



Home Office

# Dependant family members of points-based system migrants and Appendix W Workers

Version 18

This guidance tells caseworkers how to consider applications from people who wish to enter or remain in the UK as the dependant family member of a points-based system (PBS) migrant or an Appendix W Worker.

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# About this guidance

This guidance tells you how to consider applications from people who wish to enter or remain in the UK as the dependant family member of a points-based system (PBS) migrant or Appendix W Worker.

This guidance is based on paragraphs 319A to 319K and Appendix E 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 **18.0**
- published for Home Office staff on **26 March 2020**

## Changes from last version of this guidance

This version replaces the 'Dependant family members of points-based system migrants and Appendix W Workers version 17.0' which has been withdrawn and archived.

It includes changes required following the introduction of the Global Talent category in Appendix W. It also deletes references to:

- landing cards as these are no longer completed
- refusing

For previous changes, you will need to access the archived guidance. See Family members of PBS migrants – Archive.

### Related content

Safeguard and promote child welfare

[Entry, extension and indefinite leave requirements](#)

[Contents](#)

**Related external links**

[Immigration Rules paragraphs 319AA to 319K](#)

[Immigration Rules: Appendix E](#)

## Key facts

This page tells caseworkers about who can apply under this route and what their conditions of leave will be.

An applicant can apply as the dependant family member of a points-based system (PBS) migrant if they are:

- the family member of a person with, or applying for, leave under Tiers 1, 2, 4 or 5 of PBS
- the spouse or partner of a person with indefinite leave to remain (ILR) or British citizenship who last held leave as a Tier 1, 2, or 5 PBS migrant and do not yet qualify for indefinite leave to remain
- the child of a person with ILR or British citizenship who last held leave as a Tier 1, 2, or 5 PBS migrant, and:
  - their other parent does not yet qualify for ILR
  - they last held leave as the family member of a PBS migrant granted under the rules in place on or after 9 July 2012

An applicant can apply as the dependant family member of an Appendix W Worker if they are:

- the family member of a person with, or applying for, leave under Appendix W of the Immigration Rules
- the spouse or partner of a person with ILR or British citizenship who last held leave as an Appendix W Worker and do not yet qualify for ILR
- the child of a person with ILR or British citizenship who last held leave as an Appendix W Worker, and:
  - their other parent does not yet qualify for ILR
  - they last held leave as an Appendix W worker

## Eligible family members

To apply in this category family members must be related to the main applicant as either their:

- husband
- wife
- civil partner
- unmarried partner
- same sex partner
- child (under the age of 18 when they first applied)

See section on [Entry, extension and indefinite leave requirements](#) for more information on the requirements for entry or extension in this category.



## Adult children and other relatives

Children over the age of 18 who have not previously been granted leave as the family member of a main applicant cannot be granted leave in this category. Similarly, other relatives, for example parents or grandparents, cannot apply in this category. Where there are exceptional, compelling and compassionate circumstances raised on behalf of a dependant who is not either the partner or child of a PBS migrant or Appendix W Worker you must consider that application outside of the Immigration Rules.

See: Leave outside the Immigration Rules for further information.

## Partners of points-based system migrants or Appendix W Workers

### Eligibility requirements

#### Requirements of paragraph 319C of the Immigration Rules.

The requirements are as follows:

- both the applicant and the PBS migrant or Appendix W Worker must be aged 18 years or older on the date they arrive in the UK or the date that leave is granted
- if they are applying for leave as the husband, wife or civil partner of a PBS migrant or Appendix W Worker the PBS migrant or Appendix W Worker must not be in polygamous marriages or civil partnerships, as set out in [paragraphs 278 and 279](#) of the Immigration Rules
- there must not be any reasons why the application will be refused because of [general grounds](#) and the applicant must not be an illegal entrant
- the applicant must be the spouse, civil partner, unmarried partner or same sex partner of a person who is one of the following:
  - has leave as a PBS migrant or Appendix W Worker
  - is being granted leave at the same time as a PBS migrant or Appendix W Worker
  - if the applicant is applying for an extension of stay, their partner must have indefinite leave to remain (ILR) as a PBS migrant or Appendix W Worker or have obtained British citizenship after having ILR as PBS migrant or Appendix W Worker
- if the applicant is the unmarried or same-sex partner, then:
  - any previous marriage or civil partnership that the applicant or PBS migrant or Appendix W Worker had with another person must have permanently broken down
  - the applicant and PBS migrant or Appendix W Worker must not be so closely related that they would not be allowed to marry in the UK
- the applicant and PBS migrant or Appendix W Worker must have been living in a relationship similar to marriage or civil partnership for a period of at least 2 years

- the relationship between the applicant and the PBS migrant or Appendix W Worker must be genuine and subsisting when the application is made, you may request an interview to establish this
- the applicant and the PBS migrant or Appendix W Worker must intend to live together as spouse, civil partner, unmarried or same sex partner throughout the applicant's stay in the UK
- the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant or Appendix W Worker
- the applicant must meet the maintenance requirements, unless the migrant is one of the following:
  - Tier 1 (Investor) migrant
  - Tier 1 (Exceptional Talent) migrant
  - Global Talent migrant
- the applicant must not be on temporary admission, temporary release or immigration bail where they would previously have been granted temporary admission or temporary release
- if they are applying for leave to remain the applicant must not have last been granted entry clearance or leave as any of the following:
  - a visitor, including someone who entered the UK as a visitor under the UK British Irish visa scheme (BIVS) from the Republic of Ireland holding a valid visit visa endorsed with 'BIVS'
  - a short-term student or short-term student (child)
  - a parent of a Tier 4 (child) student

the last requirement does not apply if the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii).

## Additional requirements for dependants of Tier 4 (General) migrants

The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK to study a full-time course if the Tier 4 migrant:

- is a government sponsored student taking a course of study that will be longer than 6 months
- the Tier 4 migrant is a postgraduate student on a course of 9 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the:
  - Department for the Economy in Northern Ireland
  - Higher Education Funding Council for England
  - Higher Education Funding Council for Wales
  - Scottish Funding Council
- is on the doctorate extension scheme

- is applying for entry clearance or leave to remain to undertake a course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application and:
  - the partner must have or have last had leave the same as the student
  - the relevant PBS migrant and partner must be applying at the same time

## Application forms

The following application method should be used:

- application made outside UK – apply online at [Visa4UK](#), except North Korea – [VAF2](#)
- extension (within UK) – [apply online](#) at GOV.UK
- indefinite leave to remain – SET(O) – [apply online](#) at GOV.UK

## Cost of an application

See [fees for Home Office services](#) for more information on the cost of an application.

## Entry clearance requirement

Entry clearance is mandatory 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 is required for applications made in the UK if the applicant's PBS or Appendix W Worker partner has a biometric residence permit (BRP) or is applying for one as part of their visa application.

## Code of leave to remain granted

Partners of a Tier 1, 2 or 5 PBS migrant or Appendix W Worker are granted as follows:

- code 4C for partners
- code 1B for partners who have shown they have:
  - a UK degree in medicine or dentistry
  - lawfully worked as a doctor or dentist in training during their previous leave

Partners of Tier 4 migrants are granted as follows:

- code 4C conditions for family members of Tier 4 migrants whose full-time course is degree level or above and lasts 9 months or longer, or have not demonstrated that they meet code 1B conditions below
- code 1B conditions for partners who have worked as a doctor or dentist in training may also be granted provided they have shown they have:
  - a UK degree in medicine or dentistry
  - lawfully worked as a doctor or dentist in training during their previous leave
- code 3 for family members of Tier 4 (General) migrants who:
  - have been granted less than 9 months leave
  - are studying below degree level

## Entry clearance endorsements

The migrant's entry clearance endorsement will be one of the following:

- 'TIER 1 (GENERAL) PARTNER'
- 'TIER 1 (ENTREPRENEUR) PARTNER'
- 'TIER 1 (ENTREPRENEUR-G) PARTNER'
- 'TIER 1 (INVESTOR) PARTNER'
- 'TIER 1 (EXCEPTIONAL TALENT) PARTNER'
- 'TIER 2 PARTNER'
- 'TIER 4 (GENERAL) DEP. PARTNER'
- 'TIER 5 TW (PARTNER)'
- 'INNOVATOR PARTNER'
- 'START-UP PARTNER'
- 'GLOBAL TALENT PARTNER DEPENDANT'

## Length of leave

Leave to remain will normally be granted for either:

- the same period as the PBS migrant or Appendix W Worker
- a period of 3 years if the PBS migrant or Appendix W Worker:
  - has indefinite leave to remain (ILR)
  - has become a British citizen

## Further dependants

A PBS dependant or an Appendix W dependant may not have further dependants on their leave. All dependant leave must be linked to the main applicant.

