



UK Visas
& Immigration

SW
(DEPENDANT)
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Skilled Workers (Dependants) - Policy Guidance

This guidance is to be used for all PBS and Appendix W worker (Dependant) applications made on or after 05 October 2020

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Introduction

1. This document provides policy guidance for family members of a Points-Based System (PBS) migrant or an Appendix W Worker and should be read together with paragraphs 319A to 319K of the Immigration Rules.
2. This document reflects policy at the date of publication and is subject to change. You should check the guidance at the time you are applying to confirm the current requirements to obtain limited or indefinite leave.
3. For the purpose of this guidance, the terms 'we', 'us' and 'our' refer to the Home Office. 'You' and 'your', refers to the person who is the subject of the application.
4. For the purpose of this guidance, the term 'Main Applicant' refers to a Tier 1, 2 or 5 PBS migrant or a Start-Up, Investor or Global Talent Appendix W Worker. This includes 'Health and Care Visa' applicants as part of Tier 2 (General).
5. You can apply for limited leave to remain as a PBS dependant or Appendix W Worker dependant if you meet the criteria set out in this guidance and the Immigration Rules and you are:
 - the partner¹ or child of a person with, or applying for, leave under Tier 1, 2 or 5 of the Points-Based System or the Start-Up, Investor or Global Talent routes in Appendix W; or
 - the partner of a person with indefinite leave to remain or British Citizenship who last held leave in Tier 1, 2, or 5 of the Points Based System or Appendix W and you do not yet qualify for indefinite leave to remain; or
 - the child of a person with indefinite leave to remain or British Citizenship who was granted their indefinite leave to remain as a Tier 1, 2, or 5 migrant under the Points-Based System or an Appendix W worker and:
 - your other parent does not yet qualify for indefinite leave to remain; and
 - you last held leave as PBS dependant or an Appendix W Worker dependant granted on or after 9 July 2012.
6. For any dependant child applying;
 - both of the applicant's parents must either be lawfully present (other than as a visitor) in the UK, or being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant; or
 - one parent must be lawfully present (other than as a visitor) in the UK and the other is being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant, unless:
 - The Main Applicant is the applicant's sole surviving parent; or
 - The Main Applicant is the parent that has and has had sole responsibility for the applicant's upbringing; or
 - there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care.

Any application made by a child where only one parent will be in the UK will not be granted unless the above circumstances are clearly and fully demonstrated. These Rules are in place to ensure the safeguarding and welfare of the child is actively considered, preventing, for example, the unintended break-up of a family unit or child trafficking.

Applying as a Tier 4 or Student Dependant

7. If you want to apply as the dependant of someone who holds Tier 4 leave, or who holds or is applying for leave as a Student, you should apply under the Student route. Guidance can be found at 'www.gov.uk/government/publications/points-based-system-student-route'

¹ The Immigration Rules for these routes define a "Partner" as a spouse, civil partner, unmarried or same sex partner.

Health and Care Visa

8. The Government committed to introducing a 'Health and Care Visa' for qualified doctors, nurses and allied health professionals who have been trained to a recognised standard and who have good working English. The scope of the visa also includes eligible persons working in adult social care. The benefits for such workers are fast-track entry, reduced visa fees and dedicated support to come to the UK with their families. In addition, as announced by the Prime Minister on 21 May, people applying for the Health and Care Visa, and their dependant family, will be exempt from paying the Immigration Health Surcharge. This visa offer will form part of the current Tier 2 (General) regime for skilled workers. In future, under the UK's new Points-Based Immigration System this visa offer will form part of the Skilled Workers route, from January 2021. The Health and Care Visa launched on 4 August 2020. Any application as the dependant of a 'Health and Care Visa' applicant will be assessed in the same manner as a Tier 2 (General) application, with lower visa fees in line with the main applicant. Details of the Health and Care Visa are available in the [Tier 2 Policy Guidance](#).

