

# **THIS CATEGORY WILL CLOSE TO APPLICANTS ON 6 JULY 2019**

## **IMPORTANT NOTES**

- 1) From 6 April 2019, no further endorsements will be issued for Tier 1 (Graduate Entrepreneur).**
- 2) If you have been issued an endorsement by a Higher Education Institution or the Department for International Trade before this date, you can still use it to make a Tier 1 (Graduate Entrepreneur) application.**
- 3) Endorsements are valid for 3 months and must be used to make an application before they expire. The closing date for applications is 5 July 2019.**
- 4) If you have not received an endorsement before 6 April 2019, you can apply to be endorsed under the new Start-up category. This includes if you have already been granted one year's leave under Tier 1 (Graduate Entrepreneur) and you are seeking an endorsement for your second year. For more information, please see the Start-up pages on the gov.uk website.**
- 5) Dependants can still apply to join applicants who have obtained leave for Tier 1 (Graduate Entrepreneur).**
- 6) The Tier 1 (Entrepreneur) category is also closing. Switching applications for Tier 1 (Graduate Entrepreneur) applicants will remain open until 5 July 2021. Tier 1 (Entrepreneur) extension applications will remain open for these individuals until 5 July 2025, and settlement applications until 5 July 2027.**
- 7) Applications will no longer be accepted from the dates listed above. Applicants who wish to apply for indefinite leave to remain in the future should ensure that they do not have excessive absences from the UK and can meet the specific Tier 1 (Entrepreneur) settlement requirements.**



UK Visas  
& Immigration

## Tier 1 (GE)

version 03/19

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

This guidance is to be used for all Tier 1 (Graduate entrepreneur) applications made on or after 29 March 2019.

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# 1. Chapter 1 – Initial applications (entry clearance and leave to remain)

## 1.1 Introduction

*This category is **closing and being replaced** by the Start-up category. No further endorsements will be given after 5<sup>th</sup> April 2019 and no further applications for entry clearance or leave to remain will be accepted after 5<sup>th</sup> July 2019*

This guide helps you to complete a Tier 1 (Graduate entrepreneur) application under the UK points based system (PBS) for immigration. If you have already been granted leave in the Tier 1 (Graduate entrepreneur) category and you want to apply to extend that leave, please refer to Chapter 2.

The UK includes England, Scotland, Wales and Northern Ireland.

Before you complete the application form, you must read:

- This guide, and
- [Paragraphs 245F to 245 FC of the Immigration Rules](#) based on UK immigration law. You can find them using the link above.

## 1.2 Points based assessment

You must pass a points-based assessment. PBS is the main immigration route for migrants from outside the European Economic Area (EEA) to come to work, study, invest or train in the UK.

The system separates applicants into 5 'tiers'. To be eligible for a visa in any of the 5 tiers, you must pass a points-based assessment.

## 1.3 What you must have before you can work in the UK

To enter the UK you must have:

- a valid passport or travel document(s)
- a completed landing card
- the right entry clearance for your Tier 1 category to enter and stay in the UK.

If you do not have a valid passport, you will be refused entry to the UK.

To be a main applicant, you must be at least 16 years old on the date your application is decided.

## 1.4 What is a Tier 1 (Graduate entrepreneur) visa and what does it allow?

The Tier 1 (Graduate entrepreneur) route is for:

- UK graduates identified by Higher Education Institutions (HEI) as having developed genuine and credible business ideas and entrepreneurial skills to establish one or more businesses in the UK;
- Graduates who have been identified by the Department for International Trade (DIT) as elite

global entrepreneurs seeking to establish one or more businesses in the UK.

You cannot apply for settlement with a Tier 1 (Graduate entrepreneur) visa. For more information on how to apply to settle permanently in the UK, see the [settlement guidance](#) on GOV.UK.

Applicants must not have previously been granted entry clearance, leave to enter or leave to remain as a:

- Tier 1 (Post-Study Work) migrant, or
- participant in the Fresh Talent: Working in Scotland Scheme, or
- participant in the International Graduates Scheme, or
- the Science and Engineering Graduate Scheme.

You **must provide a letter of endorsement** from an endorsing body which can lead to you being awarded a maximum of 75 points for attributes.

These letters are valid for three months and can be issued by endorsing HEIs and DIT unit **5<sup>th</sup> April 2019**.

Valid Tier 1 (Graduate Entrepreneur) applications can be made until **5<sup>th</sup> July 2019**.

## 1.5 How much does a Tier 1 (Graduate entrepreneur) visa cost?

For up-to-date information about fees, please see the [Tier 1 \(Graduate entrepreneur\) pages](#) of GOV.UK.

## 1.6 How long can you stay in the UK?

You are allowed a maximum of 2 years under this route. You may be awarded;

- entry clearance or leave to remain (permission to stay in the UK) for an initial period of one year, if your application meets requirements and is submitted **before 5<sup>th</sup> July 2019**
- an extension for a further year, if your existing endorsing body continues to sponsor you for extension applications made **before 5<sup>th</sup> July 2019**
- an extension of leave, if you wish to switch endorsing body for your second year of leave and you have provided an endorsement letter from your new endorsing body – you can still only be granted a maximum of 2 years in total. You must have applied **before 5<sup>th</sup> July 2019**

## 1.7 What is on a Tier 1 Graduate entrepreneur) visa?

Your visa is an important document and shows any restrictions that apply to you.

- Valid from date: you cannot enter the UK before this date.
- Visa category: your visa is for a specific purpose which you must keep to.
- Valid until date: you must leave the UK by this date, unless your visa allows you to apply to extend your stay.
  - If you are allowed to apply for an extension, you must do this before your visa expires.
  - If you stay for longer than you are allowed, you risk arrest, detention, deportation and a ban on returning to the UK.
- Length of stay: this is the maximum amount of time you can stay in the UK.
  - If you have a multiple entry visa, this is the maximum amount of time you can stay in the UK on any one occasion.
  - Other conditions: any specific conditions attached to your visa are listed here. For example, if:
    - your visa says 'No recourse to public funds' you cannot claim most benefits, tax credits or housing assistance that the UK government pays.

## 1.8 Applying

You must make your application online. You can find these links on [GOV.UK](https://www.gov.uk).