## Work and study allowances

See '[Conditions of leave](#)' below.

## Switching

Workers can switch, change immigration category, and become a PBS dependant or an Appendix W dependant as long as they:

- are not on temporary admission, temporary release or immigration bail where they would previously have been granted temporary admission or temporary release
- were not last granted entry clearance or leave as a visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British Irish visa scheme, where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS':
  - short-term student or short-term student (child)
  - parent of a Tier 4 (child) student

This does not apply if the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sporting subcategory because they meet the requirement at paragraph 245ZQ(b)(ii).

## Settlement (indefinite leave to remain (ILR))

If the main applicant is granted ILR as a PBS migrant, an Innovator or under Global Talent, the dependant could be granted in line.

## Knowledge of language and life (KoLL)

A migrant is required to pass a Home Office approved KoLL test to achieve ILR.

## CID case type

T1HSDPILR T1 HS Dep Partner Joining Relatives – ILR.  
T2DPILR T2 SW – Dep Partner Joining – Relatives –ILR.  
DEP Spouses (except paras 277-289) -ILR

## Immigration Rules paragraphs

The relevant Immigration Rules paragraphs for PBS or Appendix W dependant partners are [319AA to 319E](#).

## Children of points-based system migrants

### Eligibility requirements

To be granted entry clearance or leave to remain as the child of a PBS migrant or Appendix W Worker, an applicant must meet the requirements of [paragraph 319H of the Immigration Rules](#):

- the applicant must not fall for refusal on general grounds and must not be an illegal entrant
- the applicant must be the child of a person who:
  - has leave as a PBS migrant or Appendix W Worker
  - is being granted leave (including indefinite leave to remain (ILR)) at the same time as a PBS migrant or Appendix W Worker
  - has ILR or British citizenship and who was last granted ILR under the rules relating to Tier 1, 2 or 5 of the PBS or as an Innovator Worker
- the applicant must be under the age of 18 on the date of application unless they are applying for leave to remain and were last granted leave as:
  - the child of a PBS migrant or Appendix W Worker
  - the child of a migrant granted leave under a different category of the rules who has since been granted leave as a PBS migrant or Appendix W Worker or who is applying for leave as a PBS migrant or Appendix W Worker at the same time
- the applicant must not:
  - be married or in a civil partnership
  - have formed an independent family unit
  - be leading an independent life
- the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant or Appendix W Worker
- both of the applicant's parents must be lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless:
  - the PBS migrant or Appendix W Worker is the applicant's sole surviving parent
  - the PBS migrant or Appendix W Worker has and has had sole responsibility for the applicant's upbringing
  - there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care
- the applicant must meet the maintenance requirements, unless the PBS migrant is a:
  - Tier 1 (Investor) migrant
  - Tier 1 (Exceptional Talent) migrant
  - Global Talent migrant
- an applicant applying for leave to remain must:
  - have leave, or have last been granted leave, as the child of a parent who had leave under any category of the Immigration Rules
  - have been born in the UK to a parent who had leave under any category of the Immigration Rules
- if the applicant is a child born in the UK to a PBS migrant or Appendix W Worker and their partner, they must provide a full UK birth certificate showing the names of both parents
- all arrangements for the applicant's care and accommodation in the UK must comply with relevant UK legislation and regulations

## Additional requirements for dependants of Tier 4 (General) migrants: paragraph 319H(i)

The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK to study a full-time course if the Tier 4 migrant:

- is a government sponsored student taking a course of study longer than 6 months
- is a postgraduate student on a course of 9 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the:
  - Department for the Economy in Northern Ireland
  - Higher Education Funding Council for England
  - Higher Education Funding Council for Wales
  - Scottish Funding Council
- is on the doctorate extension scheme
- is applying for entry clearance or leave to remain to undertake a full-time course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application

To apply in the UK the child must also:

- be a child born in the UK to a PBS migrant and their dependant partner and either:
  - have been born during the PBS migrant's most recent period of leave as a Tier 4 (General) student or student and their course must have been for more than 6 months duration
  - if the PBS migrant's most recent period of leave was to re-sit examinations or repeat a module of a course, the child must have been born during the period of leave granted for this purpose or during the grant of leave for a course of at least 6 months which required the migrant to re-sit examinations or repeat a module
  - have been born no more than 3 months after the expiry of that most recent grant of leave and must be applying for entry clearance

## Children of Tier 4 (General) migrants born since the Tier 4 migrant was last granted leave

For the child to apply in the UK the Tier 4 migrant must have leave:

- for a full-time course lasting more than 6 months
- to re-sit an examination or to repeat a module

- for a full-time course lasting more than 6 months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module
- have been born no more than 3 months after the expiry of that most recent grant of leave

## Application forms

The following application method should be used:

- application made outside UK – Apply online at [Visa4UK](#), except North Korea – [VAF2](#)
- extension (within UK) – applications must be made online
- indefinite leave to remain – SET(O) – [applications must be made online](#) at GOV.UK

## Cost of application:

See [fees for Home Office services](#) for more information on the cost of an application.

## Entry clearance requirement

Entry clearance is mandatory unless:

- the child is 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 319H of the Immigration Rules

## Biometric information

Biometric information is required for applications made in the UK if the PBS migrant or Appendix W Worker has a biometric residence permit (BRP) or is applying for one as part of their visa application. The requirements are subject to age limits as shown below:

- under 6 years old - photograph only
- 6 to 16 years old - photograph and fingerprints
- above 16 years old - photograph, fingerprints and signature

## Code of leave to remain granted

Code 1B conditions unless the applicant is the child of a Tier 4 migrant who:

- has been granted less than 9 months leave



- is following a course of study that is below degree level, with the exception of foundation degree courses

If this is the case, you must grant the child of the Tier 4 migrant leave on code 3 conditions.

## Entry clearance endorsements

The migrant's entry clearance endorsement will be one of the following:

- 'TIER 1 (GENERAL) CHILD'
- 'TIER 1 (ENTREPRENEUR) CHILD'
- 'TIER 1 (ENTREPRENEUR-G) CHILD'
- 'TIER 1 (INVESTOR) CHILD'
- 'TIER 1 (EXCEPTIONAL TALENT) CHILD'
- 'TIER 2 CHILD'
- 'TIER 4 (GENERAL) DEP. CHILD'
- 'TIER 5 TW CHILD'
- 'INNOVATOR CHILD'
- 'START-UP CHILD'
- 'GLOBAL TALENT CHILD DEPENDANT'

## Length of leave

Leave to remain will normally be granted for either:

- a period which expires on the same day as the leave granted to the parent whose leave expires first
- if both parents have been granted indefinite leave to remain (ILR) or have become British citizens, for a period of 3 years

## Further dependants

A PBS dependant or an Appendix W dependant may not have further dependants on their leave. All dependant leave must be linked to the main applicant.

## Work and study allowances

See '[Conditions of leave](#)'.

