



# UK Visas & Immigration

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**PBS**  
(DEPENDANT)  
version 01/2019

## Points Based System (Dependant) - Policy Guidance

This guidance is to  
be used for all PBS  
(Dependant)  
applications made  
on or after 13  
December 2018

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# Introduction

1. This document provides policy guidance for family members of a Points Based System (PBS) migrant and should be read together with paragraphs 319A to 319K of the Immigration Rules.
2. This document reflects policy at the date of publication and is subject to change it. You should check the guidance regularly to confirm the current requirements to obtain limited or indefinite leave.
3. For the purpose of this guidance, the terms 'we', 'us' and 'our' refer to the Home Office. 'You' and 'your', refers to the person making the application.
4. You can apply for limited leave to remain as a PBS Dependant if you meet the criteria set out in this guidance and the Immigration Rules and you are:
  - the family member of a person with, or applying for, leave under Tier 1, 2, 4 or 5 of the Points Based System; or
  - the spouse or partner of a person with indefinite leave to remain or British Citizenship who last held leave in Tier 1, 2, or 5 of the Points Based System and you do not yet qualify for indefinite leave to remain; or
  - the child of a person with indefinite leave to remain or British Citizenship who last held leave in Tier 1, 2, or 5 of the Points Based System and:
    - your other parent does not yet qualify for indefinite leave to remain; and
    - you last held leave as PBS Dependant granted on or after 9 July 2012.
5. For any dependant child applying;
  - both of the applicant's parents must either be lawfully present (other than as a visitor) in the UK, or being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant; or
  - one parent must be lawfully present (other than as a visitor) in the UK and the other is being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant, unless:
    - The Relevant Points Based System Migrant is the applicant's sole surviving parent, or
    - The Relevant Points Based System Migrant parent has and has had sole responsibility for the applicant's upbringing; or
    - there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care.
6. If you are inside the United Kingdom and wish to apply for leave to remain you must make your PBS (Dependants) application online. The form you complete will depend on your circumstances:

Applying at the same time as the PBS Migrant	Dependant partner applying separately	Dependant child applying separately
<p>A Tier 1, 2, 4 or 5 migrant is able to include any dependants applying at the same time on their online application.</p> <p>The form they complete will depend on the route they are applying under.</p> <p>More details are available on GOV.UK</p>	<p>The application form is available at:</p> <p><a href="https://visas-immigration.service.gov.uk/product/pbs-dependant-partner">https://visas-immigration.service.gov.uk/product/pbs-dependant-partner</a></p> <p>You can also include any dependant children applying at the same time as you on this form.</p>	<p>The application form available at:</p> <p><a href="https://visas-immigration.service.gov.uk/product/pbs-dependant-child">https://visas-immigration.service.gov.uk/product/pbs-dependant-child</a></p>

7. If you are outside the United Kingdom and wish to apply for leave, the majority of applicants must use the correct form available at: <https://www.visa4uk.fco.gov.uk/home/welcome>.

If you are applying from North Korea, you should instead use the paper form available here: <https://www.gov.uk/government/publications/application-form-for-uk-visa-to-work-study-and-for-dependants-and-right-of-abode-form-vaf2>.

8. You can qualify for indefinite leave to remain if you meet the following conditions:

a. As a dependent partner:

- You must be the spouse or civil partner, unmarried or same-sex partner, and have been granted leave as such, of a person who:
  - has indefinite leave to remain as a Relevant Points Based System Migrant; or
  - is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or
  - has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.
- You and your partner must have been living together in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least 5 years
- You must demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

b. As a dependent child:

- You must be the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:
  - a Relevant Points Based System Migrant, or
  - the partner of a Relevant Points Based System Migrant.
- You must have, or have last been granted, leave as the child of or have been born in the United Kingdom to, the Points Based System Migrant, or the partner of a Points Based System migrant who is being granted indefinite leave to remain.
- You must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life
- You have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless you are under the age of 18 at the date on which the application is made.

