



Home Office

Dependants of part 5 migrants

Version 4.0

This guidance tells caseworkers how to process applications for entry clearance, leave to remain and indefinite leave to remain in the UK as the child or partner of a migrant with leave to enter or remain under part 5, paragraphs 128 to 193 (excluding 135I to 135K) of the Immigration Rules.

Contents

Contents.....	2
About this guidance.....	4
Contacts	4
Publication	4
Changes from last version of this guidance	4
Key facts	5
Eligibility requirements.....	5
Children.....	5
Partners	5
Application forms	6
Cost of application	6
Additional requirements	6
Entry clearance	6
Biometric information	7
Code of leave to remain granted:.....	7
Entry clearance endorsements	7
Conditions of leave to remain or enter	7
Length of leave.....	7
Dependants.....	7
Work and study conditions	8
Switching	8
Settlement	8
Knowledge of language and life.....	8
CID case type	8
Children.....	8
Partners	9
Immigration Rules paragraphs.....	9
Part 5 immigration categories.....	10
Entry or extension requirements	11
Highly skilled migrant dependants	11
Requirements for a grant of leave under the Immigration Rules for partners	12
Requirements for a grant of leave under the Immigration Rules for children	13
Switching.....	14
Indefinite leave to remain (settlement)	15

Partner.....	15
Children	16
Granting or refusing settlement	16
Granting or refusing.....	17
Grant or refuse entry clearance.....	18
Grant entry clearance	18
Police registration.....	18
Refusing entry clearance	18
Grant or refuse entry at UK port.....	19
Grant leave to enter.....	19
Refusal of entry.....	19
Person resuming previous leave	19
Grant or refuse leave to remain.....	20
Grant extension	20
Police registration.....	20
Refuse extension.....	20

About this guidance

This guidance tells caseworkers how to process applications for entry clearance, leave to remain and indefinite leave to remain in the UK as the child or partner of a migrant with leave to enter or remain under part 5, paragraphs 128 to 193 (excluding 135I to 135K) of the Immigration Rules.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Economic Migration Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **4.0**
- published for Home Office staff on **10 July 2019**

Changes from last version of this guidance

Changes from the last version of this guidance are:

- an update to the overstaying rules
- a form reference update

Related content

[Contents](#)

Key facts

This page shows you the key facts for dependants of part 5 migrants

Eligibility requirements

Children

The applicant must:

- be the child of a parent with limited leave to enter or remain in the UK under [paragraphs 128 to 193](#) (but not paragraphs 135I to 135K)
- be under the age of 18 or have current leave to enter or remain in this capacity
- be maintained and accommodated adequately without the use of public funds in accommodation which their parent or parents own or occupy exclusively
- have both parents being or have been admitted to remain in the UK except if:
 - the parent they are accompanying or joining is their sole surviving parent
 - the parent they are accompanying or joining has had sole responsibility for their upbringing
 - there are serious and compelling family or other considerations which make exclusion from the UK undesirable and suitable arrangements have been made for their care
- if seeking leave to enter, hold a valid UK entry clearance for entry in this capacity
- if seeking leave to remain
 - was not last granted entry clearance or leave as a visitor, or must not be in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted
 - must not be in the UK in breach of immigration laws, excepting any period of overstaying allowed under the Immigration Rules which will be disregarded

The applicant must not:

- be the child of a person granted entry clearance or leave to enter under [paragraph 159A](#) if it was granted on or after 6 April 2012
- be married or a civil partner
- have formed an independent family unit
- be leading an independent life
- stay in the UK beyond any period of leave granted to their parent or parents

Partners

The applicant must:

- be the spouse, civil partner, unmarried or same sex partner of a person with limited leave to enter or remain in the UK under [paragraphs 128 to 193](#) (but not paragraphs 135I to 135K)

- if an unmarried or same-sex partner
 - any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down
 - neither person is involved in a consanguineous relationship (that is, related by blood) with another
 - they have both been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more
- intend to live with each other as their partner during the applicants stay
- have a relationship that is genuine and subsisting
- be maintained and accommodated adequately, along with any dependants, without the use of public funds in accommodation which they or their partner own or occupy exclusively
- hold a valid UK entry clearance for entry in this capacity, if seeking leave to enter
- if seeking leave to remain
 - not have last been granted entry clearance or leave as a visitor
 - not be in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted
 - not be in the UK in breach of immigration laws excepting any period of overstaying allowed under the Immigration Rules, which will be disregarded

The applicant must not:

- be the partner of a person granted entry clearance or leave to enter under [paragraph 159A](#) if it was granted on or after 6 April 2012
- stay in the UK beyond any period of leave granted to their partner

Application forms

Applicants will be included on the main applicant's online application or can make a separate application as below:

- Application made outside UK – Apply via [Visa4UK](#)
- Extension (within UK) – [Apply online](#)
- Indefinite leave to remain – [Apply online](#).