## Switching

Migrants can switch, change immigration category, and become a PBS dependant child or Appendix W Worker dependant child unless:

- their last grant of entry clearance or leave was as a:

- visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British Irish Visa Scheme (BIVS) where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS'
- short-term student (child) unless the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary worker) migrant in the creative and sporting subcategory because they met the requirement at paragraph 245ZQ(b)(ii)
- they are on temporary admission, temporary release or immigration bail where they would previously have been granted temporary admission or temporary release

Children of a Tier 4 (General) migrant can switch unless:

- their last grant of entry clearance or leave as a visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British Irish Visa Scheme (BIVS) where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS'
- they are on temporary admission, temporary release or immigration bail where they would previously have been granted temporary admission or temporary release

Children born in the UK to a Tier 4 (General) migrant and their dependant partner may switch provided they:

- were born since the migrant's most recent grant of entry clearance, leave to enter or leave to remain:
  - for a course lasting more than 6 months
  - to re-sit an examination or to repeat a module
  - for a course lasting more than 6 months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module
- were born no more than 3 months after the expiry of that most recent grant of leave
- are applying for entry clearance

The requirements set out under '[Additional requirements for dependants of Tier 4 \(General\) migrants](#)' must also be met.

## Settlement (indefinite leave to remain (ILR))

If the main applicant is granted ILR as Tier 1, Tier 2, an Innovator or under Global Talent, the dependant could be granted in line.

## Knowledge of language and life (KoLL)

A migrant is required to pass a Home Office approved KoLL test to achieve ILR, unless the applicant is under the age of 18.

## CID case type

T1HSDCILR T1 HS Dep Child Joining Relatives – ILR.  
T2DCILR T2 SW – Dep Child Joining Relatives – ILR.  
DEP Children (except paras 296-303) - ILR

## Immigration Rules paragraphs

The relevant Immigration Rules paragraphs for PBS dependant children or Appendix W Worker dependant children are [319F to 319J](#).

### **Related content**

[Contents](#)

Leave outside the Rules

# Verifying documents

This page tells you about how to verify supporting documents submitted by family members of points-based system or Appendix W migrants.

If you have reasonable doubts about the authenticity of supporting documents, you must attempt to verify them. The process for doing this will vary, but may involve checking the authenticity of documents with:

- employers
- banks and building societies
- universities
- professional bodies
- the relevant embassy or high commission
- other government departments (in the UK and overseas)

The purpose of these checks is to ensure the document provided is genuine and accurately reflects statements made in the application. For guidance on how to refer documents see related link: [Making a referral to a regional intelligence unit](#)

If...	Then...
Documents have been confirmed as genuine.	You must continue to consider the application as normal.
Documents have been confirmed as false.	You must refuse the application (regardless of whether or not the documents are essential to the application) under: <ul style="list-style-type: none"><li>• general grounds</li><li>• the relevant parts of the immigration rules, 319C(a) or 319H(a)</li></ul> See <a href="#">General grounds for refusal</a> for information on refusing on general grounds.
The verification check is inconclusive.	You must disregard the documents under <a href="#">paragraph 39B of the Immigration Rules</a> .  If the family member has provided other specified documents to meet the requirements of the rules you can consider these as normal.

## Related content

[Making a referral to the intelligence unit](#)  
[General grounds for refusal](#)  
[Document verification](#)

[Contents](#)

**Related external links**

[Immigration Rules paragraph 39B](#)

[Immigration Rules paragraphs 319AA to 319K](#)

# Entry, extension and indefinite leave requirements

This section tells you about the requirements for a person applying for entry, an extension, or indefinite leave to remain (ILR) as the family member of a points-based system (PBS) migrant or Appendix W Worker.

Before considering an application, you must check that:

- the application is valid
- the applicant has submitted their biometrics, if the PBS migrant or Appendix W Worker's partner has or is applying for a biometric residence permit (BRP) as part of their visa application
- the applicant's passport or travel document is genuine
- there are no general grounds for refusal

For more information, see:

- Applications for leave to remain: validation, variation and withdrawal
- Biometric information
- General grounds for refusal

## Referring cases

Before progressing an application, you must check whether the applicant meets the requirements for referral to:

- criminal casework directorate
- special cases directorate
- counter-terrorism unit
- human trafficking unit
- regional intelligence unit

by checking:

- GCID
- ATLAS
- warehouse
- case reference system (CRS)
- biometric residence permits (BRP)
- the police national computer (PNC)
- internal Home Office security systems

See: Transfer or refer a case for more information.

## Representatives

If an applicant has a representative, you must check that the representative is approved to provide immigration advice with one of the accrediting bodies:

- [Office of the Immigration Services Commissioner](#)
- [the Law Society](#)
- [the Law Society of Northern Ireland](#)
- [the Law Society of Scotland](#)
- [the Bar Council](#) (for those regulated by General Council of the Bar)
- [the Solicitors Regulation Authority](#) (for those regulated by the Solicitors Regulation Authority for England and Wales)
- [CILEx](#) (for those regulated by the Chartered Institute of Legal Executives, formerly Institute of Legal Executives)
- [the Bar Library](#) (for those regulated by the General Council of the Bar of Northern Ireland)
- [Faculty of Advocates](#)

## Supporting documents

Family members must make sure they provide all the required supporting documents with their application. Dependants of Tier 4 (General) students who make an application may qualify for the differentiation arrangements which allow them to apply with fewer supporting documents.

If you have doubts about the supporting document or documents an applicant has provided you must attempt to verify they are genuine. For more information, see [Verifying documents](#).

## Requesting more information

If, having considered the application, you could grant it providing you obtained or clarified certain details, you may consider making an enquiry to request the information. For more information, see Points-based system - evidential flexibility.

## Translating documents

If the documents provided are not in English or Welsh, the applicant must provide a certified translation.

For information on the specific entry, extension and indefinite leave requirements for partners and children of PBS migrant or Appendix W Workers, see:

- [Entry or extension requirements: partners](#)
- [Entry or extension requirements: children](#)
- [Indefinite leave requirements](#)

**Related content**

[Family members of PBS migrants or Innovators granted ILR or British citizenship](#)  
[Switching](#)

Leave outside the rules

[Contents](#)

**Related external links**

[Immigration Rules paragraphs 319AA to 319K](#)



# Entry or extension requirements: partners

This page tells you about the requirements for entry or an extension as the partner of a points-based system (PBS) migrant or Appendix W Worker.

## Entry clearance

People who wish to enter the UK in this category must have entry clearance unless they seek entry as the partner of a Tier 5 (Temporary worker) migrant and:

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

For a list of which nationals need visas to enter the UK, see: [Immigration Rules - Appendix V to Appendix 2](#).

## Requirements for entry clearance or leave to remain

Partners of relevant points-based system migrants must meet the requirements for entry clearance or leave to remain in paragraph [319C of the Immigration Rules](#).

The requirements are the same as those listed for [Eligibility requirements](#)

### Related content

[Entry or extension requirements: children](#)

[Indefinite leave requirements](#)

[Family members of PBS migrants granted ILR or British citizenship](#)

[Switching](#)

[Contents](#)

### External links

[Immigration Rules paragraphs 319AA to 319K](#)

# Entry or extension requirements: children

This page tells you about the requirements for entry or an extension as the child of a points-based system (PBS) or Appendix W Worker.

## Entry clearance

People who wish to enter the UK in this category must have entry clearance unless they are the child of a Tier 5 (Temporary worker) migrant and they:

- are not a visa national
- are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time
- meet the requirements of paragraph 319H of the Immigration Rules

For a list of which nationals need visas to enter the UK, see: [Immigration Rules - Appendix V - Appendix 2](#).

## Requirements for entry clearance or leave to remain

Children of relevant points-based system migrants must meet the requirements for entry clearance or leave to remain in paragraph [319H of the Immigration Rules](#).

The requirements are the same as those listed for [Eligibility requirements](#).