9. If you wish to apply for indefinite leave to remain you should apply on a SET(O) form. You should consult the relevant guidance if you wish to do this. The form and guidance is available at [www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto](http://www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto) and details about the relevant requirements can be found at [www.gov.uk/settle-in-the-uk](http://www.gov.uk/settle-in-the-uk).

10. Please note, the qualifying period for settlement for all PBS Dependant Partners is 5 years, regardless of whether the relevant PBS migrant on whom they are dependent is eligible for accelerated settlement. Dependant children can qualify for settlement if both parents are settled or applying for settlement at the same time, or at the same time as the main applicant if the main applicant has sole responsibility for them.

11. Where we refer to the dependant of a Tier 1, 2 or 5 migrant, this also includes applicants who are applying for further leave to remain in the PBS dependant category when after their sponsor (the Tier 1, 2 or 5 migrant) has gone on to acquire indefinite leave to remain. If you are applying as the dependant of a person who has indefinite leave to remain, or British Citizenship, you should read this guidance as if they were still in their last PBS immigration category. For example if the person with indefinite leave to remain last held PBS leave in Tier 1, you should read the guidance as if you are applying as the dependant of a Tier 1 migrant.

## Documents we require

12. You must provide all the necessary supporting documents at the time required for your application. Where the Immigration Rules specify certain types of evidence, we will only consider evidence of that type when deciding whether you meet the requirements.

13. If you have submitted an application in which:

- documents are missing, for example an English language certificate;
- parts of a set of documents (for example, a set of bank statements) are missing; or
- a document or evidence has been submitted but is in the wrong format, for example, where a letter must be on letterheaded paper; or
- a document or evidence does not contain all the specified information;
- a Confirmation for Acceptance of Studies (CAS) or Certificate of Sponsorship (CoS) contains minor errors or missed fields;

we may contact you and/or your representative and/or your sponsor, and request the required documents or missing information.

We will not ask for additional documents if your application will be refused for other reasons.

You must provide the requested documents to the address specified in the request within 10 working days of the date of the request. Working day means any day other than Saturday or Sunday, a bank holiday, Christmas Day or Good Friday.

14. Where any documents provided are not in English or Welsh, you must provide the document in the original language and a full translation that can be independently verified. The translation must:

- confirm that it is an accurate translation of the original document; and
- be dated; and
- include the full name and signature of the translator or an authorised official of the translation company; and
- include the translator or translation company's contact details; and
- if you are applying for leave to remain or indefinite leave to remain, be fully certified and include details of the translator or translation company's credentials.

15. We only need evidence that is directly relevant to the application, as set out in this guidance. We will not consider irrelevant evidence when deciding whether your application meets the requirements of the Immigration Rules for the route under which you applied.

16. The following applicants are required to provide a criminal record certificate:

- Tier 1 (Entrepreneur) Migrant,
- Tier 1 (Investor) Migrant,
- Tier 2 (General) entry clearance applicants coming to work in the education, health and social care sectors; and
- the adult partner (spouse, civil partner, unmarried or same-sex partner) of a PBS migrant in the categories above, where that partner is applying for entry clearance as a PBS dependant either with the main application or to join them subsequently.

17. Certificates must be provided for any country in which the adult partner has been present in for 12 months or more (whether continuously or in total) in the last 10 years prior to their application, while aged 18 or over.

18. The requirement applies to adult partners of those Tier 2 (General) entry clearance main applicants whose occupation is defined by one of the following Standard Occupation Classification (SOC) codes:

1181 - Health services and public health managers and directors  
1184 - Social services managers and directors  
2211 - Medical practitioners  
2212 - Psychologists  
2213 - Pharmacists  
2214 - Ophthalmic opticians  
2215 - Dental practitioners  
2217 - Medical radiographers  
2218 - Podiatrists  
2219 - Health professionals not elsewhere classified.  
2221 - Physiotherapists  
2222 - Occupational therapists  
2223 - Speech and language therapists  
2229 - Therapy professionals not elsewhere classified  
2231 - Nurses  
2232 - Midwives  
2312 - Further education teaching professionals  
2314 - Secondary education teaching professionals  
2315 - Primary and nursery education teaching professionals  
2316 - Special needs education teaching professionals  
2317 - Senior professionals of educational establishments  
2318 - Education advisers and school inspectors  
2319 - Teaching and other educational professionals not elsewhere classified  
2442 - Social workers  
2443 - Probation officers  
2449 - Welfare professionals not elsewhere classified