Your date of application is the date you pay your application fee. This is the date shown on your payment receipt.

## 1.9 Switching

If you are already in the UK, you can only switch into the Tier 1 (Graduate entrepreneur) category if you have, or last had, leave as a:

- Tier 4 (General) student
- Tier 1 (Graduate entrepreneur) migrant
- Tier 2 (General) migrant - If you were last granted leave as a Tier 2 (General) migrant, you must have permission to work as a post-doctoral researcher for the same institution which is endorsing your application as a Tier 1 (Graduate entrepreneur) migrant.

## 1.10 Conditions of leave

If you are granted leave in Tier 1 (Graduate entrepreneur), you must meet certain conditions during your stay:

- You must remain endorsed by:

- a Home Office recognised higher educational institution (HEI), or the Department for International Trade (DIT)
- You must obey UK laws
- You must only stay in the UK for the time your visa allows
- You must have no recourse to public funds (you cannot claim most benefits paid by the state)
- You must register with the police, if paragraph 326 of the Immigration Rules requires you to (see section on [Police registration](#))
- For applications submitted on or before 5 April 2013, you must have no other employment of more than 20 hours per week
- You must not work as a:
  - doctor or dentist in training, or
  - professional sportsperson (including sports coach).
- You may study subject to the condition below.

You are permitted to study, but you will need to obtain an Academic Technology Approval Scheme (ATAS) certificate for the course/research and present it to your education institution before you start your study if:

(a) you are over age 18 (or will be over 18 by the time your leave expires); **and**

(b) your course is one of the following:

(i) a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules, **or**

(ii) 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**

(iii) a period of study or research in excess of 6 months 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.

[Appendix 6 of the Immigration Rules](#) can be found on GOV.UK.

If your course (or research) completion date is postponed or delayed for more than 3 calendar months, or there are any changes to the course contents (or the research proposal), you must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to your institution promptly.

Your leave may be curtailed if you are found to be in breach of one of these conditions.

## 1.11 Points scoring

To be granted leave in Tier 1 (Graduate entrepreneur) you must score:

- 75 points for attributes
- 10 points for English language skills



- 10 points for maintenance (funds)

You must score points in the tables below:

<b>Attributes: pass mark = 75 Points</b>	<b>Points available</b>
<p>You have been endorsed by:</p> <ul style="list-style-type: none"> <li>• a UK Higher Educational Institution (HEI) or the Department for International Trade (DIT). This is in the form of a letter.</li> </ul>	25
<p>You have been awarded a recognised:</p> <ul style="list-style-type: none"> <li>• bachelor's degree</li> <li>• master's degree, or</li> <li>• Doctor of Philosophy (PhD)</li> </ul> <p>This does not include equivalent level qualifications if they are not a degree.</p> <p>This qualification must be:</p> <ul style="list-style-type: none"> <li>• a UK degree, or</li> <li>• for overseas qualifications, the standard must be confirmed by UK NARIC.</li> </ul>	25
<p>The endorsement letter confirms that your endorsing body considers you to have a genuine and credible business idea and is satisfied you will spend the majority of your working time furthering this. The endorsement must also confirm your intended business sector (points will not be awarded for businesses engaged in property development/management).</p>	25

<b>English language: pass mark = 10</b>	<b>Points available</b>
Evidence proving you: <ul style="list-style-type: none"> <li>• have English language skills to the required standard, and</li> <li>• meet the requirements explained in this guidance.</li> </ul>	10

<b>Maintenance (money): pass mark = 10</b>	<b>Points available</b>
To qualify for leave under Tier 1(Graduate entrepreneur) you must show you have enough money to support yourself.	10

When you make your application, refer to the following Immigration Rules.

[Appendix A of the Immigration Rules](#) for further information on Attributes.

[Appendix B of the Immigration Rules](#) for further information on English language.

[Appendix C of the Immigration Rules](#) for further information on Maintenance funds.

## Attributes

### 1.12 You must be endorsed by a UK higher educational institution (HEI) or the Department for International Trade (DIT)

To apply for Tier 1 (Graduate entrepreneur), you must be endorsed by:

- a Higher Education Institution (HEI), if you got your qualification in the UK, or
- the Department for International Trade (DIT), if you got your qualification outside of the UK

For details of the approved endorsing bodies, see the [endorsing bodies page](#) of GOV.UK.

For further details about how to get an endorsement from the Department for International Trade see [the Department for International Trade \(DIT\) section](#) of GOV.UK.

You must use the endorsement letter as part of your application within 3 months of the date the letter is issued. The letter will not be accepted if the endorsing body has withdrawn the endorsement or if it is older than 3 months. You must also supply your qualification certificate if your degree was obtained overseas.

If you do not make a valid application within 3 months of the date of your endorsement, the endorsement you have used is cancelled.

The endorsement must confirm your intended business sector.

These letters **are valid for three months** and can be issued by endorsing HEIs and DIT until **5<sup>th</sup> April 2019**.

You can apply with a valid endorsement until **5<sup>th</sup> July 2019**.

Points will not be awarded if your business will be mainly engaged in property development or property management.

**Property development** in this context means any development of property owned by you or your business to increase the value of the property, with a view to earning a return either through rent or a future sale or both.

**Property Management** in this context means the management of property (whether or not it is owned by you or your business) for the purposes of renting it out or resale. The principle is that business income must be generated from the supply of goods and/or services and not derived from the increased value of property or any income generated through property, such as rent.

This restriction does not, however, prevent you from developing companies that are mainly involved in construction.

### 1.13 Limit

Every year, the Tier 1 (Graduate entrepreneur) is limited to 2000 places (beginning on 6 April and ending on 5 April the following year). The places are allocated as follows:

1900	For HEIs to endorse graduates in any subjects
100	For DIT to endorse overseas graduates

The Tier 1 (Graduate entrepreneur) limit does not apply to extension applications if your last leave was as a Tier 1 (Graduate entrepreneur).

