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# Immigration Rules

## Introduction

This is a consolidated version of the current Immigration Rules.

The Home Secretary has made changes in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Acts for regulating entry into and the stay of persons in the United Kingdom and contained in the statement laid before Parliament on 23 March 1990 (HC 251) (as amended). This statement contains the Rules as changed and replaces the provisions of HC 251 (as amended).

2. Immigration Officers, Entry Clearance Officers and all staff of the Home Office will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the United Kingdom.

3. In these Rules words importing the masculine gender include the feminine unless the contrary intention appears.

## Implementation and transitional provisions

4. These Rules come into effect on 1 October 1994 and will apply to all decisions taken on or after that date save that any application made before 1 October 1994 for entry clearance, leave to enter or remain or variation of leave to enter or remain other than an application for leave by a person seeking asylum shall be decided under the provisions of HC 251, as amended, as if these Rules had not been made.

## Provision for Irish citizens

5. DELETED.

5A. DELETED.

5B. DELETED.

5C. Save where expressly indicated throughout these rules, these rules do not apply to an Irish citizen who as a result of section 3ZA of the Immigration Act 1971 does not require leave to enter or remain, but an Irish citizen who does require leave to enter or remain is covered by these rules.

5D. Paragraph 5C does not apply to paragraph 11, Appendix EU, Appendix S2 Healthcare Visitor, Appendix Service Providers from Switzerland, Appendix EU (Family Permit), Appendix AR (EU), Part 11 (asylum) or Part 13 (deportation).

5E. An Irish citizen who as a result of section 3ZA of the Immigration Act 1971 does not require leave to enter or remain is considered settled for the purposes of these rules.

## Interpretation

6.1. In these rules, unless the contrary intention appears, references to paragraphs are to paragraphs of the Immigration Rules (HC 395 as amended) made under section 3(2) of the Immigration Act 1971, and references to Appendices are to Appendices to those rules.

6.2. In these rules:

- (a) references to primary and secondary legislation refers to that legislation as amended from time to time; and
- (b) unless the contrary intention appears, the following definitions apply:

**“Accompanying Person”** in Appendix S2 Healthcare Visitor is a person with a healthcare right of entry and who is accompanying a patient (P) to the UK at the same time as P’s entry into the UK, or who is joining P in the UK on a date after P’s entry into the UK, for the purpose of providing P with care or support during their course of planned healthcare treatment.

**“Accredited Institution”** means an institution which is:

- (a) the holder of a student sponsor licence; or
- (b) the holder of valid accreditation from Accreditation UK, the Accreditation Body for Language Services (ABLS), the British Accreditation Council (BAC), or the Accreditation Service for International Colleges (ASIC); or
- (c) the holder of a valid and satisfactory full institutional inspection, review or audit by Estyn, Education Scotland, the Independent Schools Inspectorate, Office for Standards in Education, the Office for Students, the Quality Assurance Agency for Higher Education or the Education and Training Inspectorate Northern Ireland; or
- (d) an overseas higher education institution offering only part of its programmes in the UK.

**“Adequate”** and **“adequately”** in relation to a maintenance and accommodation requirement means that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the person or family the level of income or funds that would be available to them if the person or family was in receipt of income support.

**“Administrative review”** means a review conducted in accordance with Appendix AR, or where applicable Appendix AR (EU).

**“Adoption”** includes a de facto adoption in accordance with the requirements of paragraph 309A, and “adopted” and “adoptive parent” shall be construed accordingly.

**“Agreement on the Free Movement of Persons”** in Appendix Service Providers from Switzerland means the agreement between the Swiss Confederation and the European Union and its member states, which was signed in 1999 and came into force in 2002.

**“Amateur”** means a person who engages in a sport or creative activity solely for personal enjoyment and who is not seeking to derive a living from the activity.

**“Applicant”** means a person who is making an application for entry clearance, permission to enter or permission to stay (and a person seeking entry at the UK Border is to be regarded as making an application for permission to enter).

**“Application for asylum”** has the meaning given in paragraph 327 of these rules.

**“Application for leave to remain”** and **“application for permission to stay”** includes an application for variation of leave to enter or remain of a person in the UK.

**“Application Centre”** in the context of an application for entry clearance, means a commercial partner, a British Diplomatic Mission or Consular Post overseas, or designated government office overseas, authorised by the Secretary of State to take biometrics and receive documents from applicants for entry clearance.

**“Approved Destination Status Agreement with China”** means the Memorandum of Understanding on visa and related issues concerning tourist groups from the People’s Republic of China to the United Kingdom as an approved destination, signed on 21 January 2005.

**“Approved qualification”** means a qualification which meets the Approved qualification requirements in Appendix Student.

**“Approved sponsor”** means a sponsor which is listed in the register of licensed sponsors: workers or register of licensed sponsors: students on the gov.uk website as being licensed for the relevant route of these rules and found at:  
<https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>  
<https://www.gov.uk/government/publications/register-of-licensed-sponsors-students>.

**“Biometrics”** has the same meaning as “biometric information” in section 15 of the UK Borders Act 2007 and means, in particular, a record of a person’s fingerprints and a photograph of a person’s face.

**“Biometric immigration document”** means a document recording biometric information issued in accordance with regulations made under section 5 of the UK Borders Act 2007.

**“Bona fide private education institution”** is a private education institution which:

- (a) maintains satisfactory records of enrolment and attendance of students, and supplies these to the Home Office when requested; and
- (b) provides courses which involve a minimum of 15 hours’ organised daytime study per week; and
- (c) ensures a suitably qualified tutor is present during the hours of study to offer teaching and instruction to the students; and
- (d) offers courses leading to qualifications recognised by the appropriate accreditation bodies; and
- (e) employs suitably qualified staff to provide teaching, guidance and support to the students; and
- (f) provides adequate accommodation, facilities, staffing levels and equipment to support the numbers of students enrolled at the institution; and
- (g) if it offers tuition support to external students at degree level, ensures that such students are registered with the UK degree awarding body.

**“Born in the UK or Islands”** in Appendix UK Ancestry means born:

- (a) in the UK; or
- (b) in the Channel Islands (Bailiwick of Guernsey, Bailiwick of Jersey); or
- (c) in the Isle of Man; or
- (d) before 31 March 1922, in Ireland; or
- (e) on a British-owned or registered ship or aircraft if the requirements of either section 50(7)(a) of the British Nationality Act 1981, or section 32(5) of the British Nationality Act 1948, as applicable, are met.

**“BN(O) Adult Dependent Relative”** means a person granted permission as a BN(O) Adult Dependent Relative under Appendix Hong

Kong British National (Overseas).

**“BN(O) Household Child”** means a person falling within HK 15.1. and who is granted permission as a BN(O) Household Child under Appendix Hong Kong British National (Overseas).

**“BN(O) Household Member”** means a person granted permission as a BN(O) Household Member under Appendix Hong Kong British National (Overseas).

**“BN(O) Status Holder”** means a person granted permission as a BN(O) Status Holder under Appendix Hong Kong British National (Overseas).

**“Breach of immigration laws”** - a person is in breach of immigration laws for the purpose of these rules where the person is an overstayer; is an illegal entrant; is in breach of a condition of their permission; or used deception in relation to their most recent application for entry clearance or permission; and **“previously breached immigration laws”** – a person previously breached immigration laws if they overstayed or used deception in relation to a previous application for entry clearance or permission.

**“Business day”** means any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the UK to which the notice is sent, Christmas Day or Good Friday.

**“Cabotage operations”** in Appendix Visitor: Permitted Activities means

(a) in relation to goods, national carriage for hire or reward carried out on a temporary basis in the UK; or

(b) in relation to passengers either:

i. national road passenger services for hire and reward carried out on a temporary basis by a carrier in the UK, or

ii. the picking up and setting down of passengers within the UK, in the course of a regular international service, provided that it is not the principal purpose of the service.”.

**“Calendar year”** means a year beginning on 1 January and ending on 31 December.

**“Cancellation”** in Part 9, Appendix S2 Healthcare Visitor and Appendix Service Providers from Switzerland means cancellation, variation in duration, or curtailment, of entry clearance or permission, which can take effect immediately or at a specified future date and whether the person is in the UK or overseas.



