



Home Office

# Partners of students granted leave under Part 3 of the Immigration Rules

This guidance is based on the Immigration Rules.

Archived

This guidance is based on the Immigration Rules.

## Partners of students

### About this guidance

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This guidance tells you how partners of students (granted leave under Part 3 of the Immigration Rules) can qualify for entry clearance, leave to enter or leave to remain in the UK with their partner.

This guidance is based on the Immigration Rules part 3, paragraphs 76 to 78. See related link to the Immigration Rules.

People can apply for leave in this category if they are the husband, wife or civil partner of a person with leave, or who is about to be granted 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.

People who have existing leave in any of the categories listed above, can be joined by their spouse or civil partner under paragraph 76 of the Immigration Rules.

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 spouse or civil partners to the UK to join them.

#### Related links

[Changes to this guidance](#)

[Contact](#)

[Information owner](#)

#### See also

Safeguard and promote child welfare

#### External links

[Paragraphs 76 to 78 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.

This guidance does not tell you how to consider applications for leave from partners of people with leave under Tiers 2 or 4 of PBS.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contact – This page tells you who to contact for help if your senior caseworker or line manager cannot answer your question.

Information owners – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.

This guidance is based on the Immigration Rules.

## Partners of students

### Key facts

This page gives you the key facts for the partners of students category.

Category: Partners of students	
Eligibility requirements	<p>In order to meet the requirements, the applicant must:</p> <ul style="list-style-type: none"> <li>• be married to or the civil partner of one of the following:                             <ul style="list-style-type: none"> <li>○ student</li> <li>○ student nurse</li> <li>○ person re-sitting an examination</li> <li>○ person writing up a thesis</li> <li>○ overseas qualified nurse or midwife</li> <li>○ postgraduate doctor or dentist</li> <li>○ students' union sabbatical officer</li> </ul> </li> <li>• intend to live with the student as their spouse or civil partner whilst they are in the UK and they must be in a subsisting relationship</li> <li>• have adequate accommodation for themselves and any dependants without recourse to public funds</li> <li>• be able to maintain themselves and any dependants adequately without recourse to public funds</li> <li>• not intend to take employment except when this is allowed under their conditions of stay</li> <li>• intend to leave the UK when their leave expires</li> <li>• if applying for leave to remain, not be in the UK in breach of immigration laws, except for any period of overstaying:                             <ul style="list-style-type: none"> <li>○ for 28 days or less, which will be disregarded</li> <li>○ if the application was submitted before 9 July 2012</li> </ul> </li> </ul>
Application forms	<p>Entry clearance as the dependant of a student – VAF 3B</p> <p>Extension – FLR (O)</p> <p>Settlement – N/A</p>
Cost of application:	<a href="#">Fees for Home Office services</a>
Entry Clearance mandatory?	<p>Yes, unless the person is a:</p> <ul style="list-style-type: none"> <li>• non-visa national who does not intend to stay in the UK for more than 6 months</li> <li>• one of the following:                             <ul style="list-style-type: none"> <li>○ British national (overseas)</li> <li>○ British overseas territories citizen</li> <li>○ British overseas citizen</li> <li>○ British protected person</li> <li>○ person who under the British Nationality Act 1981 is a British subject</li> </ul> </li> </ul>

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Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	<ul style="list-style-type: none"> <li>• Code 1 if their partner was granted leave as a student for 12 months or longer</li> <li>• Code 3 if their partner was granted leave as a student for less than 12 months</li> </ul>
Entry Clearance endorsements	D: STUDENT DEPENDANT
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?	Up to the date that their partner's leave expires.
Are dependants allowed?	There is separate provision for children of students.
Work and study allowed?	Study is allowed. People in this category can work if their partner has been granted leave as a student for 12 months or longer.
Is switching into this category allowed?	Yes. Applicants can switch from any category.
Does this category lead to settlement (indefinite leave to remain)?	No.
Is knowledge of language and life required?	N/A
CID case type	<ul style="list-style-type: none"> <li>• Applying separately from their partner (after their partner has already been granted), biometric information not required: <ul style="list-style-type: none"> <li>○ DEP Spouse Joining Person With LTR (except paras 277-289) – LTR</li> </ul> </li> <li>• Applying separately from partner, biometric information required: <ul style="list-style-type: none"> <li>○ DEP Spouse (BRP) Joining Person With LTR (except paras 277-289) – LTR</li> </ul> </li> <li>• Applying at same time as partner, biometric information not required: <ul style="list-style-type: none"> <li>○ DEP Spouses (except paras 277-289) – LTR</li> </ul> </li> <li>• Applying at same time as partner, biometric information required: <ul style="list-style-type: none"> <li>○ DEP Spouses (BRP) (except paras 277-289) – LTR</li> </ul> </li> </ul>
Immigration Rules paragraphs	76-78

This guidance is based on the Immigration Rules.