Visa fee reduction

9. Individuals applying for the Health and Care Visa will apply using the normal Tier 2 (General) application form and, assuming their employer has confirmed they hold a suitable contract and the employee is therefore eligible, the applicant will check the box to confirm they are applying for the Health and Care Visa. Applicants will pay the reduced application fees. All visa application fees, including for the Health and Care Visa, can be found at: <https://www.gov.uk/government/publications/visa-regulations-revised-table>. Once they have completed all the relevant information, the application process should automatically route Health and Care Visa applicants to the payment page where the appropriate fee will be applied.
10. The visa fee reduction will also apply to dependants of Health and Care Visa main applicants. Dependants of Health and Care Visa applicants should therefore also tick this box.
11. You should not tick the Health and Care Visa box if the main applicant's employer has not confirmed on their Certificate of Sponsorship that they are eligible. Where an application is made, but the applicant does not appear to meet the conditions, that application may be rejected (as the correct fee will not have been paid). If you are unsure you should check with the main applicant's sponsor before completing the application.
12. If you are applying as a partner or dependant of a person who qualifies for the Health and Care Visa, but they arrived in the UK before the Health and Care Visa was available, then you will need confirmation from their sponsor that the person upon whom your application is reliant, is eligible for the visa. The sponsor will need to provide the information, which would normally be included in the Certificate of Sponsorship, to the applicant for inclusion in the partner or dependant application. This should be in the form of a letter or an email from the sponsor and should set out the organisation and, if not an NHS body, how the organisation qualifies.
13. In addition to the reduced visa fee, applicants applying for the Health and Care Visa, and their family, will be exempt from having to pay the Immigration Health Surcharge. Family is defined as those who are dependants of the main applicant who is eligible for the Health and Care Visa. It does not cover wider family or those living independently of the Health and Care Visa main applicant.
14. If you are inside the United Kingdom and wish to apply for leave to remain you must make your application online. The form you complete will depend on your circumstances:

Applying at the same time as the Main Applicant	Dependant partner applying separately	Dependant child applying separately
<p>A PBS or Appendix W worker is able to include any dependants applying at the same time on their online application.</p> <p>The form they complete is dependent on the route they are applying under.</p> <p>More details are available on GOV.UK</p>	<p>The application form is available at:</p> <p>https://visas-immigration.service.gov.uk/product/pbs-dependant-partner</p> <p>You can also include any dependant children applying at the same time as you on this form.</p>	<p>The application form is available at:</p> <p>https://visas-immigration.service.gov.uk/product/pbs-dependant-child</p>

15. If you are outside the United Kingdom and wish to apply for entry clearance, the majority of applicants must use the form available at: www.visa4uk.fco.gov.uk/home/welcome.

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

What happens when the main applicant has been granted indefinite leave to remain (ILR)?

16. If you are the dependant of a person (Main Applicant) who has indefinite leave to remain (ILR), or British citizenship, you should read this guidance as if they still hold their last grant of limited leave.

17. If the Main Applicant has been granted ILR or British citizenship, and you currently have leave as their dependant, your leave to remain is valid until the expiry date on your biometric residence permit.

18. If your limited leave to remain is due to expire, you should consider whether you qualify for ILR as their dependant. Further details of the requirements for ILR for dependants are shown below ('settlement eligibility for partners').

19. If you do not qualify for ILR, you can apply as the partner or child of a person who's already settled on the basis of their:

- Appendix W visa;
- Tier 1 visa;
- Tier 2 visa;
- Tier 5 (International Agreement) visa.

For example, if the person with ILR last held leave to remain in Tier 1, you should read the guidance as if you are applying as the dependant of a Tier 1 migrant.

20. If your partner or parent settled in another way, for example because they had been in the UK for 10 years (known as 'Long Residence'), you cannot apply as a Skilled Worker dependant. You will need to [apply to stay in the UK](#) with a person settled in the UK. Further information about making an application as the spouse or child of a settled person is available at www.gov.uk/uk-family-visa.

Settlement eligibility for partners

21. Your current leave must be as a dependant on your partner's Tier 1, 2 or 5 visa.

22. If you want to apply for settlement you must also have been living with your partner in the UK, with leave as their dependant, for at least:

- 2 years if you applied for your current visa before 9 July 2012
- 5 years if you applied for your current visa on or after 9 July 2012

23. When you apply for settlement, you and your partner must:

- be living together in your own accommodation
- not be using [public funds](#)

24. If you are 18 to 64 years old (inclusive) when you apply you must also:

- pass the [Life in the UK Test](#)
- meet the [English language requirements](#)

More details about the Life in the UK test are available at www.gov.uk/life-in-the-uk-test.

25. An application for settlement where the main applicant settled on the basis of leave under the

Points-Based System or Appendix W is made on the [SET\(O\)](#) form.

26. If you did not hold dependent leave before the main applicant settled in the UK, you must [apply as the partner of a settled person](#) under the Family Rules. Further guidance on Family visas can be found at www.gov.uk/browse/visas-immigration/family-visas.