**“Certificate of Sponsorship”** means an electronic document with a unique reference number issued by a sponsor via the Sponsor Management System. The document confirms the details of the job for which the sponsor is sponsoring the applicant.

**“Charity Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) Charity Worker or as a Tier 5 (Temporary Worker) migrant in the Charity Workers sub-category under Part 6A of the rules in force before 1 December 2020.

**“Child”** means a person who is aged under 18 years.

**“Child Student”** means a person who has, or had, permission under Appendix Child Student, Appendix CS: Child Student under the rules in force before 1 December 2020, or as a Tier 4 (Child) Student under the rules in force before 5 October 2020.

**“Civil partnership”** means a civil partnership under or by virtue of the Civil Partnership Act 2004.

**“Close relative”** means a grandparent, brother, sister, step-parent, uncle (brother or half-brother of a child’s parent) or aunt (sister or half-sister of a child’s parent) who is aged 18 or over.

**“Common Travel Area”** is as defined in section 1(3) of the Immigration Act 1971.

**“Commonwealth citizen”** is a citizen of a country listed in Schedule 3 to the British Nationality Act 1981.

**“Condition”** means a condition of leave to enter or leave to remain under section 3(1)(c) of the Immigration Act 1971, such as a prohibition on employment or study.

**“Confirmation of Acceptance for Studies reference number”** means a number which links to a single Confirmation of Acceptance for Studies that was assigned to a Student or Child Student by their student sponsor.

**“Consecutive engagements”** means where:

- (a) the applicant is being sponsored for more than one engagement in the UK as a Creative or Sporting Worker; and
- (b) the applicant will be sponsored by more than one sponsor for those engagements; and
- (c) each sponsor has issued a Certificate of Sponsorship in the Creative or Sporting Worker route for the relevant engagement, or engagements; and
- (d) there is no more than 14 days between each individual engagement.

**“Contact point meeting”** means for the purpose of Appendix Start-up and Appendix Innovator a meeting between the applicant and their Endorsing body to assess progress against the applicant’s business plan. For Start-up contact point meetings must be held at least after 6 months and 12 months from the date the application was granted. For Innovator contact point meetings must be held at least after 6 months, 12 months and 24 months from the date the application was granted.

**“Control Zone”** is as defined by article 2(1) of, and Schedule 1 to, the Channel Tunnel (International Arrangements) Order 1993 (SI 1993/1813) and article 2 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (SI 2003/2818) (as amended from time to time).

**“Course of study”** means the course for which a Confirmation of Acceptance for Studies was assigned.

**“Confirmation of Acceptance for Studies”** means an electronic document with a unique reference number electronically issued by a student sponsor via the Sponsor Management System, to a person who the student sponsor has agreed to sponsor, for use in an application as a Student or Child Student, in accordance with these rules.

**“Conviction”** means conviction for a criminal offence in the UK or any other country.

**“Creative or Sporting Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) Creative or Sporting Worker, or as a Tier 5 (Temporary Worker) migrant in the Creative and Sporting sub-category under Part 6A of the rules in force before 1 December 2020.

**“Crew member”** has the same meaning as in the Immigration Act 1971.

**“Curtailment”**, in relation to the curtailment of a person’s leave to enter or leave to remain, means cancelling or curtailing their leave such that they will have a shorter period of, or no, leave remaining.

**“Custodial sentence”** means a period of imprisonment, not including a suspended sentence.

**“Customs breach”** means a breach of any provision of the Customs and Excise Acts or any other breach relating to an assigned matter (which is any matter in relation to which the Commissioners or officers of Her Majesty’s Revenue and Customs have a power or duty which the Home Office may exercise at the border).

**“Date of application”** means:

If applying for entry clearance either:

- (a) the date of payment of the relevant fee; or
- (b) where a fee is not required, the date on which the application is submitted online; or
- (c) where a fee is not required and an online application is not available, the date on which the paper application form is received by the Home Office.

If applying for permission to enter, the date the person seeks entry.

If applying for permission to stay:

- (a) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or
- (b) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or
- (c) where the application is made via the online application process, and there is no request for a fee waiver, the date on which the online application is submitted, and the relevant fee is paid; or
- (d) where the application is made via the online application process, and includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as the completed application is submitted within 10 days of the receipt of the decision on the request for a fee waiver.

**“Decision maker”** means an entry clearance officer, immigration officer or the Secretary of State, as the case may be.

**“Deemed sponsorship status”** means that the country or territory is not required to issue its nationals or passport holders with a Certificate of Sponsorship in order to enable a successful application under Appendix T5 (Temporary Worker) Youth Mobility Scheme and is a status held by a country or territory listed as such at Appendix Youth Mobility Scheme eligible nationals.

**“Degree level study”** means a course which leads to a recognised UK bachelor’s degree, or an equivalent qualification at level 6 of the Regulated Qualifications Framework, or at level 9 or 10 of the Scottish Credit and Qualifications Framework.

**“Deportation order”** means an order made under section 5(1) of the Immigration Act 1971.

**“Doctorate extension scheme”** means a sponsored scheme which enables successful applicants to remain in the UK for 12 months from the expected end date of a course leading to the award of a PhD as in Appendix Student, or under the rules in force before 1 December 2020.

**“ECAA route”** means Appendix ECAA Extension of Stay or under the ECAA rules in force on 30 December 2020.

**“EEA citizen”** and **“EEA national”** means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and who is not also a British citizen.

**“EEA EFTA separation agreement”** means (as modified from time to time in accordance with any provision of it) the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union.

**“EEA Regulations”** means:

- (a) (where relevant to something done before 11pm on 31 December 2020) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date or, in the case of an application made under these rules where the date of decision is before 11pm on 31 December 2020, as they have effect at the date of application); or
- (b) (where relevant to something done after 11pm on 31 December 2020) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of regulations made under section 7, 9 or 11 of the European Union (Withdrawal Agreement) Act 2020).

**“Employment”** includes paid and unpaid employment, paid and unpaid work placements undertaken as part of a course or period of study, self-employment and engaging in business or any professional activity.

**“Employment as a doctor or dentist in training”** means employment in a medical post or training programme which has been approved by the General Medical Council, or employment in a postgraduate training programme in dentistry.

**“Endorsed funder”** means an organisation accepted by UKRI, and on a list published by them, as prestigious funders of research and innovation who have an excellent track record of awarding funding to researchers with critical skills, following a rigorous peer review process.

**“Endorsing body”** means an organisation which has been approved by the Home Office to endorse an application under one or more of the following routes:

- (a) Start-up;
- (b) Innovator;
- (c) Global Talent.

**“Endorsement letter”** means an official letter issued by an endorsing body, confirming that the endorsing body has endorsed the applicant in the relevant category.

**“English language course”** means a course that solely consists of English language study.

**“EU national”** in Appendix T5 (Temporary Worker) International Agreement Worker means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, or Sweden; and who is not also a British citizen.

**“Evidence of P’s permission to enter or remain”** under Appendix S2 Healthcare Visitor means:

- (a) a valid document which is either a biometric immigration document, stamp or endorsement in a passport (whether or not the passport has expired), or other document or electronic document issued by the Home Office, confirming that the patient (P) has permission to enter or remain in the UK as an S2 Healthcare Visitor, which has not been cancelled; or
- (b) the decision maker is otherwise satisfied from the information available that P has permission as an S2 Healthcare Visitor, which has not been cancelled.

**“Exclusion decision”** means a decision made personally by the Secretary of State that a person be excluded from the UK.

**“Exclusion order”** means an order made under regulation 23(5) of the EEA Regulations that the exclusion of an EEA national or the family member of an EEA national is justified on the grounds of public policy, public security or public health.

**“Expected end date of a course leading to the award of a PhD”** means the date the PhD is expected to be formally confirmed, by the student sponsor, as completed to the standard required for the award of a PhD and recorded on the Confirmation of Acceptance for Studies which applies to the application on the doctorate extension scheme.

**“External student”** means a student studying for a degree from a UK degree awarding body without any requirement to attend the UK degree awarding body’s premises or a UK listed body’s premises for lectures and tutorials.

