstayers (non family routes).</p>	
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Children of students granted leave under Part 3 of the Immigration Rules

Switching

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you which immigration categories applicants can apply from to switch into the child of a student granted leave under Part 3 of the Immigration Rules category and when you must carry out additional checks.</p> <p>Applicants aged under 18 Applicants can switch into this category from any other immigration category if they are aged under 18 on the date they apply. This is because there are no switching restrictions in the rules for this age group.</p> <p>If the applicant is applying for leave to remain they must not be in the UK in breach of immigration laws, except for any period of overstaying:</p> <ul style="list-style-type: none"> • for 28 days or less which will be disregarded • if the application was submitted before 9 July 2012 <p>For more information, see related link: applications from overstayers (non family routes).</p> <p>If the applicant is applying to switch from the category in which they entered the UK, you must try and request the visa application form (VAF), if this is available, and consider what the applicant declared to the entry clearance officer (ECO). You can consider refusing under the general grounds for refusal, if there is evidence of blatant deception or where specific undertakings were given.</p> <p>For more information, see related link: General grounds for refusal.</p> <p>If the applicant has not previously been granted leave as the child of the parent or parents named on their application, you must take extra care to make sure the child is related as claimed to the parent or parents.</p> <p>For more information, see related link: Checking that the child and parent(s) are related as</p>	<p>In this section</p> <p>Entry or extension requirements</p> <p>Checking that the child and parent(s) are related as claimed</p> <p>Checking the parents' immigration status</p> <p>Applicants aged 18 years or older</p> <p>Independent life</p> <p>Parental responsibility</p> <p>Education</p> <p>Related links</p> <p>General grounds for refusal</p> <p>Applications from overstayers (non family routes)</p> <p>External links</p> <p>Paragraphs 79 to 81 of</p>
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	<p>claimed.</p> <p>Applicants aged 18 or over Applicants aged 18 or over on the date they apply cannot switch into this category. For further information, see related link: Applicants aged 18 years or older.</p>	<p>the Immigration Rules</p>
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Checking that the child and parent(s) are related as claimed

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you how to check the child is related as claimed to the parent or parents named on the application.</p> <p>If the applicant has not previously been granted leave as the child of the parent or parents named on the application, you must see the applicant's full birth certificate showing both parents' names.</p> <p>If the applicant has previously been granted leave in this category, you must check Central Reference System (CRS), landing cards or CID as appropriate to see whether the Home Office has previously established that the applicant is related as claimed to the parents. If you have any doubts about whether they are related as claimed, you must request the full birth certificate.</p> <p>You must be satisfied the document is genuine. If you have reason to doubt whether the document is genuine, discuss this with your line manager or senior caseworker, and make verification checks if this is deemed appropriate.</p> <p>You must refuse the application if:</p> <ul style="list-style-type: none">• the applicant fails to give the appropriate evidence• the document is independently confirmed to be forged• you have reasonable doubts about the authenticity of the document and verification checks have proved inconclusive <p>Adopted children Adopted children are eligible to apply as dependent children of students. You must be satisfied the adoption is legally recognised under UK law. For further guidance, see related link: Adopted children.</p>	<p>In this section</p> <p>Entry or extension requirements</p> <p>Switching</p> <p>Checking the parents' immigration status</p> <p>Applicants aged 18 years or older</p> <p>Independent life</p> <p>Parental responsibility</p> <p>Education</p> <p>Related links General grounds for refusal</p> <p>Adopted children</p> <p>External links Paragraphs 79 to 81 of the Immigration Rules</p>
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Checking the parents' immigration status

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This page tells you how to check the child's parents have the appropriate immigration status.

You must be satisfied that one of the child's parents has been, or is about to be, granted leave in one of the following categories:

- student
- student nurse
- person re-sitting an examination
- person writing up a thesis
- overseas qualified nurse or midwife
- postgraduate doctor or dentist
- students' union sabbatical officer

If the child is applying after their parent has been granted, they must give evidence their parent has leave in a relevant category. This could be:

- their parent's passport or travel document containing an entry clearance or UK residence permit
- their parent's biometric residence permit (BRP)
- other evidence their parent has the relevant leave, for example, an immigration status document (ISD)

Where it is impractical to give the original document (for example, if the applicant is applying for entry clearance and the parent is already in the UK), a certified copy of the document will suffice.