### Related content

[Entry or extension requirements: partners](#)

[Indefinite leave requirements](#)

[Family members of PBS migrants or Innovators granted ILR or British citizenship](#)

[Switching](#)

[UK born dependants of Tier 4 PBS migrants](#)

[Contents](#)

### Related external links

[Immigration Rules paragraphs 319AA to 319K](#)

# Indefinite leave requirements

This page explains the requirements for indefinite leave to remain (ILR) for family members of points-based system (PBS) migrants, an Innovator or under Global Talent. There is no Tier 4 route to settlement.

## Partners: paragraph 319E of the Immigration Rules

To be granted ILR as the partner of a PBS migrant, as an Innovator or under Global Talent, the applicant must:

- be the spouse, civil partner, unmarried or same sex partner of a person who is being, or has been, granted indefinite leave as a PBS or Appendix W migrant
- have, or have last been granted, leave as the partner of the person who is being, or has been, granted indefinite leave as a PBS or Appendix W migrant
- have been living with the PBS or Appendix W migrant in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership for at least:
  - 2 years - for applicants granted leave as the partner of a PBS migrant under the rules in place before 9 July 2012 and who have since had continuous leave in that category
  - 5 years – for applicants granted leave as the partner of a PBS or Appendix W migrant under the rules in place on or after 9 July 2012, who have since had continuous leave in that category and, during that period, have met all the requirements of paragraph 319C (a) to (e)
- be in a genuine and subsisting relationship with the PBS or Appendix W migrant at the time the application is made - for more information, see: Family life (as a partner or parent), private life and exceptional circumstances
- intend to live together permanently with the PBS or Appendix W migrant as their spouse, civil partner, unmarried or same sex partner - for more information, see: Family life (as a partner or parent), private life and exceptional circumstances
- meet the knowledge of language and life (KoLL) in the UK requirements - for more information, see: [Appendix KoLL](#)
- not have been absent from the UK for more than 180 days in any 12 month period during the 2 or 5 year period where that leave was granted on or after 11 January 2018

The applicant must not:

- fall for refusal under general grounds
- be an illegal entrant

Applicants must not be in breach of immigration laws. The method for calculating whether a migrant meets these rules can be found in the Indefinite leave to remain: calculating continuous period in UK guidance.

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

## Children: paragraph 319J of the Immigration Rules

To be granted indefinite leave to remain (ILR) as the child of a PBS migrant or an Innovator, the applicant must be the child of either a parent who:

- is, at the same time, being granted ILR as a PBS migrant (for children granted leave as the child of a PBS migrant under the rules in place before 9 July 2012)
- has been granted, or is at the same time being granted, ILR as a PBS migrant, an Innovator or under Global Talent when:
  - that parent is the applicant's sole surviving parent
  - that parent has and has had sole responsibility for the applicant's upbringing
  - there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care
- has been granted, or is at the same time being granted, ILR as the partner of a person who has ILR as a PBS migrant or an Innovator
- has been granted, or is at the same time being granted, ILR as the partner of a person who has become a British citizen (when immediately before that they had ILR as a PBS migrant or an Innovator)

The applicant must also:

- have, or have last been granted, leave as the child of a PBS migrant or Appendix W Worker or their partner, who is being granted indefinite leave or have been born to a PBS migrant or an Innovator who is being granted indefinite leave
- meet the knowledge of language and life in the UK requirements, unless the applicant is aged under the age of 18 on the date that they make their application - for more information on this requirement, see: Knowledge of language and life in the UK
- if the child was born in the UK - provide a full UK birth certificate showing the names of both parents
- have arrangements in place for their care and accommodation which complies with relevant UK legislation and regulations
- provide the specified documents and information in [paragraph 319H-SD](#), if the child is over the age of 16 on date of application

The applicant must not:

- fall for refusal under general grounds
- be an illegal entrant
- be married or in a civil partnership or have formed an independent family unit and leading an independent life

Applicants must not be in breach of immigration laws. The method for calculating whether a migrant meets these rules can be found in the Indefinite leave to remain: calculating continuous period in UK guidance.

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

#### **Related content**

[Entry or extension requirements: partners](#)

[Entry or extension requirements: children](#)

[Family members of PBS migrants or Innovators granted ILR or British citizenship](#)

[Switching](#)

5A.1 – Children – guidance (general)

General grounds for refusal

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#### **Related external links**

[Immigration Rules paragraphs 319AA to 319K](#)

[Rehabilitation of Offenders Act 1974](#)

# Family members of PBS or Appendix W migrants granted ILR or British citizenship

This page explains how to consider applications from family members of points-based system (PBS) migrants or Innovators where the PBS or Appendix W migrant has indefinite leave to remain (ILR) or British citizenship.

If the PBS or Appendix W migrant holds ILR, this must be as a PBS or Appendix W migrant, and not under another route, for example under the long residence rules.

If the PBS or Appendix W migrant is a British citizen, they must have previously held ILR as a PBS or Appendix W migrant.

## 5-year probationary period

Dependant partners of PBS or Appendix W migrants must complete a 5-year probationary period before they qualify for ILR. If the PBS or Appendix W migrant obtains ILR or British citizenship before their partner has completed their 5 year probationary period, the partner can still apply for further leave to remain as a PBS or Appendix W dependant rather than as the partner of a settled person. If their application meets the requirements, leave to remain can be granted for up to 3 years.

If the PBS or Appendix W migrant has ILR on the basis of long residence, their partner cannot extend their leave or gain settlement as a PBS or Appendix W dependant and must switch into the partner of a settled person category and apply for limited leave. For more information [see Appendix FM guidance](#).

## Combining leave for ILR

Leave granted as a dependant in another category of the Immigration Rules can be combined with leave granted as a PBS or Appendix W dependant to count towards the probationary period for ILR.

The applicant must have been granted as the spouse, civil partner, unmarried or same-sex partner of the same main applicant (that is, the PBS or Appendix W migrant).

The most recent leave must be as the partner of that skilled worker.

Leave granted for any other reason cannot be combined.

## Action for caseworkers

Applications from PBS or Appendix W dependants where the PBS or Appendix W migrant was granted ILR in that category must be considered under [paragraphs 319AA to 319J in part 8 of the Immigration Rules](#).

Such applications are not subject to the additional requirements listed in Appendix FM and must be submitted on the form for PBS and Appendix W dependants.

## PBS and Appendix W dependant partner applications

You must search for the applicant's PBS migrant or Appendix W Worker partner on GCID, Atlas or warehouse to confirm whether they have already been granted ILR:

- if there is no record of an ILR application by the PBS or Appendix W migrant you must:
  - contact the applicant or their representative for further details of the application (for example, the payment reference number) - for guidance on requesting more information, see: Points-based system - Evidential flexibility
  - if there is no ILR application for the PBS or Appendix W migrant you must consider the PBS or Appendix W dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules - where the requirements are met, you must grant leave to remain in line with the PBS or Appendix W migrant
- if there is a record of an ILR application for the PBS or Appendix W Migrant which is yet to be decided, you must:
  - bring forward (BF) the application until a decision has been made
  - consider the PBS or Innovator dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules
- if the PBS or Appendix W Migrant has been granted ILR you must:
  - consider the PBS or Appendix W dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules - where the requirements are met, you must grant leave to remain for 3 years

## PBS or Appendix W dependant child applications where only one of the parents has ILR

[Paragraphs 319F to 319J of the Immigration Rules](#) state that a child cannot be granted ILR as the family member of a PBS or Appendix W Migrant until both parents have been or are being granted ILR. However, the Immigration Rules also provide a route of entry for the child of a PBS or Appendix W Migrant who has ILR and a PBS or Appendix W dependant partner who is still serving their probationary period for ILR.

## Considering the application

If the application meets the requirements of the Immigration Rules, you must grant leave in line with the parent who has limited leave as the dependant partner of a person who has either:

- limited leave to enter or remain as a PBS or Appendix W Migrant
- indefinite leave to remain (ILR) as a PBS or Appendix W Migrant
- become a British citizen

The Immigration Rules do not make any provision for limited leave to remain to be granted to child dependants where either both parents have or are being granted ILR; or the PBS/Appendix W migrant has sole responsibility and either has or is being granted ILR.

