



Home Office

# Dependant family members of Tier 1 migrants

Version 1.0

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 Tier 1 (Entrepreneur) or Tier 1 (Investor) migrant.

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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 in the Tier 1 (Entrepreneur) or Tier 1 (Investor) routes.

If the migrant is applying as the dependant of someone who holds Tier 4 permission, or who holds or is applying for permission as a Student, they should apply under the Student route. For guidance see: [Student route caseworker guidance](#).

If the migrant is applying as the dependant of someone who has, or is applying for, permission in another work route they will need to apply in line with that specific route. For guidance see: Family members of work and economic migrants.

This guidance is based on paragraphs 319A to 319K and Appendix E of the Immigration Rules.

Where the term 'lead applicant' is used in this guidance it refers to the person who is applying for, holds permission to stay, or has settled on the basis of holding permission as a Tier 1 (Entrepreneur) or Tier 1 (Investor) migrant.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think the guidance has factual errors, then your line manager or locally embedded expert can email the Economic Migration Policy team via the Work and Study Technical Team.

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 your line manager or locally embedded expert can email the Guidance Rules and Forms team via the Work and Study Technical Team.

## Publication

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

- version **1.0**
- published for Home Office staff on **18 December 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the 'Dependant family members of points-based system migrants and Appendix W Workers version 19.0' which has been withdrawn and archived.

It has been changed to remove references to closed routes following the launch of the new Points-Based System

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, permission to stay and settlement requirements](#)

[Contents](#)

**Related external links**

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

[Immigration Rules: Appendix E](#)

# Key facts

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

An applicant can apply as the dependant family member of a lead applicant if they:

- are the family member of a person with, or applying for, permission under Tier 1 (Entrepreneur) or Tier 1 (Investor)
- do not yet qualify for settlement but their spouse or partner has settled on the basis of holding permission as, or obtained British citizenship having last had permission as, a Tier 1 (Entrepreneur) or Tier 1 (Investor) migrant
- are the child of a person who has settled on the basis of holding permission as, or who obtained British citizenship having last had permission as, a Tier 1 (Entrepreneur) or Tier 1 (Investor) and their other parent does not yet qualify for settlement
- are the child of a person who has settled on the basis of holding permission as a Tier 1 (Entrepreneur) or Tier 1 (Investor) and that person has sole responsibility for the child

## Eligible family members

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

- spouses
- civil partners
- partners who are not married or in a civil partnership
- child (under the age of 18 when they first applied)

See section on [Entry, permission to stay and settlement requirements](#) for more information on the requirements for entry or permission to stay in this category.

## Adult children and other relatives

Children 18 years old or older on the date of application, who have not previously been granted permission as a dependent of their parent or parents, cannot be granted permission. Similarly, other relatives, for example parents or grandparents, cannot apply.

## Exceptional dependant applications

Where there are exceptional, compelling and compassionate circumstances raised on behalf of a dependant who cannot meet the requirements to be granted entry clearance, permission or settlement as a partner or child of the lead applicant 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

### Eligibility requirements

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

The requirements are as follows:

- both the applicant and the lead applicant must be aged 18 years or older on the date they arrive in the UK or the date that permission to stay is granted
- applications made by dependent partners who are married to or in a civil partnership with the lead applicant must be refused if that relationship is polygamous and another person currently holds permission as the spouse or civil partner of the lead applicant, regardless of whether that relationship has ended. See [paragraphs 278 and 279](#) of the Immigration Rules
- there must not be any reasons why the application will be refused because of [grounds for refusal](#) and the applicant must not be an illegal entrant
- the applicant must be the spouse, civil partner or unmarried partner of a person who:
  - has permission as a lead applicant
  - is being granted permission as a lead applicant at the same time
  - has settled on the basis of holding permission as, or obtained British citizenship having last had permission as, a Tier 1 (Entrepreneur) or Tier 1 (Investor)
- if the applicant is the unmarried partner, then:
  - any previous marriage or civil partnership that the applicant or lead applicant had with another person must have permanently broken down
  - the applicant and lead applicant must not be so closely related that they would not be allowed to marry in the UK
  - the applicant and lead applicant 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 lead applicant must be genuine and subsisting when the application is made, you may request an interview to establish this
- the applicant and the lead applicant must intend to live together as spouse, civil partner or unmarried 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 lead applicant
- the applicant must meet the maintenance requirements, unless the lead applicant is a Tier 1 (Investor) migrant
- the applicant must be able to [switch](#) if they do not already hold permission in this category

### Application forms



The following application method should be used:

- application made outside UK – apply online at [Visa4UK](#), except North Korea – [VAF2](#)
- permission to stay (within UK) – [apply online](#) at GOV.UK
- settlement – 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

## Biometrics and identity documents

You must be satisfied, where the applicant has provided their biometrics, these are verified against a valid passport or other travel document they have supplied.