You must check CID, Central Reference System (CRS) or landing cards as appropriate to confirm the parent has relevant leave as claimed.

Where the child is accompanying or joining one parent, the other parent must be lawfully

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	<p>present in the UK, or about to be granted leave (for example, as the spouse or civil partner of the student), unless one parent is the sole surviving parent or has and has had sole responsibility for the child, or there are compelling circumstances why the child should join one parent. You must see evidence of the other parent's status and make any appropriate checks as outlined above.</p>	
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Children of students granted leave under Part 3 of the Immigration Rules

Applicants aged 18 years or older

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This page tells you how to consider applications for leave as the child of a student granted leave under Part 3 of the Immigration Rules when the applicant is aged 18 or older.

Applicants who are aged 18 years or older can be granted leave as the child of a student in certain circumstances.

Applicants aged 18 or over on date of application

If the applicant is aged 18 or over on the date they apply, they must:

- have current leave to enter or remain as the child of a student
- if applying for leave to remain, must not be in the UK in breach of immigration laws, except for any period of overstaying:
 - for 28 days or less, which will be disregarded
 - if the application was submitted before 9 July 2012

Switching from any other category is not permitted.

For further guidance on overstaying, see related link: Applications from overstayers (non family routes).

Applicants who turn 18 while awaiting a decision

If the applicant was aged under 18 on the date they applied, but they have turned 18 while awaiting a decision, you must treat the applicant as though they are under 18. This means the applicant can be granted, even if they do not have current leave in this category. See related link, Switching, for further information.

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Independent life

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This page tells you about the requirement for applicants applying for leave as the child of a student granted leave under Part 3 of the Immigration Rules not to be leading an independent life.

Paragraph 79(iii) of the Immigration Rules requires that a child of a student must not be married or in a civil partnership, have formed an independent family unit, or be leading an independent life.

Married or in a civil partnership

The applicant must not be married or in a civil partnership. If they are, you must refuse the application.

Civil partnerships – applications submitted before 6 April 2012

If you are considering an application submitted before 6 April 2012 and the applicant is in a civil partnership, you must refuse on the basis the applicant is leading an independent life (see definition below). This is because, before 6 April 2012, paragraph 79(iii) did not make any reference to civil partnerships.

If the application was made on or after 6 April 2012, use the refusal wording for ‘Married or in a civil partnership’.

Independent family unit

An applicant may be considered to have formed an independent family unit if they:

- are living with a partner (including an unmarried or same-sex partner)
- have dependent children of their own

Not leading an independent life

This term is defined in paragraph 6 (the interpretation section) of the Immigration Rules. See related link.

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To meet this requirement, the applicant must:

- not have a partner as defined in Appendix FM to the Immigration Rules (spouse, civil partner, unmarried partner, or same-sex partner): see related link, Appendix FM to the Immigration Rules
- not be living away from their parents, unless they are at boarding school, college, or university as part of their full-time education
- not be employed full time, unless they are aged 18 or over
- be wholly or mainly dependent on their parents for financial support, unless they are aged 18 or over
- be wholly or mainly dependent on their parents for emotional support

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Parental responsibility

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This page tells you about the requirement of the child of a student granted leave under Part 3 of the Immigration Rules to demonstrate the parent they are joining in the UK has parental responsibility for them.

To meet this requirement the applicant must have:

- both parents lawfully present in the UK or about to be granted entry clearance or leave to remain at the same time as the applicant
- one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant

The only exceptions to this are if:

- the student is the applicant's only surviving parent
- the student has, and has had, sole responsibility for the applicant's upbringing
- there are serious or compelling family or other considerations that would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care

If the applicant is not joining both parents you must establish that the parent they are joining has, and has had, sole responsibility for their care.