19. If the Tier 2 (General) worker will be employed in one of these occupations, their sponsor will normally inform them of this requirement when they assign a Certificate of Sponsorship.
20. If you are subject to this requirement you must submit the following documents with your application:
- A criminal record certificate for each country (excluding the UK) where you have resided for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over, issued by the relevant overseas authority
  - A translated copy of any certificate that is not in English, in line with our requirements. More details are available at:  
<https://www.gov.uk/certifying-a-document>
21. Guidance on how you can obtain certificates is available at:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.
22. Where a country is not included in the above guidance, you should contact the Embassy or High Commission in the relevant country for more information.
23. Certificates from your most recent country of residence will normally only be considered valid if they have been issued no more than 6 months before your application date. Certificates from countries prior to your most recent country of residence must normally cover the entire period you were resident there (up to ten years prior to the application date) but will otherwise be considered valid indefinitely.

24. If you are unable to obtain a certificate covering the required period, you must explain in your application what attempts you have made to obtain a certificate and why this has not been possible.
25. If you do not explain why you are unable to provide a certificate, we may contact you or your representative in writing. You must provide any further evidence within 28 calendar days.
26. If you are the dependant of a Tier 4 Student who qualifies for our differentiation arrangements because you are considered to be “low risk”, you will be required to provide fewer evidential documents when submitting your application. Where you are exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. The Home Office reserves the right to request these documents from you in all cases.
27. You qualify for our differentiation arrangements if:
  - The Tier 4 student is sponsored by a Tier 4 Sponsor; and
  - You are applying for leave at the same time as the Tier 4 student; and
  - You are applying for entry clearance in your country of residence or for leave to remain, in the UK; and
  - You and the Tier 4 student are both nationals of one of the countries listed at Appendix H of the Immigration Rules. You can check this at: [www.gov.uk/government/collections/immigration-rules](http://www.gov.uk/government/collections/immigration-rules)

## Verification and other checks

28. We aim to consider applications quickly. However, we must also be confident that applications meet the requirements of the Immigration Rules, and that the information you provide is a true reflection of your background.
29. We will ask for a variety of verifiable documents to enable us to consider your application.
30. We may want to check the supporting documents you send with your application. Therefore, you must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.
31. There are two situations in which we will undertake a check:
  - **Verification checks** – where we have reasonable doubts that the documents are genuine; or
  - **Other checks** – where we carry out further checks, for example, where we have doubts about an application, or the documents sent with the application, but the doubts are not serious enough for us to make a verification check.

### Verification checks

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



## Reasonable doubt

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

## Outcome of verification check

36. There are three possible outcomes of a verification check:

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

## Refusing applications without making verification checks

37. We may refuse an application without making verification checks in two circumstances:

- Where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.
- Where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document.

## Other checks

38. We will make other checks where, for example we have doubts about an application, or the documents sent with the application, but these are not serious enough for us to make a verification check.

39. These checks may delay our decision on an application so we will only make them when we have clear reasons to do so.

## Extra checks

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



## Outcome of other checks

41. There are four possible outcomes of these checks:

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

### Procedure for verification and other checks

42. The procedures for both verification checks and other checks will usually be similar and will vary from case to case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

## Date of application

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

### For applications made in the United Kingdom:

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

### For applications made outside the United Kingdom:

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

## Travelling outside of the Common Travel Area

44. You should not make plans to travel outside of the Common Travel Area whilst your application is under consideration. If you do travel, your application will be treated as being withdrawn on the date you leave the Common Travel Area, in accordance with Paragraph 34K of the Immigration Rules. If we have retained your passport and you request it back from us in order to travel, your application will be treated as being withdrawn as soon as we receive your request, regardless of when you travel, in accordance with Paragraph 34J of the Immigration Rules.