### Related content

[Entry or extension requirements: partners](#)

[Entry or extension requirements: children](#)

[Indefinite leave requirements](#)

[Switching](#)

3.1 - Children

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### Related external links

[Immigration Rules paragraphs 319AA to 319K](#)

[Long residence and points-based system dependants](#)



# Switching

This page tells you when a person can switch into the family members of points-based system (PBS) or Appendix W migrants categories.

In addition to meeting the general requirements to qualify as a family member (spouse, civil partner, unmarried partner, same sex partner or child) set out in paragraph 319C, the Immigration Rules restrict from which categories a family member can switch into being a PBS or Appendix W dependant from inside the UK.

Family members of PBS migrant or Appendix W Workers can switch into being dependants except if they:

- were last granted entry clearance or leave, unless the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary worker) migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii) of the Immigration Rules, as a:
  - visitor, including where they entered the UK from the Republic of Ireland to stay as a visitor under the British Irish Visa Scheme (BIVS)
  - a short-term student or short-term student (child)
  - a parent of a Tier 4 (child) student
- are on temporary admission, temporary release or immigration bail where they would previously have been granted temporary admission or temporary release

Where an applicant entered under the BIVS they will hold a visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS' for the purpose of travelling and staying in the Republic for a period of 90 days or fewer.

## Tier 4 migrant

For the family member to switch, as well as meeting the requirements above, the Tier 4 (General) student must meet the requirements under '[Additional requirements for dependants of Tier 4 \(General\) migrants](#)'.

### Related content

[Entry or extension requirements: partners](#)

[Entry or extension requirements: children](#)

[Indefinite leave requirements](#)

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### External links

[Immigration Rules paragraphs 319AA to 319K](#)

# Maintenance requirements

This section tells you about the maintenance requirements for family members of points-based system (PBS) or Appendix W migrants and what evidence they must provide.

## Tier 1, 2 and 5 family members

### Tier 1 family members

Family members of Tier 1 migrants (other than Tier 1 (Investor) or Tier 1 (Exceptional Talent)) must have evidence of available funds of:

- £1,260 - if the applicant is the dependant of a Tier 1 (Graduate Entrepreneur) migrant who has been in the UK for less than 12 months
- £1,890 - if the applicant is the dependant of a Tier 1 migrant in another category who is either outside the UK or has been present in the UK for less than 12 months
- £630 - if the applicant is the dependant of any Tier 1 migrant who has been in the UK for 12 months or more

Dependants of Tier 1 (Entrepreneur) migrants cannot use the same funds the Tier 1 (Entrepreneur) used to score points for attributes to meet the maintenance requirement.

Dependants of Tier 1 (Investor) and Tier 1 (Exceptional Talent) migrants do not need to meet the maintenance requirement.

### Tier 2 family members

Family members of Tier 2 migrants must each have £630 to support themselves.

To meet this requirement the family member must either:

- have savings of £630 which have been held for at least 3 months before the date of application
- have a written undertaking from the Tier 2 A-rated sponsor stating that, should it become necessary, it will maintain and accommodate the family member for a month

The sponsor can limit the undertaking provided the limit is at least £630 for each family member.

Family members of people with indefinite leave to remain (ILR) or British citizenship cannot have maintenance certified for them and must always show cash funds.

## Tier 5 family members

Each family member of the Tier 5 (Temporary worker) migrant must show they have £630 to support themselves.

To meet this requirement the family member must either:

- have savings of £630 which have been held for at least 3 months before the date of application
- have a written undertaking from the Tier 5 A-rated sponsor stating that, should it become necessary, it will maintain and accommodate the family member for a month

The sponsor can limit the undertaking provided the limit is at least £630 for each family member.

Family members of people with indefinite leave to remain (ILR) or British citizenship cannot have maintenance certified for them and must always show cash funds.

## Family member of a Tier 5 (Youth Mobility Scheme) migrant

The dependant route is not available for family members of Tier 5 (Youth Mobility Scheme) migrants.

## Tier 4 (General) family members

A family member of a Tier 4 (General) migrant must show that they have enough money to cover their monthly living costs whilst the main applicant is studying in the UK.

Their maintenance requirements will depend on the following circumstances:

- the length of the Tier 4 (General) migrant's leave
- where in the UK the Tier 4 (General) migrant will be studying
- whether the Tier 4 (General) migrant is on or applying for the doctorate extension scheme

Dependants of Tier 4 migrants will need to evidence maintenance for the period they would be granted leave, if their application were to be successful, up to a maximum of 9 months. The start date of this period will be calculated from:

- the date the applicant is intending to travel to the UK or one month before the Tier 4 (General) Student's course start date, whichever is later, if they are applying for entry clearance

- the date after their current leave expires, if they are already in the UK as the dependant of a Tier 4 (General) Student and are applying for further leave to remain
- the date of their application, if the applicant has leave under another PBS category and is now applying for leave as the dependant of a Tier 4 (General) Student

If the applicant is applying as the dependant of a Tier 4 (General) Student who is on the doctorate extension scheme, they will need to demonstrate maintenance for a period of 2 months.

For information on the maintenance requirements for Tier 4 (General) students, see: Tier 4 guidance.

## Main study site in London

If the Tier 4 (General) migrant is studying in London, dependant family members will need to show they have more funds available than those living outside of London.

<b>Study site</b>	<b>Applying for the doctorate extension scheme</b>	<b>Not applying for the doctorate extension scheme</b>
London	2 months of funds, for example £1,690	£845 for each month of the migrant's leave, up to a maximum of 9 months
Outside of London	2 months of funds, for example £1,360	£680 for each month of the migrant's leave, up to a maximum of 9 months

A Tier 4 student is considered to be studying in London if half or more of the time they spend studying is at a site or sites situated within the area comprising the City of London and the former Metropolitan Police District.

'Former Metropolitan Police District' means:

- London, excluding the City of London, the Inner Temple and the Middle Temple
- in the county of Essex, in the district of Epping Forest - the area of the former urban district of Chigwell, the parish of Waltham Abbey
- in the county of Hertfordshire - in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw
- in the county of Surrey - in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead

## Tier 4 (Child) family members

The dependant route is not available for family members of Tier 4 (Child) student migrants.

## Appendix W Worker family members

Family members of Start-up and Innovator Workers must have evidence of available funds of £630.

Dependants of Start-up or Innovator Workers cannot use the same funds that the skilled worker has used to meet the maintenance requirement.

Dependants of Global Talent migrants do not need to meet the maintenance requirement.

## Exceptions to the maintenance requirement

Tier 1 (Graduate Entrepreneur's) who have an endorsement letter from the Department for International Trade confirming the applicant has sufficient funds for themselves and their dependants do not need to demonstrate maintenance separately.

Tier 2 applicants who apply because they have changed Tier 2 employer do not need to meet the maintenance requirements, neither do any family members, regardless of whether they are applying at the same time or separately from the main applicant.

If a dependant applies at the same time as the main Tier 2 migrant, they are only required to provide evidence that they meet the maintenance requirement when the Tier 2 migrant is also required to meet the maintenance requirement.

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

Appendix W Start-up or Innovator Workers whose endorsement letter confirms that the applicant has sufficient funds for themselves and their dependants do not need to demonstrate maintenance separately.

## Evidence of funds

This section explains what evidence of funds a family member of a main applicant must provide to show they meet the maintenance requirement.

Evidence must be in the form of cash funds. Accounts or financial instruments, for example, shares, bonds and pension funds are not acceptable even where a period of notice is provided.

Where the funds are in a currency other than pounds sterling, you must calculate the value based on the exchange rate for the relevant currency on the date of the application published on the [OANDA](#) website.

## Bank (or Building Society) statements

Only the most recent statement must be dated within 31 days of the date of application.

Bank statements printed on the bank's stationery can be provided as evidence but mini-statements from cash points are not acceptable.