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## Code of permission granted

Partners of a lead applicant are granted code 1B

## Entry clearance endorsements

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

- 'T1 (ENTREPRENEUR) PARTNER'
- 'T1 (INVESTOR) PARTNER'

## Length of permission

Permission to stay will normally be granted for either:

- the same period as the lead applicant
- a period of 3 years if the lead applicant:
  - has settled
  - has become a British citizen

## Further dependants

A dependant may not have further dependants on their permission. All dependant permission must be linked to the lead applicant.

## Switching

Partners can switch, change immigration category, and become a dependant partner 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)

## Immigration Rules paragraphs

The relevant Immigration Rules paragraphs for 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 lead applicant, an applicant must meet the requirements of [paragraph 319H of the Immigration Rules](#):

- there must not be any reasons why the application will be refused because of [grounds for refusal](#) and the applicant must not be an illegal entrant
- the applicant must be the child of a person who is one of the following:
  - has permission as the lead applicant
  - is being granted permission at the same time as the lead applicant
  - if the lead applicant has settled they must have settled on the basis of holding permission as, or obtained British citizenship having last had permission as, a Tier 1 (Entrepreneur) or Tier 1 (Investor)
- 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 permission as the child of the lead applicant in this or another category
- applications made on the basis of a dependent child relationship should be refused if the child's parent is party to a polygamous marriage or civil partnership and any application by that parent would be refused on [eligibility above](#)

- the applicant cannot:
  - 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 lead applicant
- 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 lead applicant is the applicant's sole surviving parent
  - the lead applicant 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 lead applicant is a Tier 1 (Investor) migrant
- an applicant applying for permission to stay must:
  - have permission, or have last been granted permission, as the child of a parent who had permission under any category of the Immigration Rules
  - have been born in the UK to a parent who had permission under any category of the Immigration Rules
- if the applicant is a child born in the UK to a lead applicant 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

## Application forms

The following application method should be used:

- application made outside UK – Apply online at [Visa4UK](#), except North Korea – [VAF2](#)
- permission to stay (within UK) – applications must be made online
- settlement – 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

## Biometrics and identity documents

You must be satisfied, where the applicant has provided their biometrics, these are verified against a valid passport or other travel document they have supplied.

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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 permission granted

You must grant leave under Code 1B conditions.

## Entry clearance endorsements

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

- 'TIER 1 (ENTREPRENEUR) CHILD'
- 'TIER 1 (INVESTOR) CHILD'

## Length of permission

Permission to stay will normally be granted for either:

- a period which expires on the same day as the permission granted to the parent whose permission expires first
- if both parents have been granted settlement or have become British citizens, for a period of 3 years

## Further dependants

A dependant may not have further dependants on their permission. All dependant permission must be linked to the lead applicant.

## Switching

Children can switch, change immigration category, and become a 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

## Immigration Rules paragraphs

The relevant Immigration Rules paragraphs for 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 lead applicants.

## Verification checks

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 make sure that the document provided is genuine and accurately reflects statements made in the application. There is guidance available on how to refer documents to the North East, Yorkshire and the Humber regional verification team or the regional intelligence unit.

Verification checks will be returned with one of the following results:

- documents have been confirmed to be genuine
- documents have been confirmed to be false
- the check returns an inconclusive result

If the documents have been confirmed as genuine you must continue to consider the application.

If the documents have been confirmed as false you must refer to guidance on grounds for refusal.

If the verification check returns as inconclusive you must discount the document as evidence. The applicant cannot rely on this evidence, if alternate evidence has also been provided that meets the requirement this can be used instead. If no further evidence is been provided you should either refuse the application or refer the applicant for an interview.