### Documents you must send with your application

You must provide an endorsement letter from a UK HEI or DIT, which shows **all** of the following information:

- the endorsement reference number
- the date of issue (including a statement on how long the letter is valid for)
- your name
- your date of birth
- your nationality
- your number
- details of any dependants you have, who are already in the UK or whom you intend to bring to the UK
- the name of the endorsing body
- the name and contact details (telephone number, email and workplace address) of the authorising official of the endorsing body and an administrative contact, such as a secretary, at the endorsing body
- the name, level and date of award of the applicant's qualification, unless the endorsement is a global endorsement or the applicant was last granted leave as a Tier 1 (Graduate entrepreneur) migrant

- your intended business sector or business intention
- what has led the endorsing body to endorse the application
- that you have a genuine and credible business idea
- that you will spend the majority of their working time on developing business ventures
- if you were last granted leave as a Tier 1 (Graduate entrepreneur) migrant, confirmation the endorsing body is satisfied they have made satisfactory progress

Points cannot be awarded for an endorsement if:

- it has been used more than 3 months after date of issue
- it has been withdrawn by the endorsing body
- the endorsing body has lost its status as an endorsing institution, including being downgraded on the Tier 4, Tier 2 or Tier 5 sponsor registers - endorsing bodies must still hold the relevant status at the date of decision

A suggested template for HEIs and DIT can be found in [Annex A](#) of this guidance.

## 1.14 Qualification

There are several ways you can show us your qualification.

1. If you are being endorsed by the UK HEI that awarded your degree:

For initial applications, points will be awarded for a degree if the endorsement letter is issued by the HEI that awarded the degree and it contains the details of the degree:

- You must have been awarded one of the following qualifications before the endorsement date: bachelor's degree, master's degree or Doctor of Philosophy (PhD) (not an equivalent level qualification that is not a degree).

The date of award is the date the awarding institution first notified you, in writing, that you had been awarded the qualification.

If your previous grant of leave was as a Tier 2 (General) migrant to work as a post-doctoral researcher and you are applying for leave to remain as a Tier 1 (Graduate Entrepreneur), you must have been awarded a:

- endorsement from the same body that was your sponsor on the application that led to the previous grant of leave,
- UK recognised bachelor's degree, master's degree or Doctor of Philosophy (PhD) (not an equivalent level qualification that is not a degree) from a UK HEI, at any time before the date of endorsement.

2. If your endorsement is issued by a HEI other than the one that awarded your degree, you must provide your degree certificate.

This document must clearly show:

- your name;
- the title of the award;
- the date of the award; and
- the name of the awarding institution.

If you cannot provide your degree certificate, please provide the evidence listed in the table under paragraph 1.18, points 2 and 3.

### 3. If you are being endorsed by the Department for International Trade (DIT)

You must have been awarded a degree qualification (not an equivalent level qualification that is not a degree) that UK National Academic Recognition Information Centre (UK NARIC) considers meets or exceeds the recognised standard of a bachelor's degree in the UK. This may be a UK degree or a degree from overseas.

If your degree is not a UK qualification, you will need to provide a letter from UK NARIC to confirm that your qualification meets the degree requirements. Please see the [NARIC website](#) for more information.

## **1.15 UK recognised degree at bachelor level or postgraduate level**

To consider a qualification as a UK recognised degree at bachelor's, master's or PhD level, it must have been awarded by a UK recognised body.

A UK recognised body is an institution which has been granted degree awarding powers by:

- a royal charter
- an act of parliament, or
- the privy council.

All UK universities and some higher education colleges are recognised bodies.

For further information on the UK recognised bodies see the [Department for Education pages of the GOV.UK website](#).

## 1.16 Qualifications not acceptable

You cannot use the following qualifications for awarding points:

- foundation degrees
- honorary degrees
- qualifications awarded in the UK by overseas awarding bodies
- professional and vocational qualifications
- postgraduate certificates and diplomas.

Please note: **a bachelor's degree is the minimum requirement for this route.** Points are not awarded for a qualification which is of equivalent level to, but not actually a bachelor's degree, master's degree or PhD. For example, a vocational qualification at bachelor's degree level but which is not itself a degree.

## 1.17 Overseas Qualifications

If your degree is from another country, you must contact UK NARIC directly for an assessment of the level of the qualification and, if UK NARIC confirms it is of the required level, get a letter and/or confirmation certificate from them.

For UK NARIC contact details, see the following website page [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality).

They may charge a fee for confirming qualifications.

### Documents you must send

If you have an endorsement from DIT, you must provide the following specified documents as evidence of your qualification, whether you obtained it in the UK or overseas:

1. If you have had your graduation.	Provide a qualification certificate. This document must clearly show: <ul style="list-style-type: none"><li>• your name</li><li>• the title of the award</li><li>• the date of the award</li><li>• the name of the awarding institution.</li></ul>
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<p>2. If you:</p> <ul style="list-style-type: none"> <li>• are waiting for graduation, having successfully completed your degree, or</li> <li>• no longer have the certificate and the issuing institution is unable to produce a replacement.</li> </ul>	<p>You must provide an academic reference from the awarding institution and an academic transcript.</p> <p>The reference must include:</p> <ul style="list-style-type: none"> <li>• your name</li> <li>• the title of the award</li> <li>• the date of the award confirming it has been, or will be, awarded, and</li> <li>• either: <ul style="list-style-type: none"> <li>▪ the date the certificate will be issued (if you have not yet graduated), or</li> <li>▪ confirmation the institution is unable to re-issue the certificate or award.</li> </ul> </li> </ul> <p>The academic transcript must:</p> <ul style="list-style-type: none"> <li>• be on the official headed paper of the institution, and</li> <li>• clearly show: <ul style="list-style-type: none"> <li>▪ your name</li> <li>▪ the name of the academic institution</li> <li>▪ the course title</li> <li>▪ confirmation of the award.</li> </ul> </li> </ul>
<p>3. If you cannot provide your certificate for one of the reasons given above, and your qualification had a significant proportion of research, such as a doctorate.</p>	<p>You can just provide an academic reference providing it includes all the required information (see above).</p>
<p>4. If your qualification was awarded by an educational establishment outside the UK.</p>	<p>In addition to the above, you must also provide a letter or certificate from UK NARIC confirming the equivalency of the level of this qualification to the relevant qualification in the UK.</p>

## 1.18 Where qualification evidence is not required

You do not need to send evidence of your qualification, if you have an endorsement from a UK HEI which awarded your degree.