Documents we require

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

28. If you have submitted an application in which:

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

we may contact you and/or your representative and/or the main applicant's sponsor and request the required documents or missing information.

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

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

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

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

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

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

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

32. Certificates must be provided for any country in which the adult partner has been present in for 12 months or more (whether continuously or in total) in the last 10 years prior to

their application, while aged 18 or over.

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

1181 - Health services and public health managers and directors

1184 - Social services managers and directors

2211 - Medical practitioners

2212 - Psychologists

2213 - Pharmacists

2214 - Ophthalmic opticians

2215 - Dental practitioners

2217 - Medical radiographers

2218 - Podiatrists

2219 - Health professionals not elsewhere classified.

2221 - Physiotherapists

2222 - Occupational therapists

2223 - Speech and language therapists

2229 - Therapy professionals not elsewhere classified

2231 - Nurses

2232 - Midwives

2312 - Further education teaching professionals

2314 - Secondary education teaching professionals

2315 - Primary and nursery education teaching professionals

2316 - Special needs education teaching professionals

2317 - Senior professionals of educational establishments

2318 - Education advisers and school inspectors

2319 - Teaching and other educational professionals not elsewhere classified

2442 - Social workers

2443 - Probation officers

2449 - Welfare professionals not elsewhere classified

34. If the Tier 2 (General) worker will be employed in one of these occupations, their sponsor will normally inform them of this requirement when they assign a Certificate of Sponsorship.

35. If you are subject to this requirement you must submit the following documents with your application:

- A criminal record certificate for each country (excluding the UK) where you have resided for 12 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over, issued by the relevant overseas authority
- A translated copy of any certificate that is not in English, in line with our requirements. More details are available at:

<https://www.gov.uk/certifying-a-document>

36. Guidance on how you can obtain certificates is available at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

37. Where a country is not included in the above guidance, you should contact the Embassy or High Commission in the relevant country for more information.

38. Certificates from your most recent country of residence will normally only be considered

valid if they have been issued no more than 6 months before your application date. Certificates from countries prior to your most recent country of residence must normally cover the entire period you were resident there (up to ten years prior to the application date) but will otherwise be considered valid indefinitely.

39. If you are unable to obtain a certificate covering the required period, you must explain in your application what attempts you have made to obtain a certificate and why this has not been possible.
40. If you do not explain why you are unable to provide a certificate, we may contact you or your representative in writing. You must provide any further evidence within 28 calendar days.

Verification and other checks

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

Verification checks

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

Reasonable doubt

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

Outcome of verification check

49. There are three possible outcomes of a verification check:
 - **Document confirmed as genuine.** If we conclude that the document is genuine, we will consider your application as normal.

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

Refusing applications without making verification checks

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

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

Other checks

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

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

Extra checks

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

Outcome of other checks

54. There are four possible outcomes of these checks:

- **Document confirmed as genuine.** If we conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse your application because you do not meet the funds requirement and because you have sent a false document.
- **Check is inconclusive.** If we cannot verify that the document is either genuine or false, then we will consider the application as if the document is genuine.

- **Check gives us cause to have reasonable doubt about the genuineness of a specified document.** If we cannot verify that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

Procedure for verification and other checks

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

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

Date of application

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

For applications made in the United Kingdom:

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

For applications made outside the United Kingdom:

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

Travelling outside of the Common Travel Area

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

Overview of the terms and conditions for applications by dependants of Main Applicants

Periods of grant

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

Applying as the Family Member of a Tier 1, 2 or 5 migrant or an Appendix W Worker in the UK

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

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

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

Applications made after expiry of last period of leave

63. Applications for leave to remain under the Points-Based System or Appendix W will fall for refusal if you have overstayed on the date of application unless the exceptions as defined in paragraph 39E of the Immigration Rules apply.

Additional evidential requirement for dependants of Main Applicants whose last grant of leave was not in this capacity.

64. If you are applying as a family member of a PBS migrant or Appendix W Worker and your last grant of leave was not as their dependant or you are a child born in the UK, you will need to demonstrate your relationship is genuine and subsisting.

65. Where you are married or in a civil partnership to a Main Applicant, you must provide your marriage or civil partnership certificate to support your application. You should also supply evidence of the circumstances of your relationship including, but not limited to, documents listed in paragraph 66 below. You may also be invited to an interview to explain the context and genuine nature of your marriage.