The statements must clearly show:

- the name of the account holder
- the account number
- the date of each statement
- the financial institution's name
- the financial institution's logo
- any transactions during the specified period
- that the funds in the account have been at the required level throughout the specified period

## Electronic bank statements

Electronic bank statements from an online account must contain all the details as listed under [bank statements](#).

## Joint accounts

If the applicant relies on a joint account as evidence of available funds:

- (for partners) they, or the main applicant, must be named on the account along with one or more other named individual
- (for children) either parent must be named on the account

## Documents required: Tier 1, 2 or 5 or Appendix W dependant

Acceptable forms of evidence as specified in Appendix E of the Immigration Rules are:

- personal bank or building society statements covering the 90 day period immediately before the application
- building society passbooks
- a letter from a bank or building society confirming funds and that they have been in the bank for at least 90 days

- a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds

The evidence provided must clearly show that there are sufficient funds present in the account at any time during the 90 day period - the balance must not fall below:

- £630 for each dependant
- £1,890 for each dependant (this only applies to family members of Tier 1 (General) applicants when the PBS migrant is not in the UK at the time of the application or has been in the UK for a period of less than 12 months)
- £1260 for each dependant, where the application is connected to a Tier 1 (Graduate Entrepreneur) migrant

## Tier 1 (Graduate Entrepreneur) migrants

The maintenance requirement for family members of a Tier 1 (Graduate Entrepreneur) migrant can be considered met if the application is supported by an endorsement letter from Department for International Trade confirming it has awarded funding which is sufficient to cover the required maintenance funds for the main applicant and any dependants.

## Tiers 2 and 5: when the A-rated sponsor certifies maintenance

An A-rated sponsor can certify the maintenance of the family members on either:

- the Tier 2 or 5 migrant's certificate of sponsorship (CoS)
- a letter - the letter can have been posted or faxed to the family member but must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and show:
  - the family member's name
  - the sponsor's name and logo
  - confirmation that the sponsor has certified the maintenance
  - details of limits to the undertaking (if appropriate)

If the sponsor certifies maintenance on the CoS, the family member does not need to provide any other evidence for maintenance. Family members of people with Indefinite Leave to Remain (ILR) or British citizenship cannot have maintenance certified for them and must always show cash funds.

## Appendix W migrants

Appendix W Start-up or Innovator Workers whose endorsement letter confirms the applicant has sufficient funds for themselves and their dependants do not need to demonstrate maintenance separately.

## Documents required: Tier 4 dependant

### Differentiation arrangements

Family members from designated low-risk countries who qualify under the differentiation arrangements are not required to include evidence of meeting the maintenance requirements with their application.

### Acceptable evidence

Acceptable forms of evidence as specified in Appendix E of the Immigration Rules are:

- personal bank or building society statements
- a building society passbook
- a letter from the bank confirming funds
- a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds

All forms of evidence must cover a 28 day period ending no earlier than 31 days before the date of the application and no later than the date of application. Letters that simply state the balance in the account on a particular day or an average balance are not sufficient.

You must not award points for maintenance when the evidence has come from a financial institution that does not satisfactorily verify financial statements. For a list of such financial institutions, see: [List of financial institutions which do not satisfactorily verify financial statements](#).

If the family member provides evidence of funds at a later date, you must not consider a closing balance later than the date of application.

If a family member applies separately from the Tier 4 (General) student and is applying from overseas, they must show that they have held the money for 28 days.

### Evidence of official financial sponsorship under Tier 4 (General)

If the Tier 4 (General) student has an official financial sponsor who is providing money to cover their course fees and living costs, the sponsor may also be covering the costs of the family members. Examples of official financial sponsors include:

- Her Majesty's Government
- the Tier 4 (General) migrant's home government
- the British Council
- any international:



- organisation
- company
- university

You must be content that the official financial sponsor has the funds to financially support the main Tier 4 (General) Student and their dependants whilst they are studying in the UK and that they have the capacity to move, or experience of moving, funds across international borders.

## Sponsor letter

Where the sponsor is covering the costs of family members, they must provide a letter from the official financial sponsor. The letter must:

- be on the official letter-headed paper or stationery of the sponsor
- have the official stamp of that organisation on it

It must show the:

- name of the Tier 4 (General) student and their family members
- name and contact details of the official financial sponsor
- date of the letter
- length of the sponsorship
- amount of money they are providing or a statement that they will cover the family member's full maintenance

If the official financial sponsorship only covers part of the family member's living costs, the family member must provide evidence to show they meet the remaining maintenance requirement.

The applicant must provide documents which are:

- printed on the official letter-headed paper or stationery of the issuing organisation
- bearing the official stamp of the organisation
- issued by an authorised official of the organisation
- dated no more than 31 days before the application is submitted and no later than the date of application

### Related content

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[Immigration Rules: Appendix E](#)

[OANDA](#)

# Age and dependence requirement for children of PBS migrants or Appendix W Workers

This page explains the age requirement and what evidence must be submitted if a family member aged 16 years or over is applying for leave as the child of a points-based system (PBS) or Appendix W migrant.

## Age requirement and independent life

To apply for entry or an extension as the child of a PBS migrant or Appendix W Worker, the child must be under the age of 18 on the date of application unless they have, or were last granted leave to remain as the:

- family member of a PBS migrant or Appendix W Worker
- child of a parent who had leave under another category of the rules and who has since been granted (or is at the same time being granted) leave to remain as a PBS migrant or Appendix W Worker

Applicants who otherwise meet this requirement are not considered to be a 'child' family member where they:

- are married or in a civil partnership
- have formed an independent family unit
- are living an independent life

## Independent family unit

Examples of an applicant having an independent family unit may include (but are not restricted to) when the applicant:

- is living with their partner
- has children of their own

## Independent life

Examples of an applicant having an independent life may include (but are not restricted to) when the applicant:

- is living away from the family home (except where due to academic endeavours, for example, attending a school or university)
- is in full time employment
- appears to be financially independent (their income exceeds their expenditure)

For more information on what is considered to be an independent life, see [3.2A – Children – guidance \(general\)](#).

## Documents required

An applicant over the age of 16 must submit 2 items from the list below confirming their residential address:

- bank statements
- credit card bills
- driving licence
- NHS registration document
- a letter from the applicant's current school, college or university confirming the applicant's address, the letter must:
  - be on official headed paper
  - bear the official stamp of the organisation
  - have been issued by an authorised official of that organisation

The documents submitted must be from 2 separate sources and dated no more than a month before the date of application.

If the applicant pays rent or board towards their keep, they must also provide details of how much this amounts to each calendar month.

## Applicants living away from the family home

Applicant's living separately from family members they claim to be dependant upon must provide the following information or documents:

- the reasons for living away from the family home - where this is related to study the applicant must provide a letter from their university or college confirming their enrolment and attendance of the specific course - this must be:
  - on official headed paper
  - bear the official stamp of that organisation
  - have been issued by an authorised official of that organisation
- evidence that they have been supported financially by their parents whilst living away from the family home - the following documents must be included with the application:
  - bank statements for the dependant child covering the 3 months before the application clearly showing the origin of the deposits
  - bank statements for their parents covering the 3 months before the application showing matching payments out of their account

### Related content

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### Related external links

[Immigration Rules paragraphs 319AA to 319K](#)

# Granting or refusing applications

This section tells you how to grant and refuse applications for leave as the family member of a points-based system (PBS) migrant or Appendix W Worker.

## Granting or refusing: partners

This section tells you how to grant or refuse applications for leave as the partner of a points-based system (PBS) or Appendix W migrant.

For more information, see:

- [Grant or refuse entry clearance: partners](#)
- [Grant or refuse entry at a UK port: partners](#)
- [Grant or refuse extension: partners](#)
- [Grant or refuse indefinite leave: partners](#)
- [Refusal paragraphs: partners](#)

## Grant entry clearance: partners

You must grant entry clearance if:

- the applicant meets all the requirements of [paragraph 319C of the Immigration Rules](#)
- none of the general reasons for refusal in [paragraphs 320 to 324](#) apply

## Duration of entry clearance

Depending on the country where the application is made, from 18 March 2015 you will not have to give successful entry clearance applicants a vignette in their passport for the full duration of their leave. This is because they will now be given a biometric residence permit (BRP).