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Education

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you what education a person with leave as a child of a student granted leave under Part 3 of the Immigration Rules can access while they are in the UK.</p> <p>People with leave as the child of a student are allowed to study in the UK. The Immigration Rules for this category do not place any restrictions on studies.</p> <p>Children of students must leave the UK with their parent when their parent completes their studies, unless the child qualifies for leave under a category of the Immigration Rules in their own right.</p> <p>You must not grant leave to a child to study in their own right unless they have applied for, and meet the requirements of, Tier 4 of the points-based system, or of the short-term student route.</p> <p>Access to state-funded education Children of compulsory school age (five to 16 years of age) who have leave in this category can receive state-funded education while their parent is studying in the UK. This is not classed as having recourse to public funds. The local education authority has a duty of care to children living in the area, irrespective of immigration status. Parents also have a legal duty to make sure their children receive a suitable education.</p> <p>Children aged over 16 years can attend sixth form colleges as long as they are not attached to a maintained school.</p>	<p>In this section</p> <p>Entry or extension requirements</p> <p>Switching</p> <p>Checking that the child and parent(s) are related as claimed</p> <p>Checking the parents' immigration status</p> <p>Applicants aged 18 years or older</p> <p>Independent life</p> <p>Parental responsibility</p> <p>External links</p> <p>Paragraphs 79 to 81 of the Immigration Rules</p>
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Granting or refusing

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This section tells you how to grant or refuse applications from the child of a student granted leave under Part 3 of the Immigration Rules.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• grant or refuse entry clearance• grant or refuse entry at UK port• grant or refuse leave to remain in country• refusal wording	<p>In this section</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK port</p> <p>Grant or refuse leave to remain in UK</p> <p>Refusal wording</p> <p>External links</p> <p>Paragraphs 79 to 81 of the Immigration Rules</p>
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Children of students granted leave under Part 3 of the Immigration Rules

Grant or refuse entry clearance

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you how to grant or refuse applications from the child of a student granted leave under Part 3 of the Immigration Rules made overseas.</p> <p>For guidance on the requirements, see the Entry or extension requirements section.</p> <p>Grant entry clearance</p> <p>You must grant entry clearance if the applicant meets each of the requirements of paragraph 79 of the Immigration Rules and none of the general grounds for refusal in paragraph 320 apply.</p> <p>You must grant the child the same amount of leave granted to the parent who is a student.</p> <p>You must grant leave on the appropriate condition code as follows:</p> <ul style="list-style-type: none">• if the applicant's parent has been granted leave as a student for 12 months or more, grant leave on code 1 conditions - this means the applicant will be allowed to work in the UK if they are aged 16 or over• if the applicant's parent has been granted leave as a student for less than 12 months, grant leave on code 3 conditions: this means the applicant will not be allowed to work in the UK - but you must use discretion and grant leave on code 1 conditions if:<ul style="list-style-type: none">○ there was a delay in deciding the parent's application and the parent would have been granted 12 months' or more leave as a student if their application had been decided on the date it was submitted <p>The entry clearance endorsement is 'D: STUDENT DEPENDANT', with the initial and surname of the student to be added in the 'add endorsement' field.</p> <p>Refuse entry clearance</p> <p>You must refuse entry clearance if the applicant has not given the evidence required to show they meet the requirements of paragraph 79 of the Immigration Rules. You must also</p>	<p>In this section</p> <p>Granting or refusing</p> <p>Grant or refuse entry at UK port</p> <p>Grant or refuse leave to remain in UK</p> <p>Refusal wording</p> <p>Related links</p> <p>General grounds for refusal</p> <p>Safeguard and promote child welfare</p> <p>Children: Refusing and ensuring their welfare</p> <p>External links</p> <p>Paragraphs 79 to 81 of the Immigration Rules</p> <p>Paragraphs 320 to 324 of the Immigration Rules</p>
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	<p>consider refusing the application if any of the general grounds for refusal in paragraph 320 apply.</p> <p>For more information, see related link: General grounds for refusal.</p> <p>For more information on the action you must take when you refuse a child's application, see related links:</p> <ul style="list-style-type: none">• Safeguard and promote child welfare• Children: Refusing and ensuring their welfare <p>For more information on the wording to use in refusal letters, see related link: Refusal wording.</p>	
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Children of students granted leave under Part 3 of the Immigration Rules