66. Where you are applying as the durable partner of a Main Applicant but are not married or in a civil partnership with them you will need to provide documents to show that you have been living in a relationship akin to marriage/civil partnership for a period of at least two years – documents should therefore cover the whole of this period. Documents will only be accepted where they are from official sources such as utility bills or NHS registration.

67. Some suggested documents for demonstrating your relationship to the Main Applicant, include:

Partners (including spouses and civil partners)

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

Children

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

Conditions of Stay

68. You will have the following conditions attached to any leave:

- no recourse to public funds,
- registration with the police, if this is required by paragraph 326 of the Immigration Rules,
- no employment as a professional sportsperson (including as a sports coach)
- no employment as a Doctor or Dentist in Training, unless you:
 - have obtained a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points-Based System; or
 - are applying for leave to remain and have, or have last been granted, entry clearance, leave to enter or leave to remain that was not subject to a condition restricting your employment, whether that is employment as a Doctor or Dentist in Training or otherwise, and have been employed during that leave as a Doctor or Dentist in Training.

69. Study will be subject to a condition set out in Part 15 of the Immigration Rules where the

applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires (see [Restriction on study](#)).

70. In order to be granted entry clearance as a spouse, civil partner, unmarried or same sex partner, you and the main applicant must be aged 18 or over on the date you are due to arrive in the United Kingdom.

Care arrangements for children

71. All arrangements for children's care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations. More information can be found on the gov.uk website:

- Social care common inspection framework (SCCIF): residential provision of further education colleges: <https://www.gov.uk/guidance/social-care-common-inspection-framework-sccif-residential-provision-of-further-education-colleges>
- Boarding schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>
- Residential special schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards>

Doctor or Dentist in training condition

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

Restriction on study

73. If you are 18 or over at the time of your application, or will turn 18 during your leave you need to apply for an Academic Technology Approval Scheme (ATAS) certificate if you wish to undertake study or research which is one of the following:

- i. a Doctorate or Master's degree by research in one of the disciplines listed in paragraph 1 of Appendix ATAS of the Immigration Rules, or
- ii. a taught Master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix ATAS of the Immigration Rules, or
- iii. a period of study or research in one of the disciplines listed in paragraphs 1 or 2 of Appendix ATAS of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification.

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

Maintenance requirement

75. Please refer to paragraphs 319C, 319H and Appendix E of the Immigration Rules.

76. One of the requirements for family members of Points-Based System Migrants or Appendix W Workers is that you must be able to support yourself for the entire duration of your stay in the UK without needing help from public funds (for example benefits provided by the state). If you cannot support yourself, you could face financial hardship because you will not have access to most state benefits.

Family members of Tier 1 (General) and Tier 1 (Entrepreneur) migrants

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

Family members of Tier 1 (Investor), Tier 1 (Exceptional Talent) or Global Talent migrants

82. Dependants of Tier 1 (Investors), Tier 1 (Exceptional Talent) or Global Talent migrants do not need to satisfy the maintenance requirement.

Family members of Tier 1 (Graduate Entrepreneur) migrants

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

Family member of a Tier 2 Migrant

86. You must have £630 to support yourself.
87. This requirement can be met by:
- having savings of £630 which must have been held for at least three months prior to the date of application; or
 - the Tier 2 A-rated sponsor providing a written undertaking that, should it become necessary, it will maintain and accommodate the family member for a month. The undertaking may be limited provided the limit is at least £630 per family member. A Tier 2 A-rated sponsor can do this by:
 - a) endorsing the certification on the Certificate of Sponsorship, or
 - b) providing the certification in a letter from the sponsor which includes:

- i. the applicant's name,
- ii. the sponsor's name and logo, and
- iii. details of any limit

88. For example, the Tier 2 migrant is making an application at the same time as their spouse and two children. They must show that they have £630 for their spouse and a further £630 for each child, in addition to £945 required for their own support. In total the family will require evidence that they hold £2835 in available funds ($£630 \times 3 = £1890 + £945$).
89. If you apply at the same time as the main applicant, you are only required to provide evidence that you meet the maintenance requirement when the Tier 2 migrant is also required to meet the maintenance requirement.
90. If you apply separately from the main applicant you will need to have the necessary funds to meet the maintenance requirement or have a written undertaking from an A-rated Sponsor, unless you are applying for leave in line with the main applicant's current leave and they were not required to show evidence of satisfying maintenance requirements. Where the main applicant has been granted ILR or has naturalised as a British citizen you will need to show evidence of funds to satisfy maintenance requirements and cannot rely on certified maintenance or similar alternative demonstrations.