**“False document”** includes:

- (a) a document which has been altered or tampered with; and
- (b) a counterfeit document; and
- (c) a document which is being used by an imposter; and
- (d) a document which has been fraudulently obtained or issued; and
- (e) a document which contains a falsified or counterfeit entry clearance, visa or endorsement.

**“Fee”** means the amount the applicant must pay to the Secretary of State as specified in regulations made in exercise of the powers in sections 68, 69 and 74 of the Immigration Act 2014.

**“Foundation degree”** means a programme of study which leads to a qualification awarded by an English higher education provider with degree awarding powers which is at a minimum of level 5 on the Regulated Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations.

**“Full-time course”** means a course which is:

- (a) a full-time course of course of study at UK bachelor’s degree level or above; or
- (b) an overseas higher education course that a Student is studying in the UK and leads to a qualification from an overseas higher education institution that is recognised as being equivalent to a UK higher education qualification; or
- (c) a course of study below UK degree level that involves a minimum of 15 hours a week of classroom-based, daytime study (08:00 – 18:00, Monday to Friday), but scheduled breaks do not count towards the 15 hours.

**“Global Talent”** means the route, or a person with permission as a lead applicant on the route, under Appendix Global Talent or as a Global Talent migrant under Appendix W of the rules in force before 1 December 2020, or as a Tier 1 (Exceptional Talent) Migrant.

**“Government Authorised Exchange Scheme”** means a scheme under the T5 (Temporary Worker) Government Authorised Exchange Worker route which is endorsed by a Government Department in support of Government objectives and provides temporary work in an occupation which appears in Table 1 or Table 2 of Appendix Skilled Occupations and where the migrant will be supernumerary.

**“Government Authorised Exchange Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker, or as a Tier 5 (Temporary Worker) migrant in the Government Authorised Exchange sub-category under part 6A of the rules in force before 1 December 2020.

**“Grandparent”** in Appendix UK Ancestry includes the applicant’s blood grandparent or grandparent by reason of an adoption recognised by the laws of the UK relating to adoption.

**“High earner”** under Appendix Intra-Company routes is a person who is sponsored in a job with a gross annual salary of £73,900 or more (based on working a maximum of 48 hours per week) as confirmed by their sponsor.

**“Higher education provider”** means a student sponsor which:

- (a) in England, is an institution that is required to register with the Office for Students, because it is an “English Higher Education Provider”, as defined in the Office for Students Regulations and section 83 of the Higher Education and Research Act 2017; or
- (b) in Northern Ireland, is a higher education institution as set out in the Education and Libraries (Northern Ireland) Order 1993, or a body that provides higher education, and is recognised under the Further Education (Northern Ireland) Order 1997, with “in developmental” or “established provider” status; or
- (c) in Scotland, is an institution that provides higher education within the meaning of section 38 of the Further and Higher Education (Scotland) Act 1992 and which is a post-16 education body within the meaning of section 35(1) of the Further and Higher Education (Scotland) Act 2005; or
- (d) in Wales, is an institution that offers higher education provision and is a “regulated institution”, as defined in the Higher Education (Wales) Act 2015 (for the purpose of the 2015 Act, higher education is defined as education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988).

**“Human Rights Convention”** means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, as it has effect for the time being in relation to the UK.

**“Humanitarian protection”** means leave granted pursuant to paragraph 339C and which has not been revoked pursuant to paragraph 339G to 339H.

**“Illegal entrant”** has the same meaning as in section 33(1) of the Immigration Act 1971.

**“Immigration Acts”** has the same meaning as in section 61(2) of the UK Borders Act 2007.

**“Immigration employment document”** means a work permit or any other document which relates to employment and is issued for the purpose of these rules or in connection with leave to enter or remain in the UK.

**“Immigration Health Charge”** means a charge under section 38 of the Immigration Act 2014 and the Immigration (Health Charge) Order 2015.

**“Immigration Officer”** includes a Customs Officer acting as an Immigration Officer.

**“Immigration Skills Charge”** means a charge payable under regulations made under section 70A of the Immigration Act 2014.

**“Independent School”** means:

- (a) a school in England or Wales (which is not an Academy, a school maintained by a local authority, or a non-maintained special school), at which full-time education is provided for:
  - (i) five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age); or
  - (ii) for at least one pupil of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) for whom an education, health and care (EHC) plan or a statement of special educational needs is maintained, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989); or
- (b) a school in Scotland (which is not a public school or a grant-aided school), at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age); or
- (c) a school in Northern Ireland (which is not grant-aided), which has been registered with the Department of Education.

**“Innovator”** means a person who has, or had, permission as an Innovator under Appendix Innovator or as an Innovator migrant under Appendix W of the rules in force before 1 December 2020.

**“Intention to live permanently with the other in the UK”** or **“intend to live together permanently in the UK”** means an intention to live together, evidenced by a clear commitment from both parties that they will live together permanently in the UK immediately following the outcome of the application in question or as soon as circumstances permit thereafter. However, where an application is



made under Appendix Armed Forces the words “in the UK” in this definition do not apply. Where an application is made under Appendix FM and the sponsor is a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Foreign, Commonwealth and Development Office or the Home Office on a tour of duty outside the UK, the words “in the UK” in this definition do not apply.

**“International Agreement Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) International Agreement Worker, or as a Tier 5 (Temporary Worker) migrant in the International Agreement sub-category under part 6A of the rules in force before 1 December 2020.

**“International Operator Licence”** in Appendix Visitor: Permitted Activities means:

- (a) a licence issued by the competent authority of a country other than the United Kingdom authorising an operator to undertake international carriage of goods or passengers by road in accordance with an international agreement to which the United Kingdom is a party; or
- (b) a community licence issued by a Member State of the Union in accordance with Regulation (EC) No 1072/2009 or Regulation (EC) No 1073/2009.

**“International scholarship agency”** means an international institution or organisation which provides funding to students studying in the UK.

**“Intra-Company Graduate Trainee”** means a person who has, or last had, permission as an Intra-Company Graduate Trainee route under Appendix Intra-Company Routes or as a Tier 2 (Intra-Company Transfer) migrant in the Graduate Trainee sub-category under the rules in force before 1 December 2020.

**“Intra-Company Transfer”** means permission on the Intra-Company Transfer route under Appendix Intra-Company Routes or as a Tier 2 (Intra-Company Transfer) migrant in the Long-Term Staff sub-category under the rules in force before 1 December 2020.

**“Intra-Company routes”** means the Intra-Company Transfer route and Intra-Company Graduate Trainee route under Appendix Intra-Company routes, or the Tier 2 (Intra-Company Transfer) route under the rules in force before 1 December 2020.

**“Islands”** means any of the Channel Islands or the Isle of Man.

**“Lead applicant”**, under Appendix KOLL, Appendix KOL UK and Appendix English Language, means the applicant on whose status, or previous status, a dependent partner or dependent child is relying as the basis of their application.

**“Legal guardian”** is a person appointed according to local laws to take care of a child.

**“Letter of authority”** means a written authorisation from a person that they wish to appoint or change their immigration adviser (who must be a qualified person as required by section 84 of the Immigration and Asylum Act 1999 or regulated by the Office of the Immigration Services Commissioner).

**“Marriage and Civil Partnership visitor”** means a person who has, or had, entry clearance under Appendix V: Visitor to marry or form a civil partnership, or give notice of marriage or civil partnership, in the UK.

**“Media representative”** means a person who has, or had, permission on the Representative of an Overseas Business route having met the requirement at ROB 4.4.(b) of Appendix Representative of an Overseas Business, or as a Representative of an Overseas Business having met the requirement of paragraph 144(ii)(b) of Part 5 of the rules in force before 1 December 2020.

**“Medical inspector”** means a medical inspector appointed under Schedule 2 to the Immigration Act 1971.

**“Must not be leading an independent life”** or **“is not leading an independent life”** means that the person:

- (a) does not have a partner; and
- (b) is living with their parent (except where they are at boarding school, college or university as part of their full-time education); and
- (c) is not in full-time employment (unless aged 18 or over); and
- (d) is wholly or mainly dependent upon their parent for financial support (unless aged 18 or over); and
- (e) is wholly or mainly dependent upon their parent for emotional support.

Where under these rules a relative other than a parent may act as the sponsor or carer of the person, references in this definition to “parent” shall be read as applying to that other relative.