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# English language

## 1.19 English Language Requirements

You must have a minimum standard of English language and score 10 points.

Applications from people who are unable to score 10 points in the section for English language requirements will be refused. They will be refused even if you have met all the other requirements of the Immigration Rules for permission to stay as a Tier 1 (Graduate entrepreneur) migrant.

You will meet the English language requirement if you:

- have an endorsement from the same HEI that awarded your degree, and
- score the required points in the attributes section.

You satisfy it because you must have shown in the attributes section that you have a degree level qualification taught in English.

If you have an endorsement from a HEI that did not award your degree, or an endorsement from DIT, you can meet the English language requirement by:

- being a [national of a majority English speaking country](#)
- passing an [English language test](#)
- holding a [degree](#):
  - taught in English, and
  - which is equivalent to a UK bachelor's degree or above.

## 1.20 National of a majority English speaking country

Nationals of the majority English-speaking countries listed below automatically meet the English language requirement:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand



- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago, and
- United States of America.

## **Documents you must send**

### **Valid passport or travel document**

You must give full reasons in the passport information section of the application form if you cannot submit your valid passport or travel document at the time of the application.

The only valid exceptional circumstances when you can provide alternative specified documents are if your current passport or travel document has:

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

### **If your passport or travel document is unavailable**

If it is for one of the above reasons, you must provide the following alternative specified documents:

- Current national identity document
- A letter from your home government or embassy. This document must:
  - be original
  - on the government's or embassy's letter headed paper
  - bear that institution's official stamp
  - have been issued by that institution's authorised official, and
  - must confirm your full name, date of birth, and nationality.

## **1.21 English language test**

We will only accept English language tests from providers that have been assessed as meeting our requirements. Details are available in [Appendix O of the Immigration Rules](#) on GOV.UK.

A list of approved tests came into effect on 6 April 2015. Any English language tests sat on or after 6 April 2015 must be on this list. Transitional arrangements will apply for tests sat before this date (see below).

You must have passed an English language test that is still within its validity period and achieved the appropriate level in all four components (reading, writing, speaking and listening).

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

## **Process**

You will need to book an English language test using the provider's online booking system. You will also pay for your test using this system. This booking system will allow you to choose where you want to sit the test. A list of all the approved test centres is available on the [English language page](#) of gov.uk.

On the day of your test, you will need to provide evidence of your identity at the test centre before you will be allowed to sit the test. The only acceptable forms of identification for UK centres are:

- a passport;
- an EU Identity Card;
- a Biometric Residence Permit.

The above documents must be originals, include a photograph and must not have exceeded their expiry dates. Where the document contains a signature, this will also be verified on the date of the test.

Where you are unable to provide evidence of your identity you will not be allowed to sit the test.

If you are successful, the provider will provide you with a SELT unique reference number. You must quote this reference number on your application to the Home Office. You do not need to provide any other documentation, for example the test certificate. The Home Office will use this unique reference number on the provider's online verification system to confirm that you passed the test.

If the test does not appear on the online verification system, the application will not meet the English language requirements.

## **Documents we require**

If you sat a test on or after 6 April 2015, you do not need to provide any documentary evidence of your test with your application. Instead, you should provide your SELT unique electronic reference number, provided by the awarding body.

If you are applying under the transitional arrangements, you must provide the documents detailed in the transitional arrangements document on the [English language page](#) of GOV.uk

The documents should clearly show:

- your name;
- that you have achieved or exceeded the required level of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening), unless you are exempted from sitting a component on the basis of disability;
- the date of the award; and
- that the test documents are still valid and have not expired.

The only exception to this requirement is where you have undertaken the Pearson Test of English (PTE) Academic test. In these cases, you should provide a print out of your online score report.

For all tests sat after 6 April 2013, you should ensure that your results are available to the Home Office on the online verification systems provided by the awarding body. Where you fail to do this, no points will be awarded for English language.

## 1.22 Degree taught in English

As evidence of your English language ability you can claim points if you can provide certificates to show you hold an academic qualification (not a professional or vocational qualification) which either:

- 1) Is a UK Bachelor's degree, Master's degree or PhD; or
- 2) Is a qualification awarded by an educational establishment outside the UK, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree or Master's degree or a PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to the appropriate level of the Council of Europe's Common European Framework for Language learning or above. For more details see the [Council of Europe website](#).
- 3) Is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD, and is from an educational establishment in one of the following countries:
  - Antigua and Barbuda
  - Australia
  - The Bahamas
  - Barbados
  - Belize
  - Dominica
  - Grenada
  - Guyana
  - Ireland
  - Jamaica
  - New Zealand
  - St Kitts and Nevis
  - St Lucia
  - St Vincent and the Grenadines
  - Trinidad and Tobago
  - United States of America.

(Please note that Canada is not on this list because some of their degrees are not taught in

English).

If your degree was taken in a country that is not on the list above, you must obtain a letter from UK NARIC which confirms that your qualification is equivalent to UK bachelor's level or higher. Alternatively, you may wish to use a different qualification which meets the requirements of the Rules if you have one.

See the following website page <http://ecctis.co.uk/naric/> for more information.

## **Documents you must send**

You must send a certificate of award, an academic transcript or documentation produced by UK NARIC.

### **certificate of award**

This document must clearly show:

your name

- the title of the award
- the date of the award, and
- the name of the awarding institution.

provisional certificates are not acceptable. The

certificate must always be provided unless you:

- are awaiting graduation but have successfully completed your degree, or
- no longer have the certificate and the awarding institution is unable to issue a replacement, in which case you must send the following.

### **academic transcript**

This must be on the institution's official paper and must show:

- your name
- the awarding institution's name
- the title of the award
- confirmation the qualification has been, or will be, awarded, and
- the date the certificate will be issued, or confirmation that the institution is unable to reissue the certificate or award.

The evidence must be an official document, on the stationery of the organisation and have the official stamp of that organisation on it. It must have been issued by that organisation's authorised representative.

You must make sure the contact details for the awarding body are up-to-date, because if we need to verify the details and cannot contact them, the evidence cannot be accepted, and your application may be refused.