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**Related content**

[Grounds for refusal](#)

Document verification

[Contents](#)

**Related external links**

[Immigration Rules paragraph 39B](#)

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

# Entry, extension and settlement requirements

This section tells you about the requirements for a person applying for entry, an extension, or settlement) as the family member of a lead applicant.

Before considering an application, you must check that:

- the application is valid
- the applicant has submitted their biometrics
- the applicant's passport or travel document is genuine
- there are no [grounds for refusal](#) for refusal

For more information, see:

- Applications for leave to remain: validation, variation and withdrawal
- Biometric information
- [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.

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 settlement requirements for partners and children of lead applicants, see:

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

### Related content

[Family members of lead applicants granted settlement or British citizenship Switching](#)

Leave outside the rules

[Contents](#)

**Related external links**

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

# Maintenance requirements

This section tells you about the maintenance requirements for family members of lead applicants and what evidence they must provide.

## Tier 1 (Entrepreneur) family members

Family members of Tier 1 (Entrepreneur) lead applicants must have evidence of available funds of £1,890 - if the applicant is either outside the UK or has been present in the UK for less than 12 months.

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

Dependants of Tier 1 (Entrepreneur) lead applicants who have been in the UK for 12 months or more do not need to meet the maintenance requirement.

## Tier 1 (Investor) family members

Dependants of Tier 1 (Investor) lead applicants do not need to meet the maintenance requirement.

## Evidence of funds

This section explains what evidence of funds a family member of a lead 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 lead 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 (Entrepreneur) 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 £1,890 for each dependant

### Related content

[Contents](#)

[Verifying documents](#)

Applications for leave to remain: validation, variation and withdrawal

[Grounds for refusal](#)

Evidential flexibility

**Related external links**

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

[About my vote](#)

[Immigration Rules: Appendix E](#)

[OANDA](#)

# Age and dependence requirement for children of lead applicants

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 lead applicant.

## Age requirement and independent life

To apply for entry or an extension as the child of a lead applicant, the child must be under the age of 18 on the date of application unless they have, or were last granted permission as the:

- family member of a lead applicant
- 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) permission as a lead applicant

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

- 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:

- are married or in a civil partnership
- 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 should submit, where they are able, 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 dependent 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

[Contents](#)

### Related external links

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

# Settlement requirements

This page explains the requirements for settlement for family members of lead applicants.

## Partners: paragraph 319E of the Immigration Rules

To be granted settlement as the partner of a lead applicant the applicant must:

- be the spouse, civil partner or unmarried partner of a person who is being, or has been, granted settlement as a lead applicant
- have, or have last been granted, permission as the partner of the person who is being, or has been, granted settlement as a lead applicant
- have been living with the lead applicant in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least 5 years, with permission as the lead applicant's partner when the lead applicant had permission under any category and have met all the requirements of paragraph 319C (a) to (e) during that time
- be in a genuine and subsisting relationship with the lead applicant 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 lead applicant as their spouse, civil partner or unmarried partner - for more information, see: Family life (as a partner or parent), private life and exceptional circumstances
- Anyone aged between 18 and 65 when they apply for settlement must demonstrate sufficient knowledge of the English language and about life in the UK unless you consider that, because of the applicant's mental or physical condition, it would be unreasonable to expect the applicant to fulfil either or both parts of that requirement. - see: [Appendix KoLL](#)
- not have been absent from the UK for more than 180 days in any 12 month period during the 5 year period except:
  - any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days
  - any absence from the UK during periods of leave granted under the Rules in place before 11 January 2018 shall not count towards the 180 days
  - for any applicant who has or has had leave as the dependant partner of a Tier 2 (General) migrant, where the Tier 2 migrant's Certificate of Sponsorship Checking Service entry shows that they were sponsored to work in a PhD level occupation when the absence occurred, any absence of the applicant from the UK to accompany their partner while the partner carried out research activities overseas shall not count towards the 180 days

The applicant must not:

- fall for refusal under [grounds for refusal](#)
- 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 Settlement: 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 settlement as the child of a lead applicant the applicant must:

- be the child of a parent who has obtained, or is at the same time obtaining, settlement as a lead applicant or partner
- have, or have last been granted, permission as the child of or have been born in the United Kingdom to, the lead applicant, or the partner who are obtaining settlement.
- Both of an applicant's parents must either be lawfully settled in the UK, or obtaining settlement at the same time as the applicant, unless:
  - The lead applicant is the applicant's sole surviving parent, or
  - The lead applicant has sole responsibility for the applicant's upbringing, or
  - 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
- demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless they are under the age of 18 at the date on which the application is made. - for more information, see: [Appendix KoLL](#)
- must provide a full UK birth certificate showing the names of both parents if the applicant is a child born in the UK and has not previously provided this.