Family member of a Tier 5 (Temporary Worker)

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

93. For example, the Tier 5 (Temporary Worker) migrant is making an application at the same time as his spouse and two children must show that he has £630 for his spouse and £630 for each child, in addition to £945 required for his own support. In total the family will require evidence that they hold £2835 in available funds ($£630 \times 3 = £1890 + £945$).
94. If you are the family member of a Tier 5 (Temporary Worker) who is extending their leave, you are required to provide evidence of meeting the maintenance requirement.

Family member of an Innovator or Start-up Worker in Appendix W

95. You must have £630 to support yourself.
96. This requirement can be met by:
- having savings of £630 which must have been held for at least three months prior to the date of application; or
 - a Start-up or Innovator whose endorsement letter confirms the applicant has enough funds for themselves and their dependants do not need to demonstrate maintenance separately

97. For example, the Innovator or Start-up worker is making an application at the same time as their spouse and two children. They must show that they have £630 for their spouse and a further £630 for each child, in addition to £945 required for their own support. In total the family will require evidence that they hold £2835 in available funds ($£630 \times 3 = £1890 + £945$).
98. If you apply at the same time as the Innovator or Start-up worker, you are only required to provide evidence that you meet the maintenance requirement when the Innovator or Start-up worker is also required to meet the maintenance requirement.
99. If you apply separately from the Innovator or Start-up worker, you will need to have the necessary funds to meet the maintenance requirement or have a written confirmation in the endorsement letter, unless the main applicant already had leave as an Innovator or Start-up migrant and when applying for their most recent period of Innovator or Start-up leave was not required to show evidence of satisfying maintenance requirements.

Documents we require

100. This evidence must be on the official letter-headed paper or stationery of the organisation and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
101. Evidence must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, pension funds etc, regardless of notice period are not acceptable.
102. If you wish to rely on a joint account as evidence of available funds, you, the main applicant, or (for children) your other parent must be named on the account along with one or more other named individual(s).
103. All evidence must be dated no more than 31 days before the application is submitted.
104. Where the funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of the application, taken from the rates published on www.oanda.com.
105. You will not meet the requirements of the Immigration Rules for maintenance where your ability to meet the maintenance requirement is based on evidence of funds that are held in a financial institution with which the Home Office is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements appears at Appendix P of the Immigration Rules and can also be found on our website at:
<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-p-lists-of-financial-institutions>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Evidence of certifying maintenance for family members of Tier 2 Migrants

107. If you are making your application in connection with a Tier 2 Migrant, then A-rated sponsors are able to certify your maintenance on the Tier 2 Migrant's Certificate of Sponsorship or by providing a letter, you do not need to send us any documents for maintenance. Your maintenance cannot be certified if your main applicant has indefinite leave to remain.

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

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

Evidence in endorsement letters for family members of Innovator or Start-up Appendix W Workers

109. If you are making your application in connection with an Innovator or Start-up Appendix W Worker, then the endorsement letter can confirm your family has sufficient maintenance in the letter. If this is the case, you do not need to send us any documents for maintenance. Your maintenance cannot be confirmed if your main applicant has indefinite leave to remain.

110. If the endorsement letter is confirming maintenance, the letter must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and must show:

- the endorsing body's name and logo; and
- confirmation that the endorsing body has confirmed that sufficient maintenance is available.

Children of Main Applicants

111. To apply for leave to remain as the child of a Main Applicant, you must be under the age of 18 on the date of application. If you are aged 18 or over, you must have, or have last been granted, leave as the family member of a Main Applicant or someone applying at the same time for leave as a Main Applicant.

112. You will not be considered to be a child family member of a Main Applicant where it is considered that you:

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

113. Children aged 18 or over who have not previously been granted leave as the family member of the Main Applicant cannot be granted leave as the family member of a Main Applicant.

Not have formed an independent family unit

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

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

Not be living an independent life

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

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

Documents required

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

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

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

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

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

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

Settlement (Indefinite Leave to Remain)

120. This section describes the current requirements for settlement (also known as Indefinite Leave to Remain). Please note that the Immigration Rules are subject to change. You should always check the latest guidance before you apply.
121. The settlement form is called 'SET(O) – Application for indefinite leave to remain in the United Kingdom in one of the categories listed in this form and a biometric immigration document'. The form is available here: www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto.
122. The Immigration Rules for settlement can be found at paragraphs 319E for dependant partners and 319J for dependant children, of the Immigration Rules.