# Overview of the terms and conditions for applications by PBS migrants

## Periods of grant

45. Partners: We will grant leave in line with the expiry date of the PBS migrant's (or main applicant's) leave, except where the PBS migrant has been granted indefinite leave to remain. In these cases, we will grant you a period of three years leave. An application for further leave may then be made if required to take you up to the applicable qualifying period for indefinite leave to remain.
46. Children: We will grant leave in line with:
- (i) a period which expires on the same day as the leave granted to the parent whose leave expires first, or
  - (ii) Where both parents have, or are at the same time being granted, indefinite leave to remain, or have since become British citizens, leave to remain will be granted to the applicant for a period of 3 years.
47. Most successful applicants for entry clearance will be given a Biometric Residence Permit (BRP). If your application is approved, you will be given a 30 day visa to allow you to collect your BRP after you have arrived in the UK. More details about BRPs can be found on our website: <https://www.gov.uk/biometric-residence-permits>
48. If the main migrant changes employer or educational institution, and is therefore issued with a new certificate of sponsorship/confirmation of acceptance for studies and is applying for leave to remain to work or study under their new sponsor, dependants do not have to apply with them for leave to remain. Instead PBS dependants can remain in the UK until the end of the validity period of their existing PBS dependant leave. They can later apply for leave to remain to bring their leave in line with the leave of the PBS migrant.

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

49. If you are the family member of a Tier 1, 2, or 5 migrant, you cannot apply in the UK if you:
- were last granted entry clearance or leave as a visitor, including where they entered the United Kingdom from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended by the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014) on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters "BIVS" for the purpose of travelling and staying in the Republic for a period of 90 days or fewer; or
  - were last granted entry clearance or leave as a short-term student or a short-term student (child)
  - were last granted entry clearance or leave as a parent of a Tier 4 (child) student

unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii); or

- are on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted.

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

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

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

- (i) the Tier 4 (General) applicant is a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a course of study longer than six months; or
- (ii) the Tier 4 (General) applicant is:
  - a) applying for, or has been granted entry clearance or leave to remain in order to undertake a course of study at post-graduate level for 9 months or longer;
  - and
  - b) is sponsored by a sponsor who is a Recognised Body or a body in receipt of funding as a higher education institution from either:
    - I. the Department for Employment and Learning in Northern Ireland;
    - II. the Higher Education Funding Council for England;
    - III. the Higher Education Funding Council for Wales; or
    - IV. the Scottish Funding Council;

or

(iii) the Tier 4 (General) applicant is applying for, or has been granted leave to remain as a Tier 4 (General) Student on the doctorate extension scheme; or

(iv) the following conditions are met:

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

52. To apply in the UK you must not have last been granted:

- clearance or leave as a visitor, including where they entered the United Kingdom from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended by the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014) on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters “BIVS” for the purpose of travelling and staying in the Republic for a period of 90 days or fewer; or
- entry clearance or leave as a short-term student or a short-term student (child); or
- entry clearance or leave as a parent of a Tier 4 (child) student; or
- on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted.

53. Tier 4 (General) students who will be studying in the UK for six months or less and those studying on a part-time course cannot bring their partners and/or children (also known as dependants) to the United Kingdom with them.