The applicant must also:

- 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 [grounds for refusal](#)
- 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.

- 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 lead applicants granted settlement or British citizenship](#)

[Switching](#)

5A.1 – Children – guidance (general)

[Grounds for refusal](#)

[Contents](#)

**Related external links**

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

[Rehabilitation of Offenders Act 1974](#)

# Family members of lead applicants granted settlement or British citizenship

This page explains how to consider applications from family members of lead applicants where the lead applicant has settlement or British citizenship.

If the lead applicant holds settlement, this must be under the relevant route (Tier 1 (Entrepreneur) or Tier 1 (Investor)), and not under another route, for example under the long residence rules.

If the lead applicant is a British citizen, they must have previously held settlement under the relevant route (Tier 1 (Entrepreneur) or Tier 1 (Investor)).

## 5-year qualifying period

Dependant partners of lead applicants must complete a 5-year qualifying period before they qualify for settlement. If the lead applicant obtains settlement or British citizenship before their partner has completed their 5 year qualifying period, the partner can still apply for further leave to remain as their 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 lead applicant has settlement on the basis of long residence, their partner cannot extend their leave or gain settlement as a dependant of a Tier 1 (Entrepreneur) or Tier 1 (Investor) 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 settlement

Leave granted as a dependant in another category of the Immigration Rules can be combined with leave granted as a Tier 1 (Entrepreneur) or Tier 1 (Investor) dependant to count towards the qualifying period for settlement.

The applicant must have been granted as the spouse, civil partner or unmarried partner of the same person, as in the lead applicant.

The most recent leave must be as the partner of that lead applicant

Leave granted for any other reason cannot be combined.

## Action for caseworkers

Applications from dependants where the lead applicant was granted settlement in an appropriate 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 Tier 1 (Entrepreneur) or Tier 1 (Investor) dependants.

## Dependant partner applications

You must search for the applicant's lead applicant partner on GCID, Atlas or warehouse to confirm whether they have already been granted settlement:

- if there is no record of a settlement application by the lead applicant 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: Evidential flexibility
  - if there is no settlement application for the lead applicant you must consider the dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules - where the requirements are met, you must grant permission to stay in line with the lead applicant
- if there is a record of a settlement application for the lead applicant which is yet to be decided, you must:
  - bring forward (BF) the application until a decision has been made
  - consider the dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules
- if the lead applicant has been granted settlement you must:
  - consider the dependant application in line with the requirements of paragraph 319AA to 319E of the Immigration Rules - where the requirements are met, you must grant permission to stay for 3 years

## Dependant child applications where only one of the parents has settlement

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

## Considering the application

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

- permission to enter or stay as a lead applicant

- settlement as a Tier 1 (Entrepreneur) or Tier 1 (Investor)
- become a British citizen

The Immigration Rules do not make any provision for permission to stay to be granted to child dependants where either both parents have or are being granted settlement; or the lead applicant has sole responsibility and either has or is being granted settlement.

#### **Related content**

[Entry or extension requirements: partners](#)

[Entry or extension requirements: children](#)

[Settlement requirements](#)

[Switching](#)

3.1 - Children

[Contents](#)

#### **Related external links**

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

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

# Granting or refusing applications

This section tells you how to grant and refuse applications for leave as the family member of a lead applicant.

## Granting or refusing: partners

This section tells you how to grant or refuse applications for leave as the partner of a lead applicant.

For more information, see:

- [Grant or refuse entry clearance: partners](#)
- [Grant or refuse entry at a UK port: partners](#)
- [Grant or refuse permission to stay: partners](#)
- [Grant or refuse settlement: 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 [grounds for refusal](#) apply

## Duration of entry clearance

Applicants will not get a vignette in their passport for the full duration of their leave. This is because they will 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. [Entry or extension requirements: partners](#).

The table below tells you what endorsement you must use:

Category of lead applicant	Endorsement
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) PARTNER
Tier 1 (Investor)	D TIER 1 (INVESTOR) PARTNER

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

## Condition code

You must grant entry clearance on code 1 conditions.