**“National minimum wage”** means as defined in the National Minimum Wage Act 1998.

**“National Referral Mechanism”** means the arrangements administered by the Competent Authorities as set out in the guidance found at: <https://www.gov.uk/government/publications/victims-of-trafficking-guidance-for-competent-bodies>.

**“Notice of liability for removal”** means a notice given that a person is or will be liable for removal under section 10 of the Immigration and Asylum Act 1999, and for notices that pre-date the Immigration Act 2014 coming into force, refers to a decision to remove in

accordance with section 10 of the Immigration and Asylum Act 1999, a decision to remove an illegal entrant by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, or a decision to remove in accordance with section 47 of the Immigration, Asylum and Nationality Act 2006.

**“Occupation code”** means the relevant 4-digit code in the Standard Occupational Classification (SOC) 2010 system, published by the Office for National Statistics at:

<https://www.ons.gov.uk/methodology/classificationsandstandards/standardoccupationalclassificationsoc/soc2010>.

**“Occupy exclusively”** in relation to accommodation means that part of the accommodation must be for the exclusive use of the person or family.

**“Occupy exclusively”** in relation to accommodation means that part of the accommodation must be for the exclusive use of the person or family.

**“Overcrowded”** means overcrowded within the meaning of the Housing Act 1985, the Housing (Scotland) Act 1987 or the Housing (Northern Ireland) Order 1988 (as appropriate).

**“Overseas Business”** is a business which has its main place of operation outside of the UK.

**“Overseas Government Language Programme”** means an overseas Government sponsored professional language development programme under the Government Authorised Exchange Scheme where the person concerned delivers language training and participates in a cultural exchange programme that is fully or partially paid for by the overseas government or an organisation affiliated to an overseas government.

**“Overseas higher education institution”** means an institution which holds overseas accreditation confirmed by UK NARIC as offering degree programmes which are equivalent to UK degree level qualifications, and which teaches no more than half of a degree programme in the UK as a study abroad programme.

**“Overstayed”** or **“overstaying”** means the person has stayed in the UK beyond the latest of:

- (a) the time limit attached to the last permission granted; or
- (b) the period that the permission was extended under section 3C or 3D of the Immigration Act 1971.

**“Own Account”** in Appendix Visitor: Permitted Activities means the transport of goods by a business where the following conditions are fulfilled:

- (a) the goods carried are the property of the business or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the business; and
- (b) the purpose of the journey is to carry the goods to or from the premises of the business or to move them, either inside or outside the business for its own requirements; and
- (c) the vehicles used for such transport are driven by personnel employed by, or put at the disposal of, the business under a contractual obligation; and
- (d) the vehicles carrying the goods are owned by the business, have been bought by it on deferred terms or have been hired; and
- (e) such transport is no more than ancillary to the overall activities of the business.

**“Parent”** includes:

- (a) the stepfather of a child whose father is dead, and reference to stepfather includes a relationship arising through civil partnership; and
- (b) the stepmother of a child whose mother is dead, and reference to stepmother includes a relationship arising through civil partnership; and
- (c) the father, as well as the mother, of an illegitimate child where the person is proved to be the father; and
- (d) an adoptive parent, where a child was adopted in accordance with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or where a child is the subject of a de facto adoption in accordance with the requirements of paragraph 309A (except that an adopted child or a child who is the subject of a de facto adoption may not make an application for leave to enter or remain in order to accompany, join or remain with an adoptive parent under paragraphs 297 to 303); and
- (e) in the case of a child born in the UK who is not a British citizen, a person to whom there has been a genuine transfer of parental responsibility on the ground of the original parents’ inability to care for the child.

**“Parent of a Child Student”** means a person who has, or had, permission under Appendix Parent of a Child Student or as a Parent of a Tier 4 (Child) Student under the rules in force before 5 October 2020.

**“Partner”** means a person’s:

- (a) spouse; or
- (b) civil partner; or
- (c) unmarried partner, where the couple have been living together in a relationship similar to marriage or a civil partnership for at least two years.

**“Partner Institution”** means an institution which has a partnership agreement with a student sponsor, which has been approved by the Home Office in accordance with the requirements set out in the student sponsor guidance published on the gov.uk website. Teaching partnerships allow a student sponsor’s students to undertake study of a specified type at a partner institution’s site.

**“Passport”** means a document which:

- (a) is issued by or on behalf of the government of any country recognised by the UK, or dealt with as a government by the UK, and which complies with international passport practice; and
- (b) shows both the identity and nationality of the holder; and
- (c) gives the holder the right to enter the country of the government which issued the document; and
- (d) is authentic and not unofficially altered or tampered with; and
- (e) is not damaged in a way that compromises the integrity of the document; and
- (f) is used by the rightful holder; and
- (g) has not expired.

**“Pathway Course”** means a course which prepares a student for progression to another course at a specific UK recognised body or a body in receipt of public funding as a higher education institution from the Department for the Economy in Northern Ireland, the Office for Students, the Higher Education Funding Council for Wales, the Scottish Funding Council or any other provider registered with the Office for Students. It does not include a pre-sessional course.

**“Patient”**, in Appendix S2 Healthcare Visitor, means a person who is undergoing or plans to undergo a course of planned healthcare treatment in the UK.

**“PAYE”** means HM Revenue and Customs’ Pay As You Earn system for collecting Income Tax and National Insurance from employee earnings.

**“Peer reviewed research fellowship or award”** means a specific fellowship or award which appears on the list of peer reviewed research fellowships or awards published by The Royal Society, The Royal Academy of Engineering or The British Academy.

**“Pending appeal”** has the same meaning as in section 104 of the Nationality, Immigration and Asylum Act 2002.

**“Period of imprisonment”** has the same meaning as in section 38(2) of the UK Borders Act 2007.

**“Permission to enter”** has the same meaning as leave to enter under the Immigration Act 1971.

**“Permission to stay”** has the same meaning as leave to remain under the Immigration Act 1971 (and includes a variation of leave to enter or remain and an extension of leave to enter or remain).

And references in these rules to a person having, having had or being granted **“Permission”** means either permission to enter or permission to stay.

**“Permitted Paid Engagement visitor”** means a person who has, or had, permission under Appendix V: Visitor to undertake specific paid engagements for up to one month.

**“Postgraduate doctor or dentist”** in Appendix Student means a student undertaking a recognised Foundation Programme with Health Education England following completion of a recognised degree in medicine or dentistry in the UK.

**“Postgraduate level study”** means a course at level 7 or above of the Regulated Qualifications Framework, or level 11 or above of the Scottish Credit and Qualifications Framework, which leads to a recognised UK postgraduate degree at master’s level or above, or an equivalent qualification at the same level.

**“Premium Sponsor”** means a sponsor which is recorded as holding Premium status on the register of licensed sponsors maintained by the Home Office.

**“Present and settled”** means that the person concerned is settled in the UK and, at the date of application, is physically present in the UK.

Where the person concerned is a British Citizen or settled in the UK and is:

- (a) a member of HM Forces serving overseas; or
- (b) a permanent member of HM Diplomatic Service, or a comparable UK-based staff member of the British Council, the Foreign, Commonwealth and Development Office or the Home Office on a tour of duty outside the UK, and the applicant has provided the evidence specified in paragraph 26A of Appendix FM-SE, then for the purposes of Appendix FM the person is to be regarded as present and settled in the UK, and in paragraphs R-LTRP.1.1.(a) and RILRP.1.1.(a) of Appendix FM the words “and their partner must be in the UK” are to be disregarded.

For the purposes of an application under Appendix FM, or as a child under Part 8, an EEA or non-EEA national with a permanent right to reside in the UK under EU law must hold either a valid residence permit or document issued under the Immigration (European Economic Area) Regulations 2000 which has been endorsed under the Immigration Rules to show permission to remain in the UK

indefinitely, or a valid document certifying permanent residence or permanent residence card issued under the Immigration (European Economic Area) Regulations 2016, 2006 or predecessor instruments in order to be regarded as present and settled in the UK. This does not, however, apply if the EEA or non-EEA national in question holds valid indefinite leave to enter or remain granted under Appendix EU to these Rules or, in the case of an Irish citizen, would hold such leave if they made (or, where the date of application under Appendix FM is on or after 1 July 2021, if they had made) a valid application under that Appendix before 1 July 2021.