If successful, you must give them a 30 day entry visa to allow them to collect their BRP from a nominated Post Office, after they have arrived in the UK. There will be a phased introduction of this. [Entry or extension requirements: partners](#).

The table below tells you what endorsement you must use:

Category of PBS migrant / Appendix W Worker	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) PARTNER
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) PARTNER

Category of PBS migrant / Appendix W Worker	Endorsement
Tier 1 (Graduate Entrepreneur)	D TIER 1 (ENTREPRENEUR-G) PARTNER
Tier 1 (Investor)	D TIER 1 (INVESTOR) PARTNER
Tier 1 (Exceptional Talent)	D TIER 1 (EXCEPTIONAL TALENT) PARTNER
Tier 2	D TIER 2 PARTNER
Tier 4 (General)	D TIER 4 (GENERAL) DEP. PARTNER
Tier 5	D TIER 5 TW (PARTNER)
Start-up	D START-UP PARTNER
Innovator	D INNOVATOR PARTNER
Global Talent	D GLOBAL TALENT PARTNER DEPENDANT

You must add the initial and surname of the PBS migrant or Appendix W Worker in the endorsement.

## Condition code

You must normally grant entry clearance on code 1 conditions. You must, however, grant code 3 conditions when the:

- applicant is the partner of a Tier 4 (General) migrant who has been granted less than 9 months leave
- Tier 4 (General) migrant is studying below degree level

## Employment as a doctor or dentist in training

Partners of PBS migrant or Appendix W Workers who are granted leave on code 1 are not allowed to work as a doctor or dentist in training unless they:

- have a degree in medicine or dentistry at bachelors level or above 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 were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

If you are granting entry clearance on code 1 conditions, you must endorse the person's entry clearance as follows:

- '1+doc', if they are not allowed to work as a doctor in training
- '1+unrestr', if they are allowed to work as a doctor in training

If you grant entry clearance, it must be valid from the date the applicant intends to travel to the UK.

## Employment as a sportsperson or coach

Partners of PBS migrant or Appendix W Workers who are granted leave on code 1 are not allowed to work as a sportsperson or coach.

If you are granting entry clearance on code 1 conditions, you must also endorse the person's entry clearance as follows:

- '+Spt', as they are not allowed to work as sportsperson or coach

## Restriction on study

All grants of leave as a PBS partner or Appendix W Worker partner are subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

## Refuse entry clearance

When the applicant has not provided the required evidence to confirm they meet all the requirements of paragraph 319C, or if any of the general grounds for refusal in paragraphs 320 to 324 apply, you must refuse the application.

## Granting leave to enter

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

- the applicant has valid entry clearance as the partner of a PBS migrant or Appendix W Worker (unless they are the [partner of a Tier 5 \(Temporary worker\) migrant](#))
- there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply

For more information on entry requirements, see:

- [Entry or extension requirements: partners](#)
- General grounds for refusal

## Partners of Tier 5 (Temporary worker) migrants

Applicants seeking entry as the partner of a Tier 5 (Temporary worker) migrant do not need entry clearance. You must grant leave to enter on code 1 conditions provided:

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

For a list of which nationals need visas to enter the UK, see: Immigration Rules: [Appendix V Appendix 2](#).

## Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the Immigration Rules, or if any of the general grounds for refusal apply, you must refuse leave to enter.

## Grant an extension

You must grant leave to remain providing:

- the applicant meets all the requirements of paragraph 319C of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 to 324 apply

You must grant leave, either:

- in line with the PBS or Appendix W migrant
- for a period of 3 years if the PBS migrant or Appendix W Worker has indefinite leave to remain (ILR) or
- has become a British citizen

## Condition codes

If you are granting leave to the partner of a Tier 1, Tier 2, Tier 5 or Appendix W migrant, you must grant leave on:

- code 4C
- code 1B for partners who have shown:
  - they have a UK degree in medicine or dentistry
  - they have worked as a doctor or dentist in training during their previous leave

The condition code to grant dependants of Tier 4 migrants depends on:

- the duration of the Tier 4 migrant's course
- the academic level of that course
- if the dependant has worked as a doctor or dentist in training during their last grant of leave



## Employment as a doctor or dentist in training

A person with leave as the partner of a PBS migrant or Appendix W Worker cannot take employment as a doctor or dentist in training unless they:

- have a degree in medicine or dentistry at bachelors level or above 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 were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

For more information on recognised and listed bodies and institutions that have Tier 4 sponsor licences see related links:

- [recognised UK degrees](#)
- [Tier 4 register of sponsors](#)

## Evidence for employment as a doctor or dentist in training

If an applicant wishes to take employment as a doctor or dentist in training, they must either:

- prove that they are on a foundation programme by providing a letter from their postgraduate dean which confirms the:
  - applicant has a place on a foundation programme
  - foundation programme is recognised by the medical community
  - place on the foundation programme is full time
- prove they have been working as a doctor or dentist in training by providing a letter from the National Health Service (NHS) trust employing them which confirms the applicant has been working in a post or programme that has been approved by the General Medical Council as a training programme or post
- provide evidence of a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body or which holds a sponsor licence under Tier 4

If an applicant does not include all of the requested information and you decide to grant leave, you must do so on code 4C conditions.

## Restriction on study

All grants of leave as a PBS partner or Appendix W Worker partner are subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

## Refuse an extension

If the applicant does not meet the requirements of the Immigration Rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice to each family member.

## Grant settlement

You must grant indefinite leave to remain (ILR):

- if the applicant meets all the requirements of paragraph 319E of the Immigration Rules
- provided none of the general grounds for refusal in paragraphs 320 to 324 apply

## Refuse settlement

You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.

## Refusal paragraphs: partners

The table below tells you what paragraph you must refer to in the refusal notice. Each dependant requires their own notice of refusal.

<b>Relevant paragraph of the Immigration Rules</b>	<b>Reason for refusal</b>
319A with reference to 277 (spouses or civil partner) or 295AA (unmarried or same-sex partners)	The applicant or the PBS migrant or Appendix W Worker is under 18 years of age.
Paragraph 319C(b)	The PBS or Appendix W applicant has been refused leave or does not have leave as a PBS migrant or Appendix W worker.
Paragraph 319C(c)(i)	The unmarried or same sex partner or the PBS migrant or Appendix W Worker has a previous marriage, civil partnership or similar relationship that has not broken down.
Paragraph 319C(c)(ii)	The unmarried or same sex partner and the PBS migrant or Appendix W Worker are so closely related that they would not be able to marry in the UK.
Paragraph 319C(c)(iii)	The unmarried or same sex partner and the PBS migrant or Appendix W Worker have not been living together in a relationship similar to marriage or a civil partnership for at least 2 years.

Relevant paragraph of the Immigration Rules	Reason for refusal
Paragraph 319C(d)	The relationship between the applicant and the PBS migrant or Appendix W Worker is not genuine or subsisting.
Paragraph 319C(e)	The applicant and the PBS migrant or Appendix W Worker do not intend to live together as partners in the UK.
Paragraph 319C(g)	Maintenance – missing documents.
Paragraph 319C(g)	Maintenance – insufficient funds.
Paragraph 319C(h)	No switching.
Paragraph 319C(i)	The applicant is applying for leave as the partner of a Tier 4 migrant and the Tier 4 migrant is not applying for or has not been granted entry clearance or leave for a course of study that lasts longer than 6 months.