## **Applications made after expiry of last period of leave**

54. Applications for leave to remain under the Points Based System will fall for refusal if you have overstayed on the date of application unless;

- the application is made within 14 days of the applicant’s leave expiring and the Secretary of State considers there is a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in time, the overstaying will be disregarded; or
- the application is made following the refusal of a previous application for leave which was made in-time or to which the exception outlined here applied; and within 14 days of:
  - the refusal of the previous application for leave; or
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
  - the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable); or
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

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

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

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

55. If you are applying as a family member of a PBS migrant and your last grant of leave was not as their dependant or you are a child born in the UK, you will need to demonstrate your relationship is genuine and subsisting.
56. Where you are married or in a civil partnership to a PBS migrant, you must provide your marriage or civil partnership certificate to support your application. You should also supply evidence of the circumstance of your relationship including, but not limited to, documents listed in paragraph 57 below. You may also be invited to an interview to explain the context and genuine nature of your marriage.
57. Where you are applying as the partner of a PBS migrant but are not married or in a civil partnership with them you will need to provide documents to show that you have been living in a relationship akin to marriage/civil partnership for a period of at least two years – documents should therefore cover the whole of this period. Documents will only be accepted where they are from official sources such as utility bills or NHS registration.
58. Some suggested documents for demonstrating your relationship to the PBS migrant on whom you will be dependant include:

### **Partners (including spouses and civil partners)**

- marriage or civil partnership certificates;
- bank statements;
- Council tax bills;
- medical registration documents;
- utility bills.

### **Children**

- full birth certificate showing both parents names;
- If you are a child dependant over the age of 16 you will also need to include the documents listed in the [‘Children of PBS Migrants’](#) section of this guidance.

## **Conditions of Stay**

59. You will have the following conditions attached to any leave:
- no recourse to public funds,
  - registration with the police, if this is required by paragraph 326 of the Immigration Rules,
  - no employment as a professional sportsperson (including as a sports coach)
  - no employment as a Doctor or Dentist in Training, unless you:
    - have obtained a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System; or
    - are applying for leave to remain and have, or have last been granted, entry clearance, leave to enter or leave to remain that was not subject to a condition restricting your employment, whether that is employment as a Doctor or Dentist in Training or otherwise, and have been employed during that leave as a Doctor or Dentist in Training.
60. If you are the family member of a Tier 4 (General) Student and meet the conditions at paragraph 51(iv) of this guidance, you are not allowed to work if the main Tier 4 (General) Student is applying for leave for less than 9 months, except where you previously had the right to work and the main applicant is now applying for, or has been granted, leave to continue studying the same course for which they have previously been granted leave of 9 months or more as a Tier 4 (General) Student.



61. If you are the family member of a Tier 4 (General) student, you will not be allowed to work whilst in the UK if the main applicant's grant of leave is for a course of study below degree level, unless the Tier 4 migrant is a government sponsored student and the course of study is longer than six months.
62. Study will be subject to a condition set out in Part 15 of the Immigration Rules where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires (see [Restriction on study](#)).
63. In order to be granted entry clearance as a spouse, civil partner, unmarried or same sex partner, you and the main applicant must be aged 18 or over on the date you are due to arrive in the United Kingdom.

## Care arrangements for children

64. All arrangements for children's care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations. More information can be found on the gov.uk website:
- Social care common inspection framework (SCCIF): residential provision of further education colleges: <https://www.gov.uk/guidance/social-care-common-inspection-framework-sccif-residential-provision-of-further-education-colleges>
  - Boarding schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>
  - Residential special schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards>

## Doctor or Dentist in training condition

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

## Restriction on study

66. If you are 18 or over at the time of your application, or will turn 18 during your leave you need to apply for an Academic Technology Approval Scheme (ATAS) certificate if you wish to undertake study or research which is one of the following:
- a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules, or
  - a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of the Immigration Rules, or
  - a period of study or research in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification.

67. If you are unsure whether this applies to the course of study you wish to take please go to [www.gov.uk/find-out-if-you-require-an-atas-certificate](http://www.gov.uk/find-out-if-you-require-an-atas-certificate)

## Maintenance requirement

68. Please refer to paragraphs 319C, 319H and appendix E of the Immigration Rules.
69. One of the requirements for family members of Points Based System Migrants is that you must be

able to support yourself for the entire duration of your stay in the UK without needing help from public funds (for example benefits provided by the state). If you cannot support yourself you could face financial hardship because you will not have access to most state benefits.