## UK NARIC documentation

Where UK NARIC documentation is required to confirm the assessment, this must be documentation produced by UK NARIC.

### 1.23 Previously granted leave

You can also meet the English language requirement, without needing to provide evidence, if you have ever been given permission to stay in the UK as a:

- Tier 1 (Graduate entrepreneur), Tier 1 (Entrepreneur) migrant, Tier 1 (General) migrant or Tier 1 (Post-Study) migrant.
- Businessperson (under Paragraphs 200-210 of the Immigration Rules)
- Highly skilled migrant programme (HSMP) participant under the Immigration Rules which came into force on 5 December 2006
- Tier 2 (General) migrant under the rules in place on or after 6 April 2011, provided that when you were granted that leave you were given points for having a knowledge of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language (CEFL): Learning.
- Tier 1 (Exceptional Talent) migrant, providing you scored points for your English language ability in that application
- Tier 4 (General) student, if the confirmation of acceptance for studies (CAS) for that application was assigned on or after 21 April 2011
- Minister of Religion (not as a Tier 2 (Minister of religion) migrant) under the rules in place on or after 19 April 2007, or
- Tier 2 (Minister of Religion) migrant, provided that when you had that leave you were given points for English language for:
  - being a national of a majority English speaking country
  - a degree taught in English, or
  - passing an English language test.

## Maintenance (money)

### 1.24 Maintenance: Main applicants

You will not have access to most state benefits (known as public funds) and you must have enough money to support yourself so that you do not have financial difficulties when in the UK.

For entry clearance	You must have funds of at least £1,890.
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For leave to remain (switching or extension)	You must have funds of at least £945.
--	---------------------------------------

The exchange rate of overseas currency is made using the OANDA rate conversion on the date of the application. For more information, see [OANDA's website](#).

You may want to check the possible costs of living in the UK. If you do not expect to get any income from your work in the UK after the first month, you may want to check you have enough money to support yourself and any dependants.

We will not consider any money earned during a time you were in breach of the UK's immigration laws as evidence of maintenance funds.

Earnings made from the UK are only considered if:

- you had leave to enter or remain in the UK at the time they were earned, and
- you were in a category permitting you to take that employment.

## 1.25 Maintenance: Dependants

Any partners or children (also known as dependants) you want to bring with you to the UK must have enough money available to support them. The PBS dependants' guidance provides more information on this. For more information, see the [Tier 1 \(Graduate entrepreneur\) section](#) of GOV.UK.

## 1.27 Documents you must send

If you are applying with an endorsement from the Department for International Trade (DIT), and they confirm in the endorsement letter that they have awarded enough funds to you to cover maintenance, you do not need to provide any further evidence.

In all other cases you must provide evidence of personal savings that:

- covers a period of 90 consecutive days, and
- ends no more than 31 days before the date of application.

This evidence must be original.

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

### Personal bank or building society statements

The personal bank or building society statements must clearly show:

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

- that there are enough funds present in the account (the balance must always be at least £1,890 or £945 as appropriate) covering the 90 day period before the date of application.

Bank statements printed on the banks letter-headed/stationery are acceptable.

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

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

- a supporting letter from an authorised official of your bank, on company headed paper, confirming the authenticity of the statements, or
- an electronic bank statement bearing the official stamp of the bank in question - this stamp must appear on every page of the statement.

Documents that are not accepted:

- statements showing the balance in the account on a particular day, as they do not show you hold enough funds for the 90 day period, or
- mini-statements from cash points (ATMs).

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

The funds available to you are always assessed from the closing balance given on the document provided, if:

- you are providing evidence of maintenance funds from a single account, or
- 2 or more pieces of evidence from a single account are submitted (for example 2 consecutive bank statements).

Where evidence from 2 or more accounts is submitted, the funds available to you are always assessed using:

- the most recent closing balance of one account, and
- any additional money available to you on the same date, for which you have provided the required evidence.

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

## **Building society pass book**

This must show:

- your name
- the account number
- the financial institution's name and logo
- any transaction during the 90 day period before the date of application
- there are enough funds present in the account (the balance must always be at least £1,890 or £945 as appropriate) covering the 90 day period before the date of application.

## Letter from bank or building society

This must be an letter on the organisation's headed paper, signed by an authorised official. It must confirm:

- your name
- the account number
- the date of the letter
- the financial institution's name and logo
- the funds held in your account
- there are enough funds present in the account (the balance must always be at least £1,890 or £945 as appropriate) covering the 90 day period before the date of application.

Letters that show the balance in the account on a particular day are not acceptable as they do not show that you hold enough funds for the full period needed.

## Letter from regulated financial institution

The regulated financial institution letter(s) you provide must cover a consecutive 90 day period ending no more than 31 days before the date of your application.

The letter(s) must clearly show:

- your name
- the account number
- the date of the letter
- the financial institution's name and logo
- the money in the account, and
- that the funds of £1,890 or £945 as appropriate have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

For the purposes of personal savings accounts in the UK, the financial institution must be regulated by the Financial Conduct Authority (FCA) and the Prudential Regulatory Authority (PRA).

For overseas accounts, the financial institution must be regulated by the home regulator, the official regulatory body for the country the financial institution is in and where the money is held.

The letter must be dated no more than 31 days before the date of application. Letters showing the balance in the account on a particular day are not acceptable, as these documents do not show you hold sufficient funds for the full period needed.

No points are awarded if we cannot make satisfactory verification checks on the financial institution that the specified documents show the funds are held in. For a list of financial institutions which do not satisfactorily verify financial statements, see [Appendix P of the Immigration Rules](#).



## 2. Chapter 2 – Extensions

### 2.1 Attributes

*This chapter tells you the requirements for an application for extending your leave, if you are already in the UK as a Tier 1 (Graduate entrepreneur). **No further endorsements for extensions will be given after 5<sup>th</sup> April 2019 and all applications for extension must be made before 5<sup>th</sup> July 2019.***

#### Extension with the same endorsing body

If you are making an extension application, you can provide a new endorsement letter from the same body that endorsed the application which led to your previous grant of leave. They must be content that you have made satisfactory progress in developing your business.