Cost of application

[Fees for Home Office services](#)

Additional requirements

Entry clearance

The migrant must hold entry clearance before any in-country, further leave to remain, can be granted unless:

- they are not a visa national
- they are accompanying a Tier 5 (Temporary worker) migrant, who is being granted leave to enter at the same time:
 - they meet all of the requirements of [319C of the Immigration Rules](#)

Biometric information

Biometric information must be supplied as part of the application process except:

- if the migrant is under 6 years old only a picture will be taken
- if the migrant is 6 to 16 years old a picture and fingerprints will be taken

In all other cases a picture, fingerprints and a signature will be taken unless disability precludes such provision.

Code of leave to remain granted:

The conditions of leave granted and shown on the Biometric Residence Permit (BRP) will be one of the following:

Code 1

Entry clearance endorsements

CAT D: To Join Spouse/CP

CAT D: To Join Parent(s)

CAT D: To Acc Spouse/CP

CAT D: To Acc Parent(s)

If the applicant is joining a spouse, you must add the initial and surname of the sponsor as an additional endorsement.

If the applicant is joining their parent or parents, you must add the initial and surname of the parent or parents as an additional endorsement.

Conditions of leave to remain or enter

No recourse to public funds

Length of leave

Leave is granted in line with the part 5 migrants leave

Dependants

Migrants in a dependant category cannot have dependants of their own. Any dependants must be directly linked to the main migrant.

Work and study conditions

The migrant will have the following conditions attached to any leave granted:

- 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 either:
 - 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
 - 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.
- a dependant can study, subject to a restriction on studying certain subjects covered in appendix 6 of the Immigration Rules (ATAS)

Switching

Migrants can switch, change immigration category, in-country provided they were not last granted:

- entry clearance or leave as a visitor, short-term student or short-term student (child)
- temporary admission
- temporary release
- after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted

Settlement

This category of leave can lead to settlement, also known as indefinite leave to remain (ILR).

Knowledge of language and life

When applying for ILR a migrant will have to demonstrate that they meet the knowledge of language and life as defined in [appendix KoLL](#) if they are aged 18 or over.

CID case type

Children

DEP Children (except paras 296 – 303) – EC

DEP Children (except paras 296 – 303) – ILR
DEP Children LEGACY only (except paras 296 – 303) – LTR
DEP Child (BRP) joining person with LTR (except paras 296 – 303) – LTR
DEP Child joining person with LTR (except paras 296 – 303) – LTR
DEP Child of Work Permit Holder – ILR
DEP Child (BRP) (except paras 296 – 303) – LTR

Partners

DEP Spouses (except paras 277 – 289) – EC
DEP Spouses (except paras 277 – 289) – ILR
DEP Spouses LEGACY only (except paras 277 – 289) – LTR
Civil Partner EC
Civil Partner LTR
Civil Partner ILR
DEP Spouse (BRP) joining person with LTR (except paras 277 – 289) – LTR
DEP Spouse joining person with LTR (except paras 277 – 289) – LTR
DEP Spouse Joining Person with LTR (except paras 277 – 289) - LTR
DEP Spouse of Work Permit Holder – ILR
DEP Spouses (BRP) (except paras 277 – 289) – LTR

Immigration Rules paragraphs

[Paragraphs 193A to 199B](#)

Related content

[Contents](#)

Safeguard and promote child welfare

Related external links

[Part 5 partner rules, paragraphs 193 to 196F](#)

[Part 5 children rules, paragraph 196G to 199B](#)

Part 5 immigration categories

This page lists the immigration categories in which the part 5 migrant must have valid leave to enter or remain for their dependant to be considered under these rules.