## Employment as a sportsperson or coach

Partners of lead applicants 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 partner are subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix ATAS 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 grounds for refusal apply, you must refuse the application.

## Granting leave to enter

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

- the applicant has valid entry clearance as the partner of a lead applicant
- 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 apply

For more information on entry requirements, see:

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

## Refusing leave to enter

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

## Grant permission to stay

You must grant permission to stay providing:

- the applicant meets all the requirements of paragraph 319C of the Immigration Rules
- none of the grounds for refusal apply

You must grant permission, either:

- in line with the lead applicant
- for a period of 3 years if the lead applicant has settlement or has become a British citizen

## Condition codes

If you are granting leave to the partner of a lead applicant, you must grant leave on code 1B

## Restriction on study

All grants of leave as a partner are subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix ATAS 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 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 settlement:

- if the applicant meets all the requirements of paragraph 319E of the Immigration Rules
- provided none of the grounds for refusal apply

## Refuse settlement

You must refuse settlement if the requirements are not met or there are any 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 partners)	The applicant or the lead applicant is under 18 years of age.
Paragraph 319C(b)	The lead applicant has been refused leave or does not have permission as a lead applicant.
Paragraph 319C(c)(i)	The partner or the lead applicant has a previous marriage, civil partnership or similar relationship that has not broken down.
Paragraph 319C(c)(ii)	The partner and the lead applicant are so closely related that they would not be able to marry in the UK.
Paragraph 319C(c)(iii)	The partner and the lead applicant have not been living together in a relationship similar to marriage or a civil partnership for at least 2 years.
Paragraph 319C(d)	The relationship between the applicant and the lead applicant is not genuine or subsisting.
Paragraph 319C(e)	The applicant and the lead applicant 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.

## Granting or refusing: children

For more information:

- [Grant or refuse entry clearance: children](#)
- [Grant or refuse entry at a UK port: children](#)
- [Grant or refuse permission to stay: children](#)
- [Grant or refuse settlement: 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 grounds apply

## Duration of entry clearance

Applicants will get not get a vignette in their passport for the full duration of their leave. This is because they will 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. [Entry or extension requirements: partners](#).

For more information, see:

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

The table below tells you what endorsement you must use.

Category of lead applicant	Endorsement
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) CHILD
Tier 1 (Investor)	D TIER 1 (INVESTOR) CHILD

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

You must grant entry clearance on code 1B conditions.

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

## Restriction on study

Leave granted will be subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix ATAS 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 grounds for refusal 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 lead applicant
- 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 grounds for refusal apply

For more information, see:

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

## Refusing leave to enter

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

## Grant permission to stay

You must grant permission to stay for the same period as the lead applicant:

- if the person meets all the requirements of paragraph 319H of the Immigration Rules
- provided none of the grounds for refusal 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 grant entry clearance on code 1B conditions.

## Restriction on study

The child will be subject to a condition limiting study. The condition prohibits study in a discipline covered by Appendix ATAS 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 grounds for refusal you must refuse the application. You must send a separate refusal notice to each family member.

## Grant settlement

You must grant settlement:

- if the applicant meets all the requirements of paragraph 319J of the Immigration Rules
- provided none of the grounds for refusal apply

## Refuse settlement

You must refuse indefinite leave if the requirements are not met or there are any 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 lead applicant.
Paragraph 319H(c)	The child is over 18 years of age and their last leave was not as the child of a lead applicant.
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 lead applicant.
Paragraph 319H(f)	Both of the applicant's parents are not in the UK and the lead applicant 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.

### 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 permission to stay as the partner or child of a lead applicant.

Partners or children of a lead applicant:

- are not allowed to access public funds
- must register with the police (if they are required to do so by [Part 10 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
- [Part 10 of the Immigration Rules](#)

## Professional sportsperson

A person with leave as a dependant cannot take employment as a professional sportsperson (including as a sports coach).

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

If the partner or child commences study they will be subject to the ATAS condition limiting study. The condition prohibits study in a discipline covered by [Appendix ATAS 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 permission to stay: partners](#).

### Related content

[Contents](#)

### Related external links

[Register of Student sponsors](#)  
[Immigration Rules paragraphs 319AA to 319K](#)