## Partners of students

### Changes to this guidance

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This page lists the changes to the partners 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="490 432 831 655">01 May 2015</td> <td data-bbox="831 432 1532 655">           Change request:           <ul style="list-style-type: none"> <li>remove references to spouses and civil partners of prospective students: the category has been removed</li> </ul> </td> </tr> <tr> <td data-bbox="490 655 831 847">13 November 2013</td> <td data-bbox="831 655 1532 847">           6 month review by the modernised guidance team:           <ul style="list-style-type: none"> <li>minor housekeeping changes</li> </ul> </td> </tr> <tr> <td data-bbox="490 847 831 959"></td> <td data-bbox="831 847 1532 959">           For previous changes to this guidance you will find all earlier versions in the archive. See <a href="#">related link: Dependants outside PBS - archive.</a> </td> </tr> </tbody> </table>	Date of the change	Details of the change	01 May 2015	Change request: <ul style="list-style-type: none"> <li>remove references to spouses and civil partners of prospective students: the category has been removed</li> </ul>	13 November 2013	6 month review by the modernised guidance team: <ul style="list-style-type: none"> <li>minor housekeeping changes</li> </ul>		For previous changes to this guidance you will find all earlier versions in the archive. See <a href="#">related link: Dependants outside PBS - archive.</a>	<p><b>Related links</b></p> <p><b>See also</b></p> <p><a href="#">Information owner</a></p> <p><a href="#">Contacts</a></p> <p>Dependants outside PBS - archive</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 76 to 78 of the Immigration Rules</a></p>
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## Partners of students

### Entry or extension requirements

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This section tells you how to check an applicant meets the requirements to be granted leave as the partner of a student granted leave under Part 3 of the Immigration Rules (but not of a short-term student - see related link: Partners of students).</p> <p>Before considering an application you must check:</p> <ul style="list-style-type: none"> <li>• the application is valid</li> <li>• the applicant's passport or travel document is genuine</li> <li>• the applicant has given their biometric information</li> <li>• there are no general grounds for refusal</li> </ul> <p>For more information, see related links:</p> <ul style="list-style-type: none"> <li>• specified application forms and procedures</li> <li>• biometric information</li> <li>• general grounds for refusal</li> </ul> <p><b>Biometric information</b></p> <p><b>Entry clearance</b> Applicants applying for entry clearance are required to give their biometric information. For further information see related link: Applying for a visa.</p> <p><b>Leave to remain</b> 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 spouse or civil partner:</p>	<p><b>In this section</b> <a href="#">Partners of students</a></p> <p><a href="#">Switching</a></p> <p><a href="#">Checking that the marriage or civil partnership is lawful and subsisting</a></p> <p><a href="#">Check that the applicant's partner has the appropriate immigration status</a></p> <p><b>Related links</b> specified application forms and procedures</p> <p>Biometric information – case working</p> <p>Biometric information – introduction</p> <p>Biometric information – enrolment</p> <p>Applications made within 21 days of</p>
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- was applying for leave as a student at the same time, or
- had already been granted leave to remain as a student 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: [biometric information - caseworking](#).

#### **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 partner of a student was:

- FLR (BID) if the applicant was required to give their biometric information
- FLR (O) if the applicant 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 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 76 of the Immigration Rules. The applicant must:

specification of a form

General grounds for refusal

Applications from overstayers (non family routes)

#### **External links**

[Paragraphs 76 to 78 of the Immigration Rules](#)

[Applying for a visa](#)



This guidance is based on the Immigration Rules.

- be married to, or be the civil partner of, either 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
- intend to live with the student as their spouse or civil partner whilst they are in the UK and they must be in a subsisting relationship
- have adequate accommodation for themselves and any dependants without recourse to public funds
- be able to maintain themselves and any dependants adequately without recourse to public funds
- not intend to take employment except when this is allowed under their conditions of stay
- intend to leave the UK when their leave expires
- if applying for leave to remain, 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

**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 \(non family routes\)](#).

This guidance is based on the Immigration Rules.

## Partners of students

### Switching

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This page tells you which immigration categories applicants can apply from to switch into the partner of student granted leave under Part 3 of the Immigration Rules category and when you must carry out additional checks.