**“Primary degree”** means a qualification obtained from a course of degree level study, which did not feature as an entry requirement a previous qualification obtained from degree level study, for example an undergraduate degree is a primary degree, but a master's degree that has a bachelor's degree as an entry requirement is not a primary degree.

**“Private foster care arrangement”** means an arrangement in which a child aged under 16, or aged under 18 if disabled, is cared for, on a full-time basis for a period of 28 days or more, by a person aged 18 or over who is not the child's parent or a close relative.

**“Private medical insurance”** means insurance to cover treatment provided by a private health provider, or a reciprocal arrangement in place with another country by which certain nationals may receive NHS treatment.

**“Private medical treatment”** means treatment provided by a private health provider, or by the NHS where there is a reciprocal arrangement in place with another country by which certain nationals may receive NHS treatment.

**“Probationary Sponsor”** means a student sponsor which is recorded as having “Probationary Sponsor status” on the register of licensed student sponsors maintained by the Home Office.

**“Professional Sportsperson”** means a person who is one or more of the following:

- (a) currently providing services as a sportsperson, or is playing or coaching in any capacity, at a professional or semi-professional level of sport (whether paid or unpaid); or
- (b) currently receiving payment, including payment in kind, for playing or coaching, and that payment covers all, or the majority of, their costs for travelling to, and living in, the UK, or has received such payment within the previous 4 years; or
- (c) currently registered to a professional or semi-professional sports team or has been so registered within the previous 4 years (this includes all academy and development team age groups); or
- (d) has represented their nation or national team within the previous two years, including all youth and development age groups from under 17s upwards; or
- (e) has represented their state or regional team within the previous two years, including all youth and development age groups from under 17s upwards; or

- (f) has an established international reputation in their chosen field of sport; or
- (g) engages an agent or representative, with the aim of finding opportunities as a sportsperson, and/or developing a current or future career as a sportsperson, or has engaged such an agent in the last 12 months; or
- (h) is providing services as a sportsperson or coach, unless they are doing so as an “Amateur” in a charity event; or
- (i) is providing services as a sportsperson or coach, unless they are doing so as a Student who is studying a course at degree level or above at a higher education provider and playing or coaching sport as an Amateur or as part of a work placement that is undertaken as an integral and assessed part of their course.

**“Prohibited degree of relationship”** has the same meaning as in the Marriage Act 1949, the Marriage (Prohibited Degrees of Relationship) Act 1986 and the Civil Partnership Act 2004.

**“Protection claim”** has the same meaning as in section 82(2)(a) of the Nationality, Immigration and Asylum Act 2002.

**“Public funds”** means:

- (a) housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988; and
- (b) attendance allowance, severe disablement allowance, carer’s allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support, council tax benefit and housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; income based jobseeker’s allowance under the Jobseekers Act 1995, income related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance) state pension credit under the State Pension Credit Act 2002; or child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002; and
- (c) attendance allowance, severe disablement allowance, carer’s allowance and disability living allowance under Part III of the Social Security Contribution and Benefits (Northern Ireland) Act 1992; income support, council tax benefit and, housing benefit under Part VII of that Act; a social fund payment under Part VIII of that Act; child benefit under Part IX of that Act; income based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 or income related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007; and
- (d) Universal Credit under Part 1 of the Welfare Reform Act 2012 or Personal Independence Payment under Part 4 of that Act; and
- (e) Universal Credit, Personal Independence Payment or any domestic rate relief under the Welfare Reform (Northern Ireland) Order 2015; and
- (f) a council tax reduction under a council tax reduction scheme made under section 13A of the Local Government Finance Act 1992 in relation to England or Wales or a council tax reduction pursuant to the Council Tax Reduction (Scotland) Regulations



- 2012 or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012; and
- (g) a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015; and
  - (h) a discretionary support payment made in accordance with any regulations made under article 135 of the Welfare Reform (Northern Ireland) Order 2015; and
  - (i) a discretionary payment made by a local authority under section 1 of the Localism Act 2011.

For the purpose of these rules,

- (i) a person (P) is not to be regarded as having (or potentially having) recourse to public funds merely because P is (or will be) reliant in whole or in part on public funds provided to P's family sponsor unless, as a result of P's presence in the UK, the family sponsor is (or would be) entitled to increased or additional public funds (save where such entitlement to increased or additional public funds is by virtue of P and the family sponsor's joint entitlement to benefits under the regulations referred to in subparagraph (ii) below; and
- (ii) subject to subparagraph (iii) below, a person (P) shall not be regarded as having recourse to public funds if P is entitled to benefits specified under section 115 of the Immigration and Asylum Act 1999 by virtue of regulations made under sub-sections (3) and (4) of that section or section 42 of the Tax Credits Act 2002; and
- (iii) a person (P) making an application from outside the UK will be regarded as having recourse to public funds where P relies upon the future entitlement to any public funds that would be payable to P or to P's family sponsor as a result of P's presence in the UK (including those benefits to which P or the family sponsor would be entitled as a result of P's presence in the UK under the regulations referred to in subparagraph (ii) above).

**“Recreational Course”** means a course undertaken purely for leisure purposes that does not lead to a formal qualification, for example, a leisure course in pottery or horse riding.

**“Refugee”** has the same meaning as in regulation 2 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006.

**“Refugee Convention”** means the 1951 United Nations Convention and its 1967 Protocol relating to the Status of Refugees.

**“Refugee status”** is the recognition by the UK that a person meets the criteria in paragraph 334.

**“Refugee leave”** means limited leave granted pursuant to paragraph 334 or 335, which has not been revoked pursuant to paragraph 339A to 339AC or 339B.

**“Relevant NHS body”** in Part 9, and in paragraphs S-EC.2.3., S-LTR.2.3. and S-ILR.2.3. of Appendix FM, means:

- (a) in relation to England-
  - (i) a National Health Service Trust established under section 25 of the National Health Service Act 2006; or
  - (ii) a National Health Service foundation trust; and
- (b) in relation to Wales-
  - (i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006; or
  - (ii) a National Health Service Trust established under section 18 of the National Health Service (Wales) Act 2006; or
  - (iii) a Special Health Authority established under 22 of the National Health Service (Wales) Act 2006; and
- (c) in relation to Scotland-
  - (i) a Health Board or Special Health Board established under section 2 of the National Health Service (Scotland) Act 1978 (c. 29); or
  - (ii) the Common Services Agency for the Scottish Health Service established under section 10 of that Act; or
  - (iii) Healthcare Improvement Scotland established under section 10A of that Act; and
- (d) in relation to Northern Ireland-
  - (i) the Regional Health and Social Care Board established under the Health and Social Care (Reform) Act (Northern Ireland) 2009; or
  - (ii) a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) and renamed under the Health and Social Care (Reform) Act (Northern Ireland) 2009.

**“Relevant NHS regulations”** means:

- (a) in Wales, the National Health Service (Charges to Overseas Visitors) Regulations 1989 (1989 No 306); and
- (b) in Scotland, the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 as amended (1989 No 364); and
- (c) in Northern Ireland, the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 (2015 No 227); and
- (d) in England, the National Health Service (Charges to Overseas Visitors) Regulations 2015 (2015 No 238).

**“Religious Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) Religious Worker or as a Tier 5 (Temporary Worker) migrant in the Religious Workers sub-category under part 6A of the rules in force before 1 December 2020.

**“Representative of an Overseas Business”** means a person who has, or had, permission under Appendix Representative of an Overseas Business or as a Representative of an Overseas Business under Part 5 of the rules in force before 1 December 2020.

**“Research Programme”** means research programmes and fellowships under a Government Authorised Exchange Scheme where the person is working on a scientific, academic, medical, or government research project at either a UK higher education institution or another research institution operating under the authority and/or financial sponsorship of a relevant Government Department.

**“Rough sleeping”** means sleeping, or bedding down, in the open air (for example on the street or in doorways) or in buildings or other places not designed for habitation (for example sheds, car parks or stations).

**“S2 certificate of entitlement to scheduled treatment”** has the same meaning as a portable document S2 issued under Regulation (EC) No 883/2004.