The Tier 1 (Graduate entrepreneur) limit does not apply to extension applications if you have last had leave to remain as a Tier 1 (Graduate entrepreneur). Therefore, the extension endorsement should use the reference number which appeared on your initial endorsement.

#### Switching endorsing body

If you wish to switch endorsing body, you must provide a fresh endorsement letter from your new endorsing body. They must be content that you have made satisfactory progress in developing your business during your initial leave.

If your endorsing body no longer wishes to endorse your application into a second year, and you cannot get an endorsement from a different endorsing body, you may have the option of switching into one of the following categories:

- Tier 1 (Entrepreneur) – if you apply to switch before 6<sup>th</sup> July 2021
- Tier 2 (General)
- Tier 2 (Minister of Religion)
- Tier 2 (Sportsperson)
- Tier 1 (Exceptional talent)

You may have an extension which may be with your original or new endorsing body, providing you apply with a valid endorsement (issued before 6<sup>th</sup> April 2019) **before 6<sup>th</sup> July 2019**. If you wish to make an extension application after this date, you will need an endorsement through the Start-up route.

### 2.2 English language

If your previous grant of leave was as a Tier 1 (Graduate entrepreneur) migrant, you automatically qualify for English language. Therefore no further evidence is required.

### 2.3 Maintenance (money)

You must be able to support yourself for the entire duration of your extension of leave without use of public funds (benefits provided by the state).

## 2.4 Main Applicant

To qualify for an extension under Tier 1(Graduate entrepreneur), you must show you have enough money to support yourself.

If you are applying as a Tier 1 (Graduate entrepreneur):

Entry clearance	You must have funding of at least £1,890
Leave to remain (switching or extension)	You must have funding of at least £945

## 2.5 Dependants

Any dependants must also provide evidence to show they have access to sufficient funds to extend their leave.

### Documents you must send

The documents for extensions are the same as the ones used for initial applications. Please return to the documents required section of the following link [maintenance \(money\)](#).

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## 3. Chapter 3 - General Information

### 3.1 Biometric residence permits (BRP)

For information about how to apply for a BRP, see the [biometrics page of GOV.UK.](#)

### 3.2 Bringing in family members (dependants)

You cannot include anyone else on your application form. If your partner, your children, your parent, legal guardian, or anyone else is accompanying you to the UK, they must apply separately for permission to stay in the UK.

For more information on how your dependants can apply, see the [Tier 1 \(Graduate entrepreneur\) pages](#) of GOV.UK.

### 3.3 Considering your application

We aim to consider applications quickly, but must be confident you meet the requirements of the Immigration Rules, and the information you provide is a true reflection of your background.

To understand how you will be affected by waiting times, see the following website page <https://www.gov.uk/tier-1-graduate-entrepreneur-visa/extend-your-visa>.

### 3.4 Evidential flexibility

In some cases you may need to provide further information under our evidential flexibility policy. To understand more about evidential flexibility, and how this may apply to you, read [Annex I](#).

### 3.5 Overstaying

Applications for leave to remain will fall for refusal if you have overstayed beyond the end of the last period of leave to enter or remain you were granted. For more information, please see [Annex B](#).

### 3.6 Rights and responsibilities

You have certain rights and responsibilities while you are living temporarily or permanently in the UK. To understand what these are, see the [Tier 1 \(Graduate entrepreneur\) pages](#) of GOV.UK.

### Additional evidence for sponsored students

If you have recently been receiving financial sponsorship as a student in the UK, you may need to meet an additional requirement when you make your application for leave to enter or remain in the UK.

If this requirement applies to you, read [Annex G](#).

### 3.7 Verification checks

If we have doubts about your application, we may carry out verification and/or other checks.

As all applications may be subject to verification checks, read [Annex C](#).

### **3.8 General grounds for refusal**

Your application is subject to general grounds for refusal. This means that even if you qualify for points, there may be other reasons (such as your previous immigration history) that may lead to you being refused.

As all applications are be subject to general grounds for refusal, you must read the guidance on [GOV.UK](#).

#### **Can I have my passport back before my application is decided?**

You can request the return of your passport before your application is decided. If you wish to use it to travel outside the UK, your application is considered withdrawn. In this circumstance, your fee is not refunded.

For more information on how to request your passport back, see the [documents page](#) of GOV.UK.

#### **How can I contact the Home Office after I apply?**

If you would like to contact us, see the [contact us page](#) on GOV.UK.

### **3.9 Police registration**

Certain nationalities must register with the police as a condition of their leave. If this condition applies to you, you will be told to register with your local police department when you are granted leave.

If this requirement applies to you, see [Paragraph 326 of the Immigration Rules](#).

### **3.10 Absences from the UK**

If you have leave in Tier 1 (Graduate entrepreneur), you may travel abroad when living in the UK. As most applicants will need to travel outside of the UK at some point during their leave, read [Annex E](#).

### **3.11 Care arrangements for children**

If you are 16 or 17 years old you will need your parent(s)' or legal guardian(s)' written consent to the arrangements that have been made in regard to your application, travel, reception and care arrangements in the UK. If this applies to you, read [Annex F](#).

### **3.12 Change of circumstances**

If your circumstances change, you need to let us know. Read [Annex H](#).

### 3.13 Curtailing leave

We may curtail (cancel) your leave if the endorsing body that endorsed your application:

- loses its status as an endorsing institution for Tier 1 (Graduate entrepreneur) applications
- loses its status as a Tier 4 sponsor
- ceases to be an A-rated sponsor under Tier 2 or Tier 5 of PBS because we have downgraded or revoked its Tier 2 or Tier 5 sponsor licence
- withdraws your endorsement.

We may also cancel your leave for other reasons, for example, if you commit a serious offence or breach the conditions of your stay.

If your actions were not blameworthy, your leave will be curtailed to 60 days.

As all applications may be subject to curtailment, you must read the [curtailment guidance](#) on GOV.UK.

### 3.14 Reporting abuse

You, or any member of the public, can report illegal immigrants and other immigration offences via the [report an immigration crime page](#) of GOV.UK.

### 3.15 Rights of Appeal and Administrative Review

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

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

#### **In country applications for leave to remain made on or after 2 March 2015**

If your application for leave to remain under Tier 1 (Graduate Entrepreneur) was made on or after 2 March 2015, you cannot appeal against our decision. You can apply for an administrative review of the decision if you think the Home Office has made an error in considering your application. Details of how to make an administrative review application will be included in the decision letter.