Grant or refuse entry at a UK port

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you how to grant or refuse entry at a UK port to an applicant seeking entry as the child of a student granted leave under Part 3 of the Immigration Rules .</p> <p>Granting entry</p> <p>Applicants seeking entry as the child of a student must hold a valid entry clearance for entry in this capacity unless they are:</p> <ul style="list-style-type: none">• a non-visa national who is not seeking to remain in the UK for longer than 6 months, or• one of the following UK passport holders who do not have the right of abode:<ul style="list-style-type: none">○ British national (overseas)○ British overseas territories citizen○ British overseas citizen○ British protected person○ person who under the British Nationality Act 1981 is a British subject <p>The UK passport holders referred to above do not have to show they intend to leave after 6 months, but 6 months is the maximum period of leave they can be granted at a UK port, even if they ask for longer. They can apply to extend their stay in country if necessary.</p> <p>For more information on which nationals need a visa to enter the UK, see related links:</p> <ul style="list-style-type: none">• paragraphs 23 and 24 of the Immigration Rules, that cover:<ul style="list-style-type: none">○ paragraphs 23A and 23B– leave to enter granted on arrival○ paragraph 24 – entry clearance• Appendix 2 to Appendix V Immigration Rules for Visitors <p>You must grant leave to enter, up to the maximum of 6 months, to an applicant without entry clearance if:</p>	<p>In this section</p> <p>Granting or refusing</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse leave to remain in UK</p> <p>Refusal wording</p> <p>Related links</p> <p>General grounds for refusal</p> <p>Refusal of leave to enter</p> <p>Safeguard and promote child welfare</p> <p>Children: Refusing and ensuring their welfare</p> <p>External links</p> <p>Appendix 2 to Appendix V Immigration Rules for Visitors</p> <p>Paragraphs 79 to 81 of the Immigration Rules</p>
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- they are not required under the Immigration Rules to hold entry clearance
- they meet each of the requirements of paragraph 79 of the rules
- none of the general grounds for refusal in paragraph 320 of the rules apply

[Paragraphs 23 and 24 of the Immigration Rules](#)

You must grant a period equal to the leave granted to the student, or up to the maximum of 6 months, whichever is shorter.

[Paragraph 321A of the Immigration Rules](#)

You must not grant them leave that expires after the leave granted to the student.

You must grant leave on the appropriate condition code as follows:

- if the applicant's parent has been granted leave as a student for 12 months or more, grant leave on code 1 conditions - this means the applicant will be allowed to work in the UK if they are aged 16 or over
- if the applicant's parent has been granted leave as a student for less than 12 months, grant leave on code 3 conditions: this means the applicant will not be allowed to work in the UK - but you must use discretion and grant leave on code 1 conditions if:
 - there was a delay in deciding the parent's application and the parent would have been granted 12 months' or more leave as a student if their application had been decided on the date it was submitted

The on entry admission code is: STD - Student dependant.

You must admit an applicant who holds a valid entry clearance or has continuing leave to enter or remain in this category, unless it is right to cancel their entry clearance or leave under paragraph 321A of the Immigration Rules (see below).

Refusing entry

You must refuse leave to enter to an applicant who does not have a valid entry clearance if they are a:

- visa national
- non-visa national (other than one of the UK passport holders listed above) seeking

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entry for more than 6 months

If the applicant does not require entry clearance but does not meet the requirements of paragraph 79, you must refuse leave to enter.

You must also consider refusing leave to enter if any of the general grounds for refusal in paragraph 320 apply. For more information, see related link: [General grounds for refusal](#).

If the applicant holds a valid entry clearance or has continuing leave to enter or remain in this category, the entry clearance or leave may be cancelled if any of the grounds in paragraph 321A of the Immigration Rules apply.

For more information on refusing entry, see related link: [Refusal of leave to enter](#).

For more information on cancelling entry clearance or continuing leave to enter, see related links:

- [Refusal of leave to enter](#)
- [Paragraph 321A of the Immigration Rules](#)

For more information on the wording to use in refusal letters, see related link: [Refusal wording](#).

For more information on the action you must take when you consider refusing a child's application, see related links:

- [Safeguard and promote child welfare](#)
- [Children: Refusing and ensuring their welfare](#)

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Children of students granted leave under Part 3 of the Immigration Rules