Applicants can switch into this category from any other immigration category. This is because there are no switching restrictions in the rules.

You must check the applicant is not in the UK in breach of immigration laws. See related link: Applications from overstayers (non family routes).

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.

For more information, see related link: General grounds for refusal.

If the applicant has not previously been granted leave as the spouse or civil partner of the student named on their application, you must take extra care to make sure the parties are legally married or civil partners as claimed and the relationship is genuine and subsisting.

For more information see related link: Checking that the marriage or civil partnership is lawful and subsisting.

#### In this section

[Checking that the marriage or civil partnership is lawful and subsisting](#)

[Check that the applicant's partner has the appropriate immigration status](#)

#### Related links

General grounds for refusal

Applications from overstayers (non family routes)

#### External links

[Paragraphs 76 to 78 of the Immigration Rules](#)

This guidance is based on the Immigration Rules.

## Partners of students

### Checking that the marriage or civil partnership is lawful and subsisting

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This page tells you what checks to make to make sure the couple are lawfully married or in a civil partnership as claimed and the relationship is genuine and subsisting.</p> <p><b>Check the applicant is the spouse or civil partner of the student</b></p> <p>If the applicant has not previously been granted leave as the spouse or civil partner of the student named on their application, you must ask to see the original marriage or civil partnership certificate.</p> <p>If the applicant has previously been granted leave on this basis, you must check CID, landing cards or Central Reference System (CRS) as appropriate to decide if the Home Office has seen the original marriage or civil partnership certificate. If there is no evidence the Home Office has seen this document, or if you otherwise have any doubts, you must request the document from the applicant.</p> <p>You must be satisfied the document is genuine. If you have any 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>If the marriage or civil partnership took place outside the UK, you must be satisfied the marriage or civil partnership is lawful in that country and is recognised under UK law.</p> <p>You must refuse the application if the:</p> <ul style="list-style-type: none"><li>• applicant fails to give an original marriage or civil partnership certificate</li><li>• marriage or civil partnership certificate is confirmed to be a forgery or checks prove inconclusive</li><li>• marriage or civil partnership is not legally recognised</li></ul> <p>For further information, see related links:</p>	<p><b>In this section</b></p> <p><a href="#">Switching</a></p> <p><a href="#">Check that the applicant's partner has the appropriate immigration status</a></p> <p><b>Related links</b></p> <p>1.3 - Recognition of Marriage and Divorce</p> <p>2.1 - Eligibility, registration, dissolution and glossary of terms</p> <p>General grounds for refusal</p> <p>1.1 - Doubtful Cases</p> <p>2.0 - Civil partners</p> <p><b>External links</b></p> <p><a href="#">Paragraphs 76 to 78 of the Immigration Rules</a></p>
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This guidance is based on the Immigration Rules.

- 1.3 - Recognition of Marriage and Divorce
- 2.1 - Eligibility, registration, dissolution and glossary of terms
- General grounds for refusal

**Check the couple intend to live together and the marriage or civil partnership is subsisting**

Applicants applying in this category are not normally asked to give any specific documentary evidence to show they intend to live together or the marriage or civil partnership is subsisting. Further enquiries need only be made if you have reason to doubt whether the relationship is genuine. You should discuss the case with your line manager or senior caseworker if you propose to make further enquiries.

For further guidance, see related links:

- 1.1 - Doubtful Cases
- 2.0 - Civil partners

This guidance is based on the Immigration Rules.

## Partners of students

### Check that the applicant's partner has the appropriate immigration status

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[Granting or refusing](#)

This page tells you how to check the applicant's partner has, or is about to be granted, leave in a relevant immigration category.

You must be satisfied the applicant is the spouse or civil partner of a person who has, or is at the same time being granted, leave in one of the following categories:

- pre-Tier 4 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 applicant is applying after their spouse or civil partner has been granted, they must give evidence their partner has leave in a relevant category. This could be:

- their partner's passport or travel document containing an entry clearance or UK residence permit
- their partner's biometric residence permit (BRP)
- other evidence their partner 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 their partner 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 applicant's partner has relevant leave as claimed.