#### **Out of country applications**

If your application for entry clearance is refused under the points-based system, you cannot appeal against our decision. You can apply for an administrative review of the decision if you think the Home Office has made an error in considering your application.

#### **Further information on administrative reviews**

If you want more information about administrative review, this can be found on the [administrative](#)

[review pages](#) of GOV.UK.

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# Annex A – Endorsement letter (template)

Endorsement from an endorsing body. This must be provided by the endorsing body.

## CONFIDENTIAL

For the attention of the Home Office

Regarding to the Tier 1 (Graduate Entrepreneur) application of Mr/Mrs/Ms [**Name**]

I have the consent of [**name**] to endorse their application. I will confirm the contents of this letter to the Home Office at their request.

1. The endorsement reference number is:
2. The endorsement date of issue and expiry date are:
3. The applicant's name is:
4. The applicant's date of birth is:
5. The applicant's nationality is:
6. The applicant's passport number is:
7. Details of any dependants (those already here or those the applicant intends to bring to the UK):
8. The name of the endorsing body:
9. The name and contact details (telephone number, email and workplace address) of (1) the authorising official of the endorsing body and (2) an administrative contact (e.g. secretary) at the endorsing body:
10. Qualification awarded to the applicant (name, level and date of award):
11. Intended business sector is:
12. What led the endorsing body to endorse the application:
13. You are satisfied that the applicant has a genuine and credible business idea:
14. You are satisfied that the applicant will spend the majority of his working time on developing business ventures:
15. For extension applications: We have assessed [**name**] and confirm that they have made satisfactory progress because:

Signature of authorised person of the endorsing body:

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## Annex B - Overstaying

Applications for leave to remain will fall for refusal if you have overstayed beyond the end of the last period of leave to enter or remain you were granted. The only exceptions are where your application is made:

- Within 14 days of your previous leave expiring and we consider there is a good reason beyond your/your representative's control, provided in or with the application, why the application could not be made in time; or
- 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 beyond your control which prevented you from applying in time, you must submit evidence of these with your application. All cases will be decided on their merits.

We advise you not to plan any travel outside the common travel area whilst your application is being considered. If you ask for your passport back to travel before we have reached a decision on your application, your application will be treated as being withdrawn in line with paragraph 34J of the Immigration Rules.

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# Annex C – Verification and other checks

We aim to consider applications quickly but must also be confident that your application meets the requirements of the Immigration Rules, and that the information you provide is a true reflection of your background. To consider your application, we will ask for a number of documents. You must make sure all evidence you provide comes from a source that can be clearly identified and independently confirmed as being genuine.

## Checks made by the Home Office

There are 2 situations in which we will undertake a check:

- Verification checks:
- Where we have reasonable doubts that the documents are genuine (see below for more information), or
- Other checks:
- We may carry out further checks, for example, where there are doubts about an application or the documents sent with the application, but the doubts are not serious enough to warrant a verification check.

If we have reasonable doubts whether a specified document is genuine, we may verify the document with an independent person or government agency to make sure the document provided is genuine and accurately reflects statements made in your application.

If the document is being used as evidence to score points, we also want to make sure it allows you to claim those points.

Verification may delay the decision on an application, so we will only follow this process if there is a clear need.

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

## Outcomes of a verification check

There are 3 possible outcomes:

- A document is confirmed genuine. Your application is considered as normal.
- A document is confirmed false. Your application is refused, whether or not the document is essential to the application. It can be refused for more than one reason, for example, if you send us a bank statement to show you have enough funds available, and the statement is false, the application will be refused as you do not meet the funds requirement and you have sent a false document. We will keep any documents it confirms as false. Using false documents is likely to put at risk any future application you make.
- The verification check is inconclusive. If we cannot verify whether the document is either genuine or false, we will ignore it as evidence for scoring points.
- If you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal.
- If you have not sent any other documents, we will award zero points in that area.

## Refusing an application without verification checks

There are 2 circumstances where we may do this:

- If we are concerned about a piece of evidence, but your application will fall for refusal for other reasons anyway, 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 they are thought to not be genuine.
- If there is evidence that proves a particular document is false, we will normally refuse the application for more than one reason. For example, if you send a bank statement to show that you have enough funds available and we have evidence to show the statement is false, your application will be refused as you do not meet the funds requirement and because you have sent a false document.

We will make other checks if, for example, there are doubts about an application or the documents sent with it, but these are not serious enough to make a verification check.

These checks may delay the decision on an application so we will only make them where there are clear reasons to do so.

## Other checks

We may have suspicions about a document, but not enough to doubt that it is genuine. For example, because previous verification checks have found 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.

There are 4 possible outcomes of these checks:

- A document is confirmed as genuine. We will consider the application as normal.
- A document is confirmed as false. Your application will be refused, whether or not the document is essential to the application. It can be refused for more than one reason for example, if you send us a bank statement to show you have enough funds available, and the statement is false, the application will be refused as you do not meet the funds requirement and you have sent a false document. We will keep any documents it confirms as false. Using false documents is likely to put at risk any future application you make.
- The check is inconclusive. We will therefore consider the application as if the document is genuine.
- The 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 there are other reasons to doubt the genuineness of a particular specified document, a verification check may take place.

## Procedures for checks

The procedures for both verification checks and other checks may involve:

- checking the details or genuineness of documents with:
  - employers
  - the relevant embassy or High Commission

- other government departments (in the UK and overseas)

- checking the accuracy and authenticity of documents with:
  - banks
  - universities, and
  - professional bodies.

We will use a standard form to record the results of their enquiries, to make sure consistent feedback is recorded.

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

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

The compliance team may visit your employer or educational institution (if you are a student) before we make a decision on the application.

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# Annex D - Administrative Review (Overseas Applications Only)

The following guidance refers to Administrative Reviews for applications made overseas only. For information about Administrative Reviews for applications made in the UK, please refer to the [administrative review pages](#) of GOV.UK.

## 1. What is overseas Administrative Review?

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

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by you. Further information on the time limits relating to making a request can be found in paragraphs 6 and 7 below.