Grant or refuse leave to remain in UK

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page tells you how to grant or refuse applications for leave to remain from the child of a student granted leave under Part 3 of the Immigration Rules .</p> <p>Grant leave to remain</p> <p>You must grant leave to remain to the child of a student if they meet each of the requirements of paragraph 79 of the Immigration Rules and none of the general grounds for refusal in paragraph 322 apply.</p> <p>From 1 December 2012, you must grant leave to remain on a biometric residence permit (BRP) in all cases.</p> <p>You must invite the applicant to give their biometric information before producing a BRP, if the applicant:</p> <ul style="list-style-type: none"> • applied before 29 February 2012 • was not required to give their biometric information when they made their application (for more information, see related link: Entry or extension requirements) <p>For guidance on the process to follow, see related link: Applying for a biometric residence permit – standard route applications.</p> <p>You must grant the child the same amount of leave granted to the parent who is a student.</p> <p>You must grant leave on the appropriate condition code as follows:</p> <ul style="list-style-type: none"> • if the applicant’s parent has been granted leave as a student for 12 months or more, grant leave on code 1 conditions - this means the applicant will be allowed to work in the UK if they are aged 16 or over • if the applicant’s parent has been granted leave as a student for less than 12 months, grant leave on code 3 conditions: this means the applicant will not be allowed to work 	<p>In this section</p> <p>Granting or refusing</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK port</p> <p>Refusal wording</p> <p>Related links</p> <p>General grounds for refusal</p> <p>Applying for a biometric residence permit – standard route applications</p> <p>Applications from overstayers (non family routes)</p> <p>Safeguard and promote child welfare</p> <p>Children: Refusing and ensuring their welfare</p>
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- in the UK - but you must use discretion and grant leave on code 1 conditions if:
- there was a delay in deciding the parent's application and the parent would have been granted 12 months' or more leave as a student if their application had been decided on the date it was submitted
 - the applicant already has code 1 conditions

Refuse leave to remain

You must refuse the application if the applicant has not given the evidence required to show they meet the requirements of paragraph 79. You must also consider refusing the application if any of the general grounds for refusal in paragraph 322 apply.

For more information, see related link: [General grounds for refusal](#).

The Home Office has a statutory duty of care towards children under section 55 of the Borders, Citizenship and Immigration Act 2009. For more information on the action you must take when you consider refusing a child's application, see related links:

- [Safeguard and promote child welfare](#)
- [Children: Refusing and ensuring their welfare](#)

For more information on the refusal paragraphs you must refer to when refusing a case and examples of wording for refusal notices, see related link: [Refusal wording](#).

External links

[Paragraphs 79 to 81 of the Immigration Rules](#)

This guidance is based on the Immigration Rules.

Children of students granted leave under Part 3 of the Immigration Rules

Refusal wording

<p>About this guidance</p> <p>Key facts</p> <p>Entry or extension requirements</p> <p>Granting or refusing</p>	<p>This page gives you some suggested wording for refusing applications for an extension of leave as the child of a student granted leave under Part 3 of the Immigration Rules.</p> <p>The following are examples of wording you can use in refusal notices. You must make sure the wording you use is appropriate to the applicant and the reasons for refusing.</p> <p>Entry clearance officers and immigration officers must use the formula: 'In view of [...], I am not satisfied that [...]</p> <p>Caseworkers deciding applications for leave to remain must use the formula: 'In view of [...], the Secretary of State is not satisfied that [...]</p> <p>Introduction You have applied/an application has been made on your behalf (delete as appropriate) for entry clearance to/leave to enter/leave to remain in (delete as appropriate) the United Kingdom as the child of a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate), but your application has been refused.</p> <p>Not related as claimed In view of [insert reasons here], I am / the Secretary of State is (delete as appropriate) not satisfied that you are the child of a parent [to be] admitted to or allowed to remain in the United Kingdom as a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate). Paragraph 81 with reference to 79(i).</p> <p>Parent refused entry clearance, leave to enter or leave to remain Your mother's/father's (delete as appropriate) application for entry clearance/leave to enter/leave to remain in that capacity has been refused, and consequently, I am / the Secretary</p>	<p>In this section Granting or refusing</p> <p>Grant or refuse entry clearance</p> <p>Grant or refuse entry at UK port</p> <p>Grant or refuse leave to remain in UK</p> <p>Related links Safeguard and promote child welfare</p> <p>Children: Refusing and ensuring their welfare</p> <p>External links Paragraphs 79 to 81 of the Immigration Rules</p>
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of State is (delete as appropriate) not satisfied that you are the child of a parent to be admitted to, or allowed to remain in the United Kingdom as a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate).

Paragraph 81 with reference to 79(i).

Parent not in United Kingdom or not in appropriate category within United Kingdom

In view of [insert reasons here], I am / the Secretary of State is (delete as appropriate) not satisfied that you are the child of a parent admitted to or allowed to remain in the United Kingdom as a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate).