**“S2 Healthcare Visitor”** means a patient (P) or an accompanying person (AP) who meets the requirements of Appendix S2 Healthcare Visitor.

**“Seasonal work”** is work which fluctuates or is restricted according to the season or time of the year.

**“Seasonal Worker”** means a person who has, or had, permission under Appendix T5 (Temporary Worker) Seasonal Worker, or as a Tier 5 (Temporary Worker) migrant in the Seasonal Worker sub-category under part 6A of the rules in force before 1 December 2020.

**“Seeking entry”** refers to a person applying for entry clearance or permission to enter the UK.

**“Self-employed”** means a person who is registered as self-employed with HM Revenue & Customs, or an overseas equivalent, or is employed by a company of which the person is a controlling shareholder.

**“Self-employed Lawyer”** means a person granted permission outside the rules under the concession for self-employed lawyers that formerly appeared in Chapter 6, Section 1 Annex D of the Immigration Directorate Instructions.

**“Series of events”** in relation to sport is two or more linked events, such as a tour, or rounds of a competition, which do not add up to a league or a season.

**“Settled”** has the same meaning as in section 33(1) of the Immigration Act 1971.

**“Settled worker”** means:  
(a) a British citizen; or

- (b) a person who is resident in the UK in accordance with the EEA Regulations or who holds a permanent right of residence in the UK in accordance with regulation 15 of the EEA Regulations; or
- (c) a person with leave to remain or indefinite leave to remain granted under Appendix EU; or
- (d) a British Overseas Territories citizen, except those from the Sovereign Base Areas in Cyprus; or
- (e) a Commonwealth citizen who has been granted permission on the UK Ancestry route on the basis that they have a grandparent born in the UK and Islands; or
- (f) a person who is otherwise settled within the meaning of section 33(2A) of the Immigration Act 1971.

**“Settlement”** means indefinite leave to enter or remain.

**“Sham marriage”** and **“sham civil partnership”** has the same meaning as in section 62 of the Immigration Act 2014 and **“involvement in a sham marriage or sham civil partnership”** means a person who is a party to a sham marriage or sham civil partnership, or who has enabled the marriage or civil partnership to take place.

**“Short-term Student”** means a person who has, or had, permission under Appendix Short Term Student, or paragraph A57E of the rules in force before 1 December 2020.

**“Skilled Worker”** means a person who has, or had, permission under Appendix Skilled Worker, or as a Tier 2 (General) migrant under the rules in force before 1 December 2020.

**“Sole Representative”** means a person who has, or had, permission on the Representative of an Overseas Business route having met the requirement at ROB 4.4.(a) of Appendix Representative of an Overseas Business, or as a Representative of an Overseas Business having met the requirement of paragraph 144(ii)(a) of Part 5 of the rules in force before 1 December 2020.

**“Sponsor”** and **“family sponsor”**, in relation to a family member, means the person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé(e), civil partner, proposed civil partner, unmarried partner, same-sex partner or dependent relative, as the case may be, under paragraphs 277 to 295O or 317 to 319 or the person in relation to whom an applicant is seeking entry clearance or leave as their partner or dependent relative under Appendix FM.

**“Sponsor”**, in relation to study or work, means the person or organisation licensed by the Home Office that the Certificate of Sponsorship or Confirmation of Acceptance for Studies records as being the sponsor for a person.

**“Sponsor group”**, under Appendix Intra-Company routes, means the sponsor and any business or organisation that is linked to the sponsor by common ownership or control, or by a joint venture on which the applicant is sponsored to work.

**“Sponsor licence”** means a licence granted by the Home Office to a person who, by virtue of such a grant, is licensed as a sponsor in relation to applications to study or work in the UK.

**“Standard visitor”** means a person who has, or had, permission under Appendix V: Visitor to undertake the activities of a standard visitor set out in Appendix Visitor: Permitted Activities.

**“Start-up route”** means Appendix Start-up, and also includes a person who has, or had, permission as a Start-Up migrant under Appendix W of the rules in force before 1 December 2020.

**“State-funded school or academy”** means:

- (a) in England, an “Academy” as defined by and established under the Academies Act 2010, including academy schools, 16-19 academies and alternative provision academies; and
- (b) in England and Wales, a “school maintained by a local authority” being an institution defined in the School Standards and Framework Act 1998 or the Education Act 1996, including community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, pupil referral units and maintained nursery schools; and
- (c) in Northern Ireland, a “grant-aided school” being a school to which grants are paid under the Education Orders as defined in the Education and Libraries (Northern Ireland) Order 1986, including controlled, maintained, grant-maintained integrated schools and voluntary grammar schools; and
- (d) in Scotland, a “public school” and a “grant-aided school”, defined in section 135 of the Education (Scotland) Act 1980 (for the avoidance of doubt, these definitions include any such nursery schools and special schools) and “Special school” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004.

**“Student”** means a person who has, or had, permission under Appendix Student, or Appendix ST: Student of the rules in force immediately before 1 December 2020, or as a Tier 4 (General) Student under the rules in force before 5 October 2020.

**“Student sponsor”** means a sponsor which listed on the register of licensed sponsors maintained by the Home Office:  
<https://www.gov.uk/government/publications/register-of-licensed-sponsors-students>.

**“Student Union Sabbatical Officer”** means a person who has, or had, permission under Appendix Student, Appendix ST: Student of the rules in force immediately before 1 December 2020, or under paragraph 245ZV or paragraph 245ZX of the rules in force before 5

October 2020, and has been elected to a full-time, salaried, executive union position in the student union of the person's sponsor institution or with the National Union of Students of the UK.

**“Studying in London”** means the applicant's Confirmation of Acceptance for Studies confirms they will be studying at an institution wholly within the Greater London Area. If the applicant will be studying at more than one site, one or more of which is in Greater London Area and one or more outside, then the applicant will be considered to be studying in London if the applicant's Confirmation of Acceptance for Studies states that the applicant will be spending the majority of time studying at a site or sites situated within the Greater London Area.

**“Studying outside London”** means the applicant's Confirmation of Acceptance for Studies confirms they will be studying in the UK but the site of study does not meet the definition of Studying in London.

**“Successfully completed”** means the Student or Child Student has been awarded the qualification for the course of study for which their Confirmation of Acceptance for Studies was assigned.

**“Supplementary employment”** means employment in a job (other than the job for which the person is being sponsored) which appears on the Shortage Occupation Lists in Appendix Shortage Occupation Lists, or in the same profession and at the same professional level as the job for which the person is being sponsored, provided that:

- (a) the person remains working for the sponsor in the job for which the Certificate of Sponsorship records the person is being sponsored; and
- (b) the other employment does not exceed 20 hours per week and takes place outside of the hours when the person is contracted to work for the sponsor in the job for which the person is being sponsored.

**“Swiss citizens' rights agreement”** means (as modified from time to time in accordance with any provision of it) the Agreement signed at Bern on 25 February 2019 between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens' rights following the withdrawal of the United Kingdom from:

- (a) the European Union; and
- (b) the Agreement on the Free Movement of Persons.

**“Tier 1 (Entrepreneur) Migrant”** means a person who has, or had leave under paragraphs 245D to 245DF.

**“Tier 1 (Exceptional Talent) Migrant”** means a person who was granted leave under paragraphs 245B to 245BF of the rules in force before 1 December 2020.

“**Tier 1 (General) Migrant**” means a person who was granted leave under paragraphs 245C to 245CE of the rules in force before 6 April 2018.

“**Tier 1 (Graduate Entrepreneur) Migrant**” means a person who was granted leave under paragraphs 245F to 245FB of the rules in force on or after 6 April 2012 and before 29 March 2019.

“**Tier 1 (Investor) Migrant**” means a person who has, or had, leave under paragraphs 245E to 245EF.

“**Tier 1 (Post-Study Work) Migrant**” means a person who was granted leave under paragraphs 245F to 245FE of the rules in force before 6 April 2012.

“**Tier 2 (General) Migrant**” means a person granted leave under paragraphs 245H to 245HF and who obtained points under paragraphs 76 to 84A of Appendix A of the rules in force before 1 December 2020.