## Granting or refusing: children

For more information, see related links:

- [Grant or refuse entry clearance: children](#)
- [Grant or refuse entry at a UK port: children](#)
- [Grant or refuse extension: children](#)
- [Grant or refuse indefinite leave: children](#)
- [Refusal paragraphs and rights of appeal: children](#)

## Grant entry clearance

You must grant entry clearance if both of the following apply:

- the applicant meets all the requirements of paragraph 319H of the Immigration Rules
- none of the general reasons for refusal in paragraphs 320 to 324 apply

## Duration of entry clearance

Depending on the country where the application is made, from 18 March 2015 you will not have to give successful entry clearance applicants a vignette in their passport for the full duration of their leave. This is because they will now be given a biometric residence permit (BRP).

If successful you must give them a 30 day entry visa to allow them to collect their BRP from a nominated Post Office, after they have arrived in the UK. There will be a phased introduction of this.

For more information, see related links:

- [Entry or extension requirements: children](#)
- General grounds for refusal

The table below tells you what endorsement you must use.

Category of PBS migrant / Appendix W Worker	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) CHILD
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) CHILD
Tier 1 (Graduate Entrepreneur)	D TIER 1 (ENTREPRENEUR-G) CHILD
Tier 1 (Investor)	D TIER 1 (INVESTOR) CHILD
Tier 1 (Exceptional Talent)	D TIER 1 (EXCEPTIONAL TALENT) CHILD
Tier 2	D TIER 2 CHILD
Tier 4 (General)	D TIER 4 (GENERAL) DEP. CHILD
Tier 5	D TIER 5 TW CHILD
Start-up	D START-UP CHILD
Innovator	D INNOVATOR CHILD
Global Talent	D GLOBAL TALENT CHILD DEPENDANT

You must add the initial and surname of the main applicant in the endorsement.

You must normally grant entry clearance on code 1B conditions. But you must grant code 3 conditions when the:

- applicant is the child of a Tier 4 (General) migrant who has been granted less than 9 months leave
- Tier 4 (General) migrant is studying below degree level

Entry clearance must be valid from the date the applicant intends to travel to the UK.

## Restriction on study

If the child of a PBS migrant or Appendix W Worker is either 18 or will turn 18 during the period of leave that is being granted, the leave granted will be subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

## Refuse entry clearance

When the applicant has not provided the required evidence to demonstrate that they meet all the requirements of paragraph 319H, or if any of the general reasons for refusal in paragraphs 320 to 324 apply you must refuse the application.

## Granting leave to enter

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

- the applicant has valid entry clearance as the child of a PBS migrant or Appendix W Worker (unless they are the [child of a Tier 5 \(Temporary worker\) migrant](#))
- there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply

For more information, see related links:

- [Entry or extension requirements: children](#)
- General grounds for refusal

## Children of Tier 5 (Temporary worker) migrants

Applicants seeking entry as the child of a Tier 5 (Temporary worker) migrant do not need entry clearance provided they:

- are not a visa national
- are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time
- meet all of the requirements of paragraph 319H of the Immigration Rules

For a list of which nationals need visas to enter the UK, see: Immigration Rules: [Appendix V Appendix 2](#).

## Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the Immigration Rules, or if any of the general grounds for refusal apply, you must refuse leave to enter.

## Grant an extension

You must grant leave to remain for the same period as the PBS migrant or Appendix W Worker:

- if the person meets all the requirements of paragraph 319H of the Immigration Rules
- provided none of the general grounds for refusal in paragraphs 320 to 324 apply

Where both parents are already settled, being granted settlement at the same time or have since become British citizens you must grant for a period of 3 years.

You must normally grant entry clearance on code 1B conditions. But you must grant code 3 conditions when:

- the applicant is the child of a Tier 4 (General) migrant who has been granted less than 9 months leave
- the Tier 4 (General) migrant is studying below degree level

## Restriction on study

If the child of a PBS migrant or Appendix W Worker is either 18 or will turn 18 during the period of leave granted, they will be subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

## Refuse an extension

If the applicant does not meet the requirements of the Immigration Rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice to each family member.

## Grant settlement

You must grant indefinite leave to remain (ILR):

- if the applicant meets all the requirements of paragraph 319J of the Immigration Rules
- provided none of the general grounds for refusal in paragraphs 320 to 324 apply

## Refuse settlement

You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.

## Refusal paragraphs: children

The table below tells you what paragraph you must refer to in the refusal notice.

Each dependant requires a separate notice of refusal.

<b>Relevant paragraph of the Immigration Rules</b>	<b>Reason for refusal</b>
Paragraph 319H(b)	The main applicant has been refused leave as a PBS migrant or Appendix W Worker.
Paragraph 319H(c)	The child is over 18 years of age and their last leave was not as the child of a PBS migrant or Appendix W Worker.
Paragraph 319H(d)	The applicant is married, in a civil partnership, has formed an independent life or family unit.
Paragraph 319H(e)	The applicant intends to stay in the UK beyond the period of leave granted to the PBS migrant or Appendix W Worker.
Paragraph 319H(f)	Both of the applicant's parents are not in the UK and the PBS migrant or Appendix W Worker is not their sole surviving parent, does not have sole responsibility for their upbringing and there are no serious or compelling family considerations.
Paragraph 319H(g)	Maintenance – missing documents.
Paragraph 319H(g)	Maintenance – insufficient funds.
Paragraph 319H(h)	No switching.
Paragraph 319H(i)	The applicant is applying for leave as the child of a Tier 4 migrant and the Tier 4 migrant is not applying for or has not been granted entry clearance or leave for a course of study longer than 6 months.

#### **Related content**

[Contents](#)

#### **Related external links**

[Immigration Rules paragraphs 319AA to 319K](#)

# Conditions of leave

This page tells you the conditions of leave for people granted entry or an extension as the partner or child of a main applicant.

Partners or children of a PBS migrant or Appendix W Worker:

- are not allowed to access public funds
- must register with the police (if they are required to do so by [paragraph 326 of the Immigration Rules](#))
- can take employment in the UK, apart from the restrictions explained below
- [study](#), subject to a restriction

For more information, see:

- Public funds
- Police registration
- [Paragraph 326 of the Immigration Rules](#)

## Employment for family members of Tier 4 (General) migrants

Family members of Tier 4 migrants can only take employment in the UK from the age of 16 years and where the Tier 4 migrant is applying for, or has been granted leave in one of the following circumstances:

- as a government sponsored student to undertake a course of study longer than 6 months
- to undertake a post-graduate level course that is 9 months or longer in duration and where the sponsor is a UK recognised body or a body in receipt of funding as a higher education institution from either:
  - the Department for the Economy in Northern Ireland
  - the Higher Education Funding Council for England
  - the Higher Education Funding Council for Wales
  - the Scottish Funding Council
- under the doctorate extension scheme
- to undertake a course of study of more than 6 months duration and where the Tier 4 migrant has or has last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of application and the following applies:
  - the partner has or has last had leave the same as the student
  - the relevant PBS migrant and partner are applying at the same time
  - the Tier 4 migrant is applying or has been granted leave of 9 months or more, except where they are applying for or have been granted leave to



remain to continue studying the same course for which they have previously been granted leave of 9 months or more as a Tier 4 (General) Student

Family members of Tier 4 migrants are not able to take employment in the UK if the Tier 4 migrant is following a course of study below degree level, except where they are a government sponsored student and the course of study is longer than 6 months.

## Employment as a doctor or dentist in training

A person with leave as the partner of a PBS migrant or Appendix W Worker cannot take employment as a doctor or dentist in training unless they:

- have obtained a degree in medicine or dentistry at bachelors level or above 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 were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

## Professional sportsperson

A person with leave as the partner of a PBS migrant or Appendix W Worker cannot take employment as a professional sportsperson (including as a sports coach).

## Study in a discipline covered by Appendix 6 of the Immigration Rules

Where an applicant is either 18 or over at the time of application or will turn 18 during the period of leave granted, they will be subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

For more information, see: [Grant or refuse extension: partners](#).

### Related content

[Contents](#)

### Related external links

[Register of Tier 4 sponsors](#)

[Immigration Rules paragraphs 319AA to 319K](#)