Paragraph 81 with reference to 79(i).

Over age and has not got current leave in this category

As you were born on (insert date) / you have failed to produce satisfactory evidence of your date of birth (delete as appropriate), I am / the Secretary of State is (delete as appropriate) not satisfied that you are under the age of 18 or that you have current leave to enter or remain in this capacity.

Paragraph 81 with reference to 79(ii).

Married or in a civil partnership – for applications made on or after 6 April 2012

In view of (insert reasons here), I am / the Secretary of State is (delete as appropriate) not satisfied that you are unmarried/not in a civil partnership (delete as appropriate).

Paragraph 81 with reference to 79(iii).

Married – for applications made on or before 5 April 2012

(If the applicant is in a civil partnership, use the 'Independent life' wording)

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you are unmarried.

Paragraph 81 with reference to 79(iii).

Independent family unit

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In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you have not formed an independent family unit.
Paragraph 81 with reference to 79(iii).

Independent life

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you are not leading an independent life.
Paragraph 81 with reference to 79(iii).

Maintenance and accommodation

In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not satisfied that you can and will be maintained and accommodated adequately without recourse to public funds.
Paragraph 81 with reference to 79(iv).

Intention to leave

In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not satisfied that you will not stay in the United Kingdom beyond any period of leave granted to your mother/father/parents (delete as appropriate).
Paragraph 81 with reference to 79(v).

Not accompanying both parents – for applications made on or after 6 April 2012

In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not satisfied that both of your parents are lawfully present in the United Kingdom, or are being granted entry clearance or leave to remain at the same time as you, or that one of your parents is lawfully present in the United Kingdom and your other parent is being granted entry clearance or leave to remain at the same time as you; or that the parent you intend to [accompany/join] is your sole surviving parent or has, and has had, sole responsibility for your upbringing, or that there are serious and compelling family or other considerations which make your exclusion from the United Kingdom undesirable.
Paragraph 81 with reference to 79A and 79(vi).

Not accompanying both parents – for applications made on or before 5 April 2012

In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not

satisfied that both of your parents are lawfully present in the United Kingdom, or are being granted entry clearance or leave to remain at the same time as you, or that the parent you intend to [accompany/join] is your sole surviving parent or has, and has had, sole responsibility for your upbringing, or that there are serious and compelling family or other considerations which make your exclusion from the United Kingdom undesirable.
Paragraph 81 with reference to 79A and 79(vi).

In breach of immigration laws – leave to remain applications only

In view of [insert reasons here], the Secretary of State is satisfied that you are in the UK in breach of immigration laws.

Paragraph 81 with reference to 79(vii).

Parent's application for leave as a student refused - no switching

Your mother's/father's (delete as appropriate) application for leave to remain has been refused for the reason that he/she (delete as appropriate) was not admitted to the United Kingdom with a valid student entry clearance.

Paragraph 81 with reference to 79(i).

For immigration officers only

No entry clearance –visa national

You have asked for leave to enter the United Kingdom as the child of a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate) but under the Immigration Rules you are required to produce a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance.

Paragraph 320(5) of HC 395 (as amended).

No entry clearance – non-visa national seeking more than 6 months

You have asked for leave to enter the United Kingdom for a period of [*state period*] as the child of a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate) but under the Immigration Rules you are required to

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	<p>produce a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance. Paragraph 24 of HC 395 (as amended).</p> <p>For more information on the action you must take when you refuse a child's application, see related links:</p> <ul style="list-style-type: none">• Safeguard and promote child welfare• Children, refusing and ensuring their welfare	
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Children of students granted leave under Part 3 of the Immigration Rules

Contact

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[Key facts](#)

[Entry or extension requirements](#)

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This page explains who to contact for more help with a specific case in the children of a student granted leave under Part 3 of the Immigration Rules category.

If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.

If the question cannot be answered at that level, you may email the student migration policy team (see related link) for guidance on the policy.

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the study and visit operational policy team, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: [guidance – making changes](#).

Related links

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[Paragraphs 79 to 81 of the Immigration Rules](#)

Links to staff intranet removed

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Information owner

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This page tells you about this version of the children of students granted leave under Part 3 of the Immigration Rules guidance and who owns it.

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Clearance by director	Official – sensitive: information removed
Director’s role	Official – sensitive: information removed
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Approval date	29 April 2015

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