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

70. If the Tier 1 Migrant is outside the United Kingdom or has been present in the United Kingdom for less than 12 months, you must show that you, the Tier 1 Migrant, or (for children) your other parent have at least £1890 to support you; this is in addition to any funds the Tier 1 Migrant needs to prove they have enough money to support themselves.
71. If the Tier 1 Migrant has been in the United Kingdom for 12 months or more, you must have £630 to support yourself.
72. For example, the Tier 1 Migrant has been in the UK for 6 months and is making an application at the same time as their spouse and two children. They must show that they have £1890 for their spouse and a further £1890 for each child, in addition to £945 required for their own support. In total the family will require evidence that they hold £6615 in available funds ( $£1890 \times 3 = £5670 + £945$ ).
73. If the same Tier 1 Migrant and their family had been present in the UK for two years, they would require evidence that they held £2835 ( $£630 \times 3 = £1890 + £945$ ) in available funds.
74. If you are applying as the family member of a Tier 1 (Entrepreneur) migrant you cannot use the same funds to meet the maintenance requirement that the Tier 1 (Entrepreneur) used to meet the attributes requirement (appendix A of the Immigration Rules).

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

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

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

76. If the Tier 1 (Graduate Entrepreneur) is outside the United Kingdom or has been present in the United Kingdom for less than 12 months, you must have £1260 to support yourself.
77. If the Tier 1 (Graduate Entrepreneur) has been in the United Kingdom for 12 months or more, you must have £630 to support yourself.
78. This requirement can be met by either having savings of £1260 or £630 where the Tier 1 (Graduate Entrepreneur) has been in the United Kingdom for 12 months or more, which must have been held for at least a 90 consecutive day period prior to the date of application; or providing an endorsement letter from UK Trade and Investment (UKTI) confirming that it has awarded funding that is at least sufficient to cover the required maintenance funds for the main applicant, you and any other PBS Dependants.

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

79. You must have £630 to support yourself.
80. This requirement can be met by:
  - having savings of £630 which must have been held for at least three months prior to the date of application; or
  - the Tier 2 A-rated sponsor providing a written undertaking that, should it become necessary, it



will maintain and accommodate the family member for a month. The undertaking may be limited provided the limit is at least £630 per family member. A Tier 2 A-rated sponsor can do this by:

- a) endorsing the certification on the Certificate of Sponsorship, or
- b) providing the certification in a letter from the sponsor which includes:
  - i. the applicant's name,
  - ii. the sponsor's name and logo, and
  - iii. details of any limit

81. For example, the Tier 2 Migrant is making an application at the same time as their spouse and two children. They must show that they have £630 for their spouse and a further £630 for each child, in addition to £945 required for their own support. In total the family will require evidence that they hold £2835 in available funds ( $£630 \times 3 = £1890 + £945$ ).

82. If you apply at the same time as the main applicant, you are only required to provide evidence that you meet the maintenance requirement when the Tier 2 Migrant is also required to meet the maintenance requirement.

83. If you apply separately from the main applicant you will need to have the necessary funds to meet the maintenance requirement or have a written undertaking from an A-rated Sponsor, unless the main applicant already had leave in a Tier 2 category and when applying for their most recent period of Tier 2 leave was not required to show evidence of satisfying maintenance requirements.

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

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

- the length of the Tier 4 (General) student's leave;
- where the Tier 4 (General) student will be studying in the United Kingdom; and
- whether the Tier 4 (General) migrant is on or applying for the Doctorate Extension Scheme.

85. If the Tier 4 (General) student is studying on a course based:

- in London you must have at least £845 per month to support yourself;
- outside of London, you must have at least £680 per month to support yourself.

for the duration of the student's leave up to a maximum of 9 months, unless the Tier 4 migrant has [official financial sponsorship or a government sponsor](#).