“**Tier 2 (Intra-Company Transfer) Migrant**” means a person granted leave under paragraphs 245G to 245GF of the rules in force before 1 December 2020.

“**Tier 2 Migrant**” means a person granted leave as a Tier 2 (Intra-Company Transfer) Migrant, a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant under the rules in force before 1 December 2020.

“**Tier 2 (Minister of Religion) Migrant**” means a person granted leave under the Tier 2 Minister of Religion route as a missionary or a member of a religious order under paragraphs 245H to 245HF of the rules in force before 1 December 2020.

“**T2 Minister of Religion**” means a person who has, or had, permission under Appendix T2 Minister of Religion, or as a Tier 2 (Minister of Religion) migrant under the rules in force before 1 December 2020.

“**Tier 2 (Sportsperson) Migrant**” means a person granted leave under paragraphs 245H to 245HF (and who obtained points under paragraphs 93 to 100 of Appendix A) of the rules in force before 1 December 2020.

“**T2 Sportsperson**” means person who has, or had, permission under Appendix T2 Sportsperson, or as a Tier 2 (Sportsperson) migrant under the rules in force before 1 December 2020.

“**Tier 4 (Child) Student**” means a person granted leave under paragraphs 245ZZ to 245ZZD of the rules in force before 5 October 2020.

“**Tier 4 (General) Student**” means a person granted leave under paragraphs 245ZT to 245ZY of the rules in force before 5 October 2020.

“**Tier 4 Migrant**” means a Tier 4 (General) Student or a Tier 4 (Child) Student.

“**Tier 5 Migrant**” means a person granted leave as either a Tier 5 (Temporary Worker) Migrant or a Tier 5 (Youth Mobility Scheme) Temporary Migrant under the rules in force before 1 December 2020.

“**T5 (Temporary Worker)**” means a person who has, or had, permission as a Seasonal Worker, Youth Mobility Scheme Worker, Religious Worker, Charity Worker, Creative or Sporting Worker, International Agreement Worker, or Government Authorised Exchange Worker.

“**Tier 5 (Temporary Worker) Migrant**” means a person granted leave under paragraphs 245ZM to 245ZS of the rules in force before 1 December 2020.

“**Track record of compliance**” means a 4-year track record of immigration compliance and Educational Oversight, established by a student sponsor in accordance with the requirements set out in the student sponsor guidance which is published on the visa and immigration pages of the gov.uk website.

“**Training Programme**” means a training programme under a Government Authorised Exchange Scheme where the person concerned either receives formal, practical training in the fields of science and / or medicine or will be trained by HM Forces or by UK emergency services.

“**UK**” means the United Kingdom.

“**UK Ancestry route**” means the route in Appendix UK Ancestry, or paragraphs 186 to 199B in Part 5 of the Rules in force before 1 December 2020, and “**person with UK Ancestry**” means a person applying for, or granted, permission on the basis that they have a grandparent born in the UK and Islands and meet the requirements in Appendix UK Ancestry, or under paragraphs 186 to 193 in Part 5 of the Rules in force before 1 December 2020.



**“UK bachelor’s degree”** means:

- (a) a programme of study or research which leads to the award by or on behalf of a university, college or other body which is authorised by Royal Charter, an Act of Parliament, the Privy Council or the Office for Students to grant degrees, of a qualification designated by the awarding institution to be of bachelor’s degree level; or
- (b) a programme of study or research, which leads to a recognised award for the purposes of section 214(2)(c) of the Education Reform Act 1988, of a qualification designated by the awarding institution to be of bachelor’s degree level.

**“UK Border”** means immigration control at a UK port and a control zone in France or Belgium or a supplementary control zone in France as defined by Article 2(1) and Schedule 1 to the Channel Tunnel (International Arrangements) Order 1993 (SI 1993/1813) and Article 2 of the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (SI 2003/2818).

**“UK listed body”** is an institution which is not a UK recognised body but which provides full courses that lead to the award of a degree by a UK recognised body.

**“UK NARIC”** means the UK National Recognition Information Centre, which provides information, advice and opinion on academic, vocational and professional qualifications and skills from all over the world, set out at: <https://uknaric.org/>.

**“UK recognised body”** means a higher learning institution that has been granted degree awarding powers by Royal Charter, an Act of Parliament, the Privy Council or the Office for Students, and for the purposes of these rules, Health Education South London and Health Education England are equivalent to UK recognised bodies, as set out at: <https://www.gov.uk/check-a-university-is-officially-recognised>.

**“UK Regulated Profession”** means a profession regulated by UK law under Directive 2005/36/EC, modified by Directive 2013/55/EU, as listed at: <http://cpq.naric.org.uk/Professions/Regulated%20professions/Default>.

**“UKRI”** means UK Research and Innovation.

**“United Kingdom passport”** has the same meaning as in the Immigration Act 1971.

**“Unmarried partner”**, under Appendix ECAA Extension of Stay or Appendix ECAA Settlement, means a person who is:

- (a) resident with the ECAA worker or ECAA business person unless applying for entry clearance; and
- (b) intends to live, or continue living, with the ECAA worker or ECAA business person; and

(c) is in a relationship with the ECAA worker or ECAA business person that is genuine and subsisting.

**“Valid application”** means an application made in accordance with the requirements of Part 1, or the validity requirements of the route in question, whichever is applicable.

**“Visa nationals”** means persons specified in Appendix Visitor: Visa National list as needing a visa, or entry clearance, for the UK for a visit or for any other purposes where seeking entry for 6 months or less and **“Non-visa nationals”** are persons who are not so specified in that Appendix.

**“Visitor”** means a person granted permission under paragraphs 40-56Z, 75A-M or 82-87 of the rules in force before 24 April 2015 or Appendix V on or after 24 April 2015 or Appendix V: Visitor after 9am on 1 December 2020.

**“Voluntary fieldwork”** means activities which would not normally be offered at a waged or salaried rate and which contribute directly to the achievement or advancement of the sponsor’s charitable purpose. It does not include work ancillary to the sponsor’s charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor’s offices and other assets.

**“Voluntary work”** has the same meaning as applies to a voluntary worker in the National Minimum Wage Act 1998.

**“Week”** means a period of 7 days beginning with a Monday.

**“Withdrawal Agreement”** means the agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU (as that agreement is modified from time to time in accordance with any provision of it).

**“Work”** has the same meaning as **“Employment”**, except that work does not include being party to an employment contract but not working.

**“Work Experience Programme”** means work experience including volunteering and job-shadowing, internships and work exchange programmes under a Government Authorised Exchange Scheme.

**“Work placement”** means a placement that forms an integral and assessed part of the course of study which meets the requirements in Appendix Student or Appendix Child Student.

**“Working day”** means a business day in the part of the UK in which the applicant resides or (as the case may be) is detained.

**“Working illegally”** means working in breach of a condition of leave or working in the UK without valid leave where such leave is required.

**“Youth Mobility Scheme route”** means permission under Appendix T5 (Temporary Worker) Youth Mobility Scheme, or the Tier 5 (Youth Mobility Scheme) Temporary Migrant category under part 6A of the rules in force before 1 December 2020.

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# Immigration Rules

## Part 1

General provisions regarding entry clearance, leave to enter or remain in the United Kingdom

### Leave to enter the United Kingdom

7. A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor a person who is entitled to enter or remain in the United Kingdom by virtue of section 3ZA of the Immigration Act 1971 requires leave to enter the United Kingdom.

8. Under Sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to the United Kingdom a person subject to immigration control under that Act may give leave to enter for a limited period and, if he does, may impose all or any of the following conditions:

- (i) a condition restricting employment or occupation in the United Kingdom;
- (ii) a condition requiring the person to maintain and accommodate himself, and any dependants of his, without recourse to public funds;
- (iii) a condition requiring the person to register with the police; and
- (iv) a condition restricting his studies in the United Kingdom.

He may also require him to report to the appropriate Medical Officer of Environmental Health. Under Section 24 of the 1971 Act it is an offence knowingly to remain beyond the time limit or fail to comply with such a condition or requirement.

9. The time limit and any conditions attached will be made known to the person concerned either:

- (i) by written notice given to him or endorsed by the Immigration Officer in his passport or travel document; or
- (ii) in any other manner permitted by the Immigration (Leave to Enter and Remain) Order 2000.