The following categories are taken from part 5, [paragraphs 128 to 193](#) (excluding 135I to 135K), of the Immigration Rules:

- work permit (closed category) – now covered by Tier 2 (General)
- highly skilled migrant (closed category) – now covered by Tier 1 (General)
- representatives of overseas newspapers, news agencies and broadcasting organisations (closed category) – now covered by Representatives of overseas businesses
- representatives of overseas businesses
- private servants in diplomatic households (closed category) – now covered by Tier 5 (Temporary worker)
- domestic workers in private households (before April 2012 rules)
- overseas government employees (closed category) – now covered by Tier 5 (Temporary worker)
- minister of religion, missionary, or a member of a religious order (closed category) – now covered by Tier 2 (Minister of religion)
- airport based operational ground staff of overseas-owned airlines (closed category) – now covered by Tier 2
- persons with UK ancestry

If the part 5 migrant is applying to extend leave, originally gained in a closed category, they must apply to extend under the new route and the dependant must apply with them. See the following links for more information:

- representatives of overseas business
- Tier 5 (Temporary worker)
- domestic workers in private households
- Tier 2
- persons with UK Ancestry

Related content

[Contents](#)

Related external links

[Immigration Rules paragraphs 193A to 199B Tier 1 \(General\)](#)

Entry or extension requirements

This page tells you the requirements the applicant must meet to gain leave to enter or extend their stay as the dependant of a part 5 migrant.

All applicants will require entry clearance.

When considering an application, you must check that:

- the application is valid
- the applicant's passport or travel document is genuine
- the applicant meets the requirements of the category
- there are no general grounds for refusal

For more information, see the following links:

- applications for leave to remain: validation, variation and withdrawal
- document verification
- general grounds for refusal
- biometric information

If both the applicant and their dependant seek leave to enter or remain at the same time, both applications must be considered together. For example, it is not appropriate to consider refusal on grounds of maintenance or accommodation for the dependant independently of the main applicant.

If a dependant seeks leave to enter or remain separate from the person they are the dependent on (the migrant worker), the maintenance and accommodation provisions must be fully considered and, if appropriate refused.

The migrant worker must provide evidence of maintenance and accommodation to show they can support their dependant or dependants whilst they are in the UK.

Highly skilled migrant dependants

If the person is seeking leave to remain as the partner of a highly skilled migrant, leave granted will be subject to a condition prohibiting employment as a doctor or dentist in training, unless the applicant:

- has obtained a degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 and provides evidence of this degree
- has, or was last granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a doctor or dentist in training, and has been employed during that leave as a doctor or dentist in training

Requirements for a grant of leave under the Immigration Rules for partners

Under [paragraph 193A to 194 and 196A of the Immigration Rules](#), the partner, of a part 5 migrant must:

- be the spouse, civil partner, unmarried or same sex partner of a person with limited leave to enter or remain in the UK under [paragraphs 128 to 193](#) (but not paragraphs 135I to 135K):
 - has limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K)
 - has indefinite leave to remain in the UK, or has become a British citizen and who had limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K) immediately before being granted indefinite leave to remain
- if an unmarried or same-sex partner:
 - any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down
 - neither person must be involved in a consanguineous relationship (that is, related by blood) with another
 - have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more
- intend to live with each other as their partner during their stay and the relationship is subsisting
- be maintained and accommodated adequately, along with any dependants, without using public funds in accommodation which they or their partner own or occupy exclusively
- hold a valid UK entry clearance for entry in this capacity, if seeking leave to enter
- if seeking leave to remain:
 - not have last been granted entry clearance or leave as a visitor
 - not be in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted
 - not be in the UK in breach of immigration laws excepting any period of overstaying allowed under the Immigration Rules, which will be disregarded

The applicant must not:

- be the spouse, civil partner, unmarried or same sex partner of a person granted entry clearance or leave to enter under [paragraph 159A](#) if it was granted on or after 6 April 2012
- stay in the UK beyond any period of leave granted to their partner

Requirements for a grant of leave under the Immigration Rules for children

Under [paragraph 196G to 197 of the Immigration Rules](#), the child of a part 5 migrant must:

- be the child of a parent with limited leave to enter or remain in the UK under [paragraphs 128 to 193](#) (but not paragraphs 135I to 135K) or, in respect of applications for leave to remain only, of a parent who has indefinite leave to remain in the UK but who immediately before that grant had limited leave to remain under those paragraphs
- be under the age of 18 or have current leave to enter or remain in this capacity
- be maintained and accommodated adequately without using public funds in accommodation which their parent or parents own or occupy exclusively
- have both parents being or have been admitted to or allowed to remain in the UK except if:
 - the parent they are accompanying or joining is their sole surviving parent
 - the parent they are accompanying or joining has had sole responsibility for their upbringing
 - there are serious and compelling family or other considerations which make exclusion from the UK undesirable and suitable arrangements have been made for their care
- hold a valid UK entry clearance for entry in this capacity, if seeking leave to enter
- if seeking leave to remain:
 - not have last been granted entry clearance or leave as a visitor
 - not be in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted
 - not be in the UK in breach of immigration laws excepting any period of overstaying allowed under the Immigration Rules, which will be disregarded.

The applicant must not:

- be the child of a parent granted entry clearance or leave to enter under paragraph 159A if it was granted on or after 6 April 2012
- be married or a civil partner
- have formed an independent family unit
- be leading an independent life
- stay in the UK beyond any period of leave granted to their parent or parents

Related content

[Contents](#)

Related external links

[Immigration Rules paragraphs 193A to 196F](#)

[Immigration Rules paragraphs 196G to 199B](#)

Switching

This page tells you about switching into the dependants of part 5 migrants category.

Switching into this category is allowed providing the applicant meets all requirements of the Immigration Rules that apply to this category.

Switching is not permitted if the applicant was last granted entry clearance or leave as a visitor, or is in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted.

They must not be in breach of immigration laws, except that any period of overstaying allowed under the immigration rules will be disregarded.

For more information, see: Applications from overstayers (non-family routes).

Related content

[Contents](#)

Related external links

[Immigration Rules paragraphs 193A to 199B](#)

Indefinite leave to remain (settlement)

This page tells you the requirements for indefinite leave to remain (settlement) for a dependant of a part 5 migrant.

The applicant must continue to meet the requirements of paragraphs [196D to 196E](#) or [paragraph 198 of the Immigration Rules](#) for the dependants of part 5 migrant rules. They must apply for settlement in line with the main applicant.

Partner

You can grant an application for indefinite leave to remain in this category if the applicant:

- is the spouse, civil partner, unmarried or same-sex partner of a person who has limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K) and who is being granted indefinite leave to remain at the same time
- is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the UK or has become a British citizen and who had limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K) immediately before being granted indefinite leave to remain and meets the requirements of paragraph 194(ii) to (v)
- has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the UK, in accordance with KoLL
- was not last granted entry clearance or leave as a visitor
- is not in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted

The applicant must not:

- be the spouse, civil partner, unmarried or same-sex partner of a part 5 migrant granted entry clearance or leave to enter under paragraph 159A if it was granted on or after 6 April 2012
- fall for refusal under the general grounds for refusal
- be in the UK in breach of immigration laws excepting any period of overstaying allowed under the Immigration Rules, which will be disregarded.

Children

You can grant an application for indefinite leave to remain in this category if the applicant:

- is the child of a person who:
 - has limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K) and who is being granted indefinite leave to remain at the same time
 - has indefinite leave to remain in the UK and who had limited leave to enter or remain in the UK under paragraphs 128 to 193 (but not paragraphs 135I to 135K) immediately before being granted indefinite leave to remain
- meets the requirements of paragraph 197(i) to (vi) and (viii)
- has sufficient knowledge of the English language and sufficient knowledge about life in the UK, unless they are under the age of 18 at the time they make their application
- was not last granted entry clearance or leave as a visitor
- is not in the UK on temporary admission, temporary release or Immigration Bail in circumstances in which temporary admission or temporary release would previously have been granted

The applicant must not:

- be the child of a parent granted entry clearance or leave to enter under paragraph 159A if it was granted on or after 6 April 2012
- fall for refusal under the general grounds for refusal
- be in the UK in breach of immigration laws excepting any period of overstaying allowed under the Immigration Rules, which will be disregarded.

Granting or refusing settlement

If the part 5 migrant meets all the requirements for this category and the requirements under paragraphs 197 are met, you must grant indefinite leave to remain.