86. You will need to evidence maintenance for the period you would be granted leave, if your application were to be successful, up to a maximum of 9 months. The start date of this period will be calculated from:

- the date you intend to travel to the UK, or one month before the Tier 4 (General) Student's course start date, whichever is later, if you are applying for entry clearance;
- the date after your current leave expires, if you are already in the UK as the dependant of a Tier 4 (General) Student and you are applying for further leave to remain;
- the date of your application, if you have leave under another PBS category and are now applying for leave as the dependant of a Tier 4 (General) Student.

87. For example, a Tier 4 (General) applicant who is applying for leave to study a 12-month course in London at the same time as their spouse and two children would need to show that they have £845 per month (up to a maximum of 9 months) for their spouse and each of their children for the period their dependants would be granted leave if the application were to be successful, in addition to £1265 per month of their course (up to a maximum of 9 months), required for their own living expenses. In total, the family will require evidence that they hold £34,200 in available funds ( $3 \text{ dependants} \times £845 \times 9 \text{ months} = £22,815 + 1 \text{ main applicant} \times £1265 \times 9 \text{ months} = £34,200$ ).

88. If you are applying as the dependant of a Tier 4 student who is on the Doctorate Extension Scheme, you will need to demonstrate maintenance for a period of 2 months.

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

89. If you are the family member of the Tier 5 (Temporary Worker), you must have £630 to support yourself.

90. This requirement can be met by:

- having savings of £630 which must have been held for at least three months prior to the date of application; or
- the Tier 5 A-rated sponsor Certifying that, should it become necessary, they will maintain and accommodate the family member for a month. The undertaking may be limited provided the limit is at least £630 per family member. A Tier 5 A-rated sponsor can do this by:
  - a) endorsing the certification on the Certificate of Sponsorship, or
  - b) providing the certification in a letter from the sponsor which includes:
    - i. the applicant's name,
    - ii. the sponsor's name and logo, and
    - iii. details of any limit

91. For example, the Tier 5 (Temporary Worker) Migrant is making an application at the same time as his spouse and two children must show that he has £630 for his spouse and £630 for each child, in addition to £945 required for his own support. In total the family will require evidence that they hold £2835 in available funds ( $£630 \times 3 = £1890 + £945$ ).

92. If you are the family member of a Tier 5 (Temporary Worker) who is extending their leave, you are required to provide evidence of meeting the maintenance requirement.

### **Documents we require**

93. This evidence must be on the official letter-headed paper or stationery of the organisation and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

94. Evidence must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, pension funds etc, regardless of notice period are not acceptable.

95. If you wish to rely on a joint account as evidence of available funds, you, the main applicant, or (for children) your other parent must be named on the account along with one or more other named individual(s).

96. All evidence must be dated no more than 31 days before the application is submitted.

97. Where the funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of the application, taken from the rates published on [www.oanda.com](http://www.oanda.com).

98. You will not meet the requirements of the Immigration Rules for maintenance where your ability to meet the maintenance requirement is based on evidence of funds that are held in a financial institution with which the Home Office is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements appears at Appendix P of the Immigration Rules and can also be found on our website at:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-p-lists-of-financial-institutions>

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

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- transactions covering the 90 day period;
- that there are sufficient funds present in the account (the balance must not fall below £630 or £1890, as above, at any time during the 90 day period).

Only the most recent statement must be dated within 31 days of the date of application. Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the financial institution's name and logo;
- transactions covering the 90 day period;
- that there are sufficient funds present in the account (the balance must not fall below £630 or £1890, as above, at any time during the 90 days period).

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the date of the letter;
- the funds held in the account; and
- that the funds have been in the bank for at least 90 days and the balance has not fallen below £630 or £1890, as in the examples above, at any time during the 90 day period.

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- that the funds have been in the bank for at least 90 days and the balance has not fallen below £630 or £1890, as in the examples above, at any time during the 90 day period.

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

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

100. If you are making your application at the same time as the Tier 2 Migrant, then A-rated sponsors are able to certify your maintenance on the Tier 2 Migrant's Certificate of Sponsorship or by providing a letter. Your maintenance cannot be certified if your main applicant has indefinite leave to remain.