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

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

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

## 3. Who conducts the Administrative Review?

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

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

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

## 5. How does the applicant apply?

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

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

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

You must not use the in country administrative review application form to apply for overseas administrative review. The in country form can only be used to apply for administrative review of eligible decisions on applications made from within the UK.

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

You have 28 days from the date of receipt of the refusal notice, to submit a request for overseas

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

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

If the Administrative Review request is outside of the 28-day period and the administrative reviewer decides not to accept the request, the request notice will be returned to you with a letter explaining why it is not being accepted.

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

You may only request one Administrative Review of a refusal decision. Any further review requests about the same refusal decision will not be accepted. They will be returned to you.

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

If you have new or further information, documents or other paperwork that you failed to submit with your original application, you will need to make a new application and pay the appropriate fee.

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

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

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

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

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

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

Any new evidence you submit will be returned to you together with the outcome of the Administrative Review.

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

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

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

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

- failed properly to consider evidence submitted with the original application;
- failed to apply the Immigration Rules correctly;

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

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

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

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

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

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

You may submit further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

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

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

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

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

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

There are 3 possible outcomes of Administrative Review:

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

## **15. How are you informed of the result of the Administrative Review?**

Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify you by letter. You will not be entitled to a further Administrative Review as the grounds

for refusal has not changed.

Decision upheld but with revised reasons for refusal:

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

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify you by letter and request your passport.

## **16. Appeals**

The appeals rights for Points Based System (PBS) cases have changed for all applications made on or after 6 April 2015 and migrants no longer have a limited right of appeal. Please see the [Appeals policy guidance](#) on GOV.UK.

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# Annex E - Absences from the UK

## Travelling overseas

If you have temporary permission to stay in the UK (known as limited leave to remain), you are free to travel overseas and return to the UK. When you return to the UK, you must be able to show the immigration officer at the port or airport:

- a valid visa allowing you entry to the UK
- evidence you are re-entering the UK for the same purpose as stated on your visa.

If your leave to enter or remain in the UK is for less than 6 months it will lapse when the holder of that leave goes to a country or territory outside the common travel area. The common travel area consists of the UK, the Channel Islands, and the Republic of Ireland.

If you leave the common travel area while you are employed in the UK, you do not need to make a new application to return to the UK unless your leave expires whilst you are overseas, or lapses. Examples of this would include, for holidays, business trips or a secondment overseas.

If you need to leave and re-enter the UK on a regular basis you may be assigned with a multiple entry certificate of sponsorship. Multiple entry confirms that your sponsor expects you to travel in and out of the UK regularly.

If you have been granted entry clearance, or leave to remain, for more than 6 months, your leave will not lapse when you leave the common travel area if you continue to be employed by, and working for, your sponsor for a period of one calendar month or more, unless your leave passes its expiry date or you stay outside the UK for more than 2 years.

For more information, see Article 13 of the Immigration (Leave to Enter and Remain) Order 2000. If you have entry clearance or you have leave to remain which was granted for less than 6 months, your leave will lapse if you leave the common travel area.

It is important to make sure that if you travel overseas for any reason, you fully understand the implications if your leave lapses or expires whilst you are overseas.

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# Annex F – Care arrangements for children

## Care arrangements for children

We have a duty to safeguard children and to promote the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act 2009. All children who work in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements whilst here.

16 and 17 year olds have the legal right to live independently in the UK, and may therefore make their own arrangements for accommodation. If you are 16 or 17 years old on the date your application is decided, you must have the written consent of your parent(s) or legal guardian(s) to the arrangements made in regard of your application, travel, reception and care arrangements and submit this letter to us.

The letter must confirm if your parent(s) or legal guardian(s) have legal custody or sole responsibility for you. If they have sole responsibility, they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the content of the letter and must be signed by each parent or legal guardian.

The letter must clearly show:

- the relationship between the parent(s) or legal guardian(s) and you
- your parent(s) or legal guardian(s) have given their consent to this application
- your parent(s) or legal guardian(s) agree with your living arrangements in the UK, and
- your parent(s)' or legal guardian(s)' full name and address.

## Private foster care arrangements

If a child under 16 years old (or 18 years old if disabled) is cared for on a full-time basis by adults who are not their parents (or a close relative) for more than 28 days, they are privately fostered. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement (including any visa sponsor), to notify their UK local authority of the private fostering arrangement.

In the UK, local authorities are responsible for safeguarding and protecting children. They must make sure private foster carers are suitable and get any support and guidance they need to help them care for a child. You must tell us if you are living under local authority care in the UK.

If you are in local authority care you must provide a letter on official headed paper from the local authority caring for you to confirm you are in local authority care.

A close relative, parent or legal guardian who cares for a child is not considered to be a private foster carer and so will not need to register with a UK local authority. A close relative is any of the following people aged over 18:

- grandparent
- brother, sister
- step-parent
- uncle (brother or half-brother of the child's parent), or
- aunt (sister or half-sister of the child's parent).

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## Annex G – Students with financial sponsor

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

If you have recently been in receipt of financial sponsorship as a student in the UK, you may need to meet an additional requirement when you make your application for leave to enter or remain in the UK.

Your financial sponsor must give their unconditional consent for you to re-enter or remain in the UK. If they do not give unconditional consent, or give their consent for a limited time, we will refuse your application.

Your sponsor's consent must be:

- be in writing
- be on the organisation's official letter-headed paper or stationery
- bear its organisation's official stamp, and
- have been issued by an authorised official of its organisation.

You must meet this additional requirement if a government or an international scholarship agency has given you financial sponsorship, which has wholly covered your course fees and living costs, to study in the UK during the past 12 months while you were here under the Tier 4 (General) category.

You do not need to provide your financial sponsor's consent if you have received private financial sponsorship during your studies. For example, from an employer or a relative.

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# Annex H - Change of circumstances

If the current grant of leave is a biometric residence permit (BRP), to change your:

- name
- date of birth
- nationality
- gender, or
- appearance.

a new application must be sent on form NTL or TOC. Please see the [transfer your visa](#) page of GOV.UK.

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# Annex I - Evidential Flexibility

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.

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.

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.

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.

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