If you are refusing an application from a part 5 migrant the dependant's application must also be refused.

If the part 5 migrant has applied for settlement but is granted limited leave to remain, the dependant must also be granted limited leave to remain.

Related content

[Contents](#)

Related external links

[Immigration Rules paragraphs 193A to 199B](#)

Granting or refusing

This section tells you about the information you will need to consider when you grant or refuse an application for a dependant of a part 5 migrant including:

- [Grant or refuse entry clearance](#)
- [Grant or refuse entry at a UK port](#)
- [Grant or refuse leave to remain](#)

Related content

[Contents](#)

Grant or refuse entry clearance

This page tells you about granting or refusing entry clearance in the dependants of a part 5 migrant category.

Grant entry clearance

You must grant entry clearance if the applicant:

- meets all the requirements of [paragraph 193A to 194 \(partners\) or 196G to 197 \(children\) of the Immigration Rules](#)
- none of the general grounds for refusal in [paragraph 320](#) apply

Leave to enter is granted on Code 1 for a period equal to that granted to the part 5 migrant.

Police registration

Any dependant aged 16 or over who is a national or citizen of a country required to register with the police must register if granted leave to enter for over 6 months.

Refusing entry clearance

If the applicant does not provide the required evidence to show they meet all the requirements of the relevant paragraph, or if any of the mandatory general grounds for refusal in paragraph 320 apply you must refuse the application.

There may be other non-mandatory grounds for refusal in paragraph 320 which must also be considered.

To see the relevant paragraphs in the Immigration Rules to refer to when dependants of part 5 migrants are refused entry clearance see:

- [Immigration Rules paragraphs 320 to 322 \(12\)](#)
- [Immigration Rules paragraphs 193A to 199B](#)

Related content

[Contents](#)

[Grant or refuse entry at a UK port](#)

[Grant or refuse leave to remain](#)

Grant or refuse entry at UK port

This page tells you about granting or refusing entry at a UK port as the dependant of a part 5 migrant.

Grant leave to enter

Before you grant leave to enter, you must be satisfied:

- the applicant has valid entry clearance
- there are no reasons to believe the applicant gave false information to obtain the entry clearance nor that circumstances have changed since it was issued
- none of the general grounds for refusal in [paragraph 321 of the Immigration Rules](#) apply

Refusal of entry

You must refuse entry if:

- the applicant does not have an entry clearance
- the applicant has not provided the required evidence to show they meet all the requirements of the relevant paragraph of the Immigration Rules
- any of the general grounds for refusal in [paragraph 321](#) apply, please see the guidance on general grounds for refusal

Person resuming previous leave

If a person returns to the UK from a temporary absence abroad, within a period for which they were previously granted leave, before refusing you must refer to cancelling continuing leave to enter or remain: change of circumstances or purpose.

Related content

[Contents](#)

[Grant or refuse entry clearance](#)

[Grant or refuse leave to remain](#)

Grant or refuse leave to remain

This page tells you when to grant or refuse an extension of stay as a dependant of a part 5 migrant.

Grant extension

You must grant leave to remain if all the following requirements are met:

- the person meets all the requirements of the relevant paragraph of the Immigration Rules, see [paragraphs 193A to 199B of the Immigration Rules](#)
- you are satisfied none of the mandatory general grounds for refusal in [paragraph 322](#) applies, there may be other non-mandatory grounds for refusal in paragraph 322 which should also be considered

Leave to enter is granted on Code 1 for a period equal to that granted to the part 5 migrant. If the period of leave granted to the sponsor is not known, you must grant 2 months on Code 1.

Police registration

Any dependant aged 16 or over who is a national or citizen of a country required to register with the police, must register if granted leave to enter for over six months.

Refuse extension

If you are considering refusing an extension of stay on grounds that are not specific to dependants of a part 5 migrants, you must refer to the following guidance:

- general grounds for refusal
- [Immigration Rules paragraphs 320 to 324](#)

You must refuse an extension of stay as the dependant of a part 5 migrant if the applicant does not meet all of the requirements of the relevant paragraphs of the Immigration Rules.

Related content

[Contents](#)

[Grant or refuse entry clearance](#)

[Grant or refuse entry at a UK port](#)