**In this section**  
[Switching](#)

[Checking that the marriage or civil partnership is lawful and subsisting](#)

**External links**  
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	You must refuse the application if the applicant's partner does not have current leave in a relevant immigration category.	
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## Partners of students

### Granting or refusing

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This section tells you how to grant or refuse an application from the partner 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"><li>• Grant or refuse entry clearance</li><li>• Grant or refuse entry at UK port</li><li>• Grant or refuse leave to remain in the UK</li><li>• Refusal wording.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse entry clearance</a></p> <p><a href="#">Grant or refuse entry at UK port</a></p> <p><a href="#">Grant or refuse leave to remain in the UK</a></p> <p><a href="#">Refusal wording</a></p> <p><b>External links</b></p> <p><a href="#">Paragraphs 76 to 78 of the Immigration Rules</a></p>
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This guidance is based on the Immigration Rules.

## Partners of students

### Grant or refuse entry clearance

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[Granting or refusing](#)

This page tells you how to grant or refuse an application for entry clearance from the partner of a student granted leave under Part 3 of the Immigration Rules made overseas.

For guidance on the requirements, see the link on the left: [Entry or extension requirements](#).

#### Grant entry clearance

You must grant entry clearance if the applicant meets each of the requirements of paragraph 76 of the Immigration Rules and none of the general grounds for refusal in paragraph 320 apply.

You must grant the same amount of leave granted to the student.

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

- if the applicant's partner 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 the applicant's partner 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 partner's application and the partner 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 entry clearance endorsement is 'D: STUDENT DEPENDANT', with the initial and surname of the principal student to be added in the 'add endorsement' field.

#### Refuse entry clearance

You must refuse the application if the applicant has not given the evidence required to show they meet the requirements of paragraph 76 of the Immigration Rules. You must also

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#### Related links

[Entry or extension requirements](#)

General grounds for refusal

#### External links

[Paragraphs 76 to 78 of the Immigration Rules](#)



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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: <a href="#">General grounds for refusal</a>.</p> <p>For more information on the wording to use in refusal letters, see related link: <a href="#">Refusal wording</a>.</p>	
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## Partners of students

### Grant or refuse entry at a UK port

[About this guidance](#)

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[Granting or refusing](#)

This section tells you how to grant or refuse entry at a UK port to an applicant seeking entry as the partner of a student granted leave under Part 3 of the Immigration Rules.

Applicants seeking entry as the partner of a student must hold a valid entry clearance for entry in this capacity unless they are:

- a non-visa national who is not seeking to remain in the UK for longer than 6 months
- one of the following UK passport holders who do not have the right of abode:
  - 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

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 the UK if necessary.

For more information on which nationals need a visa to enter the UK, see related links:

- paragraphs 23 and 24 of the Immigration Rules, that cover:
  - paragraphs 23A and 23B– leave to enter granted on arrival
  - paragraph 24 – entry clearance
- Appendix 2 to Appendix V Immigration Rules for Visitors

You must grant leave to enter, up to a maximum of 6 months, to an applicant without entry clearance if:

- they are not required under the Immigration Rules to hold entry clearance
- they meet each of the requirements of paragraph 76 of the rules

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[Grant or refuse leave to remain in the UK](#)

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#### Related links

Refusal of leave to enter

General grounds for refusal

#### External links

[Appendix 2 to Appendix V Immigration Rules for Visitors](#)

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

[Paragraphs 76 to 78 of the Immigration Rules](#)

[Paragraph 321A of the](#)

- none of the general grounds for refusal in paragraph 320 of the rules apply

[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 the shorter.

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 partner 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 the applicant's partner 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 partner's application, and the partner 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 entry for more than 6 months

If the applicant does not require entry clearance but has not given the evidence required to

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show they meet the requirements of paragraph 76, 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, 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](#).

This guidance is based on the Immigration Rules.

## Partners of students

### Grant or refuse leave to remain in the UK

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This page tells you how to grant or refuse an application for leave to remain as the partner of a student granted leave under Part 3 of the Immigration Rules .

#### Grant leave to remain

You must grant leave to remain if the applicant meets each of the requirements of paragraph 76 of the Immigration Rules and none of the general grounds for refusal in paragraph 322 apply.

From 1 December 2012, you must grant leave to remain on a biometric residence permit (BRP) in all cases.

You must invite them to give their biometric information before producing a BRP, if the applicant:

- applied before 29 February 2012
- was not required to give their biometric information when they made their application, for more information, see link on left: [Entry or extension requirements](#).

For guidance on the process to follow, see related link: [Applying for a biometric residence permit - standard route applications](#).

You must grant the same amount of leave granted to the student.