Length of time in the United Kingdom needed to qualify – settlement - Partners

123. You can apply for settlement as a PBS or Appendix W dependant partner once you have reached 5 years' continuous leave in the United Kingdom as the dependant of the same Main Applicant.
124. You can apply for settlement up to 28 days before you will complete the qualifying period. If you apply earlier than that, your application may be refused. Otherwise your qualifying period will either be the 5 years immediately before the date you apply for settlement or the 5 years immediately before the date your settlement application is decided, depending which is most beneficial for you. If you have spent more than 5 years in the United Kingdom, we will only consider the most recent 5 year period.
125. Please note, the qualifying period for settlement for all dependant partners is 5 years, regardless of whether the relevant Main Applicant on whom they are dependent is eligible for accelerated settlement. Dependant children can qualify for settlement if both parents are settled or are being granted settlement at the same time, or at the same time as the Main Applicant if the Main Applicant has sole responsibility for them.

Length of time in the United Kingdom needed to qualify – settlement - Children

126. If both your parents or guardians have been, or are being, granted indefinite leave to remain in connection with a PBS or Appendix W application you are able to be granted indefinite leave in line with them.

Acceptable absences - Partner

127. You must not have had more than 180 days' absence from the United Kingdom during any consecutive 12 month period within the 5 year period.
128. You will need to list details of your absences from the United Kingdom, including the reasons for those absences, on the form.
129. If any of your absences are due to a serious or compelling reason, you must provide a personal letter which includes full details of the reason(s) for the absences and all relevant supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, other information about the reasons which led to the absence from the United Kingdom.
130. Whatever the reason for absences from the United Kingdom, they will still be counted towards the maximum 180 days (see information about delayed entry to the UK below) unless they fall under a specific exemption. This includes any absences for work reasons, or serious and compelling reasons.
131. There are a number of exemptions where absences are not considered as part of the maximum 180 days:

- where you have been absent from the United Kingdom assisting with a national or international humanitarian or environmental crisis,
- where the absence was during a period of leave granted prior to 11 January 2018
- where your partner was working in a PhD level occupation under Tier 2 (General) and you have been absent from the UK to accompany them while they were undertaking overseas research
- where your partner was granted leave under either Global Talent or Tier 1 (Exceptional Talent) following an endorsement by one of the following endorsing bodies and the purpose of the absence was linked to their grant of leave:
 - The Royal Society
 - The British Academy
 - The Royal Academy of Engineering
 - UK Research and Innovation

132. You can include the time between your entry clearance being granted and you entering the United Kingdom as part of your continuous period. Absences between the date entry clearance is granted and the date you enter the United Kingdom are treated as an absence from the United Kingdom and will form part of the 180 days allowed within a continuous 12 month period.

133. You do not need to provide evidence to demonstrate a period of absence between obtaining entry clearance and entering the United Kingdom.

134. If you have been outside of the United Kingdom for more than 180 days in a consecutive 12 month period, you will need to start the qualifying period for settlement again. This does not apply if this was during leave granted before 11 January 2018. You should therefore pay careful attention to your absences from the United Kingdom if it is your intention to apply for settlement.

Acceptable absences - Children

135. Children are not subject to the absence requirements.

General Grounds for Refusal – settlement

136. As with limited leave to remain applications, you will also be subject to General Grounds for Refusal. Further details on General Grounds for Refusal are available here: www.gov.uk/government/publications/general-grounds-for-refusal-about-this-guidance.

Knowledge of Language and Life - settlement – Over 18's only

137. When you apply for settlement, you are required to show that you have knowledge of the English language and life in the United Kingdom before you can be granted (unless you fall under an exemption).

138. You can demonstrate this by passing both the Life in the UK test and holding an English speaking and listening qualification at level B1 or above. Some of the exemptions that apply for further leave to remain do not apply for settlement applications.

139. More information on Life in the UK test, including how to book and the relevant exemptions, can be found here: www.gov.uk/life-in-the-uk-test.

140. More information on the language requirement can be found here: www.gov.uk/englishlanguage.

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

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

2. To qualify for this exemption you should provide the following evidence:

a) To prove that you are on the Foundation Programme, a letter from your Postgraduate Dean confirming:

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

or;

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

or;

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