101. If you are making your application at the same time as the Tier 2 Migrant and the A-rated sponsor is certifying maintenance on the Certificate of Sponsorship, then you do not need to send us any documents for maintenance. We will take this information from the Certificate of Sponsorship.

102. If the A-rated sponsor is certifying maintenance on a letter, then the letter, which can be posted or faxed to you, must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and must show:

- your name;
- the sponsor's name and logo;
- confirmation that the sponsor has certified the maintenance; and
- details of limiting the undertaking if appropriate

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

103. If you qualify for our differentiation arrangements because you are considered to be "low risk", you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents and we reserve the right to request any or all the evidential documents from this section from you.

104. The money you show us must be for your use for living in the UK. The full amount of this money - which should be held in the manner specified in the Immigration Rules - must continue to be available to you after your application is made, except for any money that has been paid for living costs.

105. If you apply separately from the Tier 4 (General) student we will require you and any other family members who are overseas to show that you have held the money for 28 days. The end date of this 28 day period must be no earlier than 31 days before the date of application and no later than the date of application.

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number
- the date of the statement;
- the financial institution's name and logo;
- transactions covering the 28-day period **before** your application date;
- the amount of money available.

Only the most recent statement must be dated within 31 days of the date of application. Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the financial institution's name and logo;
- transactions covering a 28-day period **before** your application date;
- the amount of money available.

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

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

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

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

- the name of the main applicant and/or your name, or (for children only) the name of your other parent;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- the amount of money available over a 28-day period **before** your application date.

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



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

107. If the Tier 4 (General) Student has official financial sponsorship (i.e. is being given money to cover their course fees and living costs), this sponsorship may also be intended to cover costs of you and any other family member(s).
108. Where this is the case, you must provide a letter of confirmation from the Tier 4 (General) Student's official financial sponsor.
109. This may be Her Majesty's Government, their home government, the British Council or any international organisation, international company or university.
110. Your official financial sponsor must have the funds to financially support you whilst you are studying in the UK and have the capacity to move, or experience of moving, funds across international borders.
111. The letter must be on official letter-headed paper or stationery of the organisation of the official financial sponsor and have the official stamp of that organisation on it. It must show:
- both the Tier 4 (General) student's name and your name;
  - the name and contact details of the official financial sponsor;
  - the date of the letter
  - the length of the sponsorship and
  - the amount of money they are providing or a statement that they will cover your full maintenance.
112. If the official financial sponsorship only covers part of your living costs, documentation must be provided to show the remaining maintenance, as detailed earlier in this guidance.
113. If you are applying at the same time as the Tier 4 (General) Student, the funds that you provide evidence of must be in addition to the funds for the Tier 4 (General) student. The same money cannot be counted twice.
114. For example, if the Tier 4 (General) student provides a letter confirming that he/she is in receipt of official financial sponsorship and you provide bank statements to cover your own living costs, the money held in the bank account must be in addition to the money that has been provided by the official financial sponsor to cover the Tier 4 (General) Student.

## **Children of PBS Migrants**

115. In order to apply for leave to remain as the child of a PBS migrant, you must be under the age of 18 on the date of application. If you are aged 18 or over, you must have, or have last been granted, leave as the family member of a PBS migrant or someone applying at the same time for leave as a PBS migrant.
116. You will not be considered to be a child family member of a PBS migrant where it is considered that you:
- are married or in a civil partnership
  - have formed an independent family unit; or
  - are living an independent life.
117. Children aged 18 or over who have not previously been granted leave as the family member of the PBS migrant cannot be granted leave as the family member of a PBS migrant.

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

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

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

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

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

- where you are living away from the family home (except when due to academic endeavours e.g. attending a boarding school or University);
- where you are in full time employment;
- where you appear to be financially independent (that is where your income exceeds their expenditure).

## **Documents required**

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

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

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

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

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

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



## **Annex A – Applicants who have been on a NHS foundation programme or who have been working as a doctor or dentist in training during their most recent period of leave**

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

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

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

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

or;

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

or;

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