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

- if the applicant's partner 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 the applicant's partner 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

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[Paragraphs 76 to 78 of the Immigration Rules](#)

This guidance is based on the Immigration Rules.

in the UK - but you must use discretion and grant leave on code 1 conditions if:

- there was a delay in deciding the partner's application and the partner 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 leave to remain if the applicant has not given the evidence to show they meet the requirements of paragraph 76. You must also consider refusing leave to remain if any of the general grounds for refusal in paragraphs 322 apply.

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

For more information on refusal wording, see related link: [Refusal wording](#).

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

This guidance is based on the Immigration Rules.

## Partners of students

### Refusal wording

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This page gives you some suggested wording for refusing an application as the partner 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><b>Introduction</b> 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 husband/wife/civil partner (delete as appropriate) 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><b>Not related as claimed</b> In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you are married to a person/have registered a civil partnership with a person (delete as appropriate) (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 78 with reference to 76(i).</p> <p><b>Spouse or civil partner has been refused leave</b></p>	<p><b>In this section</b> <a href="#">Granting or refusing</a></p> <p><a href="#">Grant or refuse entry clearance</a></p> <p><a href="#">Grant or refuse entry at UK port</a></p> <p><a href="#">Grant or refuse leave to remain in the UK</a></p> <p><b>External links</b> <a href="#">Paragraphs 76 to 78 of the Immigration Rules</a></p>
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Your wife's/Your husband's/Your civil partner's (delete as appropriate) application for entry clearance/leave to enter/leave to remain (delete as appropriate) in that capacity has been refused, and consequently I am/the Secretary of State is (delete as appropriate) not satisfied that you are married to a person/have registered a civil partnership with a person (delete as appropriate) who has been or is about 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 78 with reference to 76(i).

**Spouse or civil partner not in United Kingdom or not in appropriate category within the United Kingdom**

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you are married to a person/have registered a civil partnership with a person (delete as appropriate) 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 78 with reference to 76(i).

**Do not intend to live as husband and wife or civil partners**

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you and your spouse or civil partner intend to live as husband and wife or civil partners during your stay.

Paragraph 78 with reference to 76(ii).

**Marriage or civil partnership not subsisting**

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that the marriage or civil partnership is subsisting.

Paragraph 78 with reference to 76(ii).

**Not adequate accommodation**

In view of (insert reasons here), the Secretary of State is not satisfied that there will be adequate accommodation for you and your husband/wife/civil partner/and any dependants



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(delete as appropriate) without recourse to public funds.  
Paragraph 78 with reference to 76(iii).

**Not adequate maintenance**

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you and your spouse or civil partner will be able to maintain yourselves and any dependants adequately without recourse to public funds.  
Paragraph 78 with reference to 76(iv).

**Intention to take employment (student partner has been granted less than 12 months)**

You are seeking entry/leave to remain (delete as appropriate) as the dependant of a student who has less than 12 months and in view of (insert reasons if appropriate), I am/the Secretary of State is (delete as appropriate) not satisfied that you do not intend to take employment.  
Paragraph 78 with reference to 76(v) and 77.

**Intention to leave the UK**

In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you intend to leave the United Kingdom at the end of any period of leave granted to you.  
Paragraph 78 with reference to 76(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 78 with reference to 76(vii).

**Spouse's or civil partner's application refused - no switching**

Your husband/wife/civil partner'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 78 with reference to 76(i).

**For immigration officers only**

This guidance is based on the Immigration Rules.

**No entry clearance –visa national**

You have asked for leave to enter the United Kingdom as the husband/wife/civil partner (delete as appropriate) 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 husband/wife/civil partner (delete as appropriate) 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 24 of HC 395 (as amended).

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## Partners of students

### Contact

<p><a href="#">About this guidance</a></p> <p><a href="#">Key facts</a></p> <p><a href="#">Entry or extension requirements</a></p> <p><a href="#">Granting or refusing</a></p>	<p>This page explains who to contact for more help with a specific case in the partners of students granted leave under Part 3 of the Immigration Rules category.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p> <p><b>External links</b></p> <p>Email: student migration policy team</p> <p>Email: guidance – making changes</p> <p><a href="#">Paragraphs 76 to 78 of the Immigration Rules</a></p>
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## Partners of students

### Information owner

[About this guidance](#)

[Key facts](#)

[Entry or extension requirements](#)

[Granting or refusing](#)

This page tells you about this version of the partners 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
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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 student migration policy team (see related link), 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

[Changes to this guidance](#)

[Contact](#)

#### External links

Email: student migration policy team

Email: guidance – making changes

[Paragraphs 76 to 78 of the Immigration Rules](#)