## **Exercise of the power to refuse leave to enter the United Kingdom or to cancel leave to enter or remain which is in force**

10. The power to refuse leave to enter the United Kingdom or to cancel leave to enter or remain which is already in force is not to be exercised by an Immigration Officer acting on his own. The authority of a Chief Immigration Officer or of an Immigration Inspector must always be obtained.

## **Suspension of leave to enter or remain in the United Kingdom**

10A. Where a person has arrived in the United Kingdom with leave to enter or remain which is in force but which was given to him before his arrival he may be examined by an Immigration Officer under paragraph 2A of Schedule 2 to the Immigration Act 1971. An Immigration Officer examining a person under paragraph 2A may suspend that person's leave to enter or remain in the United Kingdom until the examination is completed.

## **Cancellation of leave to enter or remain in the United Kingdom**

10.B Where a person arrives in the United Kingdom with leave to enter or remain in the United Kingdom which is already in force, an Immigration Officer may cancel that leave.

## **Requirement for persons arriving in the United Kingdom or seeking entry through the Channel Tunnel to produce evidence of identity and nationality**

11. A person must, on arrival in the United Kingdom or when seeking entry through the Channel Tunnel, produce on request by the Immigration Officer:

- (i) a valid national passport or other document satisfactorily establishing his identity and nationality; and
- (ii) such information as may be required to establish whether he requires leave to enter the United Kingdom and, if so, whether and on what terms leave to enter should be given.

## Requirement for a person not requiring leave to enter the United Kingdom to prove that he has the right of abode

12. A person claiming to be a British citizen must prove that he has the right of abode in the United Kingdom by producing either:

- (i) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
- (ii) a certificate of entitlement duly issued by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

13. A person claiming to be a Commonwealth citizen with the right of abode in the United Kingdom must prove that he has the right of abode by producing a certificate of entitlement duly issued to him by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

14. A Commonwealth citizen who has been given limited leave to enter the United Kingdom may later claim to have the right of abode. The time limit on his stay may be removed if he is able to establish a claim to the right of abode, for example by showing that:

- (i) immediately before the commencement of the British Nationality Act 1981 he was a Commonwealth citizen born to or legally adopted by a parent who at the time of the birth had citizenship of the United Kingdom and Colonies by his birth in the United Kingdom or any of the Islands; and
- (ii) he has not ceased to be a Commonwealth citizen in the meanwhile.

## Common Travel Area

15. The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended) who enter the United Kingdom through the Republic of Ireland do require leave to enter. This includes:

- (i) those who merely passed through the Republic of Ireland;

- (ii) persons requiring visas;
- (iii) persons who entered the Republic of Ireland unlawfully;
- (iv) persons who are subject to directions given by the Secretary of State for their exclusion from the United Kingdom on the ground that their exclusion is conducive to the public good;
- (v) persons who entered the Republic from the United Kingdom and Islands after entering there unlawfully or overstaying their leave.

### Admission of certain British passport holders

16. A person in any of the following categories may be admitted freely to the United Kingdom on production of a United Kingdom passport issued in the United Kingdom and Islands or the Republic of Ireland prior to 1 January 1973, unless his passport has been endorsed to show that he was subject to immigration control:

- (i) a British Dependent Territories citizen;
- (ii) a British National (Overseas);
- (iii) a British Overseas citizen;
- (iv) a British protected person;
- (v) a British subject by virtue of Section 30(a) of the British Nationality Act 1981, (who, immediately before the commencement of the 1981 Act would have been a British subject not possessing citizenship of the United Kingdom and Colonies or the citizenship of any other Commonwealth country or territory).

17. British Overseas citizens who hold United Kingdom passports wherever issued and who satisfy the Immigration Officer that they have, since 1 March 1968, been given indefinite leave to enter or remain in the United Kingdom may be given indefinite leave to enter.

## Persons outside the United Kingdom

17A. Where a person is outside the United Kingdom but wishes to travel to the United Kingdom an Immigration Officer may give or refuse him leave to enter. An Immigration Officer may exercise these powers whether or not he is, himself, in the United Kingdom. However, an Immigration Officer is not obliged to consider an application for leave to enter from a person outside the United Kingdom.

17B. Where a person having left the common travel area, has leave to enter the United Kingdom which remains in force under article 13 of the Immigration (Leave to Enter and Remain) Order 2000, an Immigration Officer may cancel that leave. An Immigration Officer may exercise these powers whether or not he is, himself, in the United Kingdom. If a person outside the United Kingdom has leave to remain in the United Kingdom which is in force in this way, the Secretary of State may cancel that leave.

## Returning Residents

18. A person may resume their residence in the UK provided the Immigration Officer is satisfied that the person concerned:

- (i) had indefinite leave to enter or remain in the United Kingdom when he last left; and
- (ii) has not been away from the United Kingdom for more than 2 years; and
- (iii) did not receive assistance from public funds towards the cost of leaving the United Kingdom; and
- (iv) now seeks admission for the purpose of settlement.

18A. Those who qualify to resume their residence in accordance with paragraph 18 do not need a visa to enter the UK.

19. A person who does not benefit from the preceding paragraph by reason only of having been absent from the United Kingdom for more than two consecutive years, must have applied for, and been granted indefinite leave to enter by way of entry clearance if, he can demonstrate he has strong ties to the United Kingdom and intends to make the United Kingdom his permanent home.

19A. Sub paragraphs (ii) and (iii) of paragraph 18 shall not apply where a person who has indefinite leave to enter or remain in the United Kingdom accompanies on an overseas posting a partner, parent, a spouse, civil partner, unmarried partner or same-sex partner who is:



a) a member of HM Forces serving overseas; or

b) a British citizen or is settled in the UK and

(i) a permanent member of HM Diplomatic Service;

(ii) a comparable United Kingdom based permanent staff member of the British Council;

(iii) a permanent staff member of the Department for International Development; or

(iv) a permanent Home Office employee.

20. The leave of a person whose stay in the United Kingdom is subject to a time limit lapses on his going to a country or territory outside the common travel area if the leave was given for a period of six months or less or conferred by a visit visa. In other cases, leave lapses on the holder remaining outside the United Kingdom for a continuous period of more than two years. A person whose leave has lapsed and who returns after a temporary absence abroad within the period of this earlier leave has no claim to admission as a returning resident. His application to re-enter the United Kingdom should be considered in the light of all the relevant circumstances. The same time limit and any conditions attached will normally be reimposed if he meets the requirements of these Rules, unless he is seeking admission in a different capacity from the one in which he was last given leave to enter or remain.

## Non-lapsing leave

20A. Leave to enter or remain in the United Kingdom will usually lapse on the holder going to a country or territory outside the common travel area. However, under article 13 of the Immigration (Leave to Enter and Remain) Order 2000 such leave will not lapse where it was given for a period exceeding six months or where it was conferred by means of an entry clearance (other than a visit visa).

20B. Those who seek leave to enter the United Kingdom within the period of their earlier leave and for the same purpose as that for which that leave was granted, unless it

(i) was for a period of six months or less; or

(ii) was extended by statutory instrument or by section 3C of the Immigration Act 1971 (inserted by section 3 of the Immigration and Asylum Act 1999);

do not need a visa to enter the UK.

## Holders of restricted travel documents and passports

21. The leave to enter or remain in the United Kingdom of the holder of a passport or travel document whose permission to enter another country has to be exercised before a given date may be restricted so as to terminate at least 2 months before that date.

22. If his passport or travel document is endorsed with a restriction on the period for which he may remain outside his country of normal residence, his leave to enter or remain in the United Kingdom may be limited so as not to extend beyond the period of authorised absence.

23. The holder of a travel document issued by the Home Office should not be given leave to enter or remain for a period extending beyond the validity of that document. This paragraph and paragraphs 21-22 do not apply to a person who is eligible for admission for settlement or to a spouse or civil partner who is eligible for admission under paragraph 282 or to a person who qualifies for the removal of the time limit on his stay.

## Leave to enter granted on arrival in the United Kingdom

23A. A person who is not a visa national and who is seeking leave to enter on arrival in the United Kingdom for a period not exceeding 6 months for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, for a period not exceeding 6 months. This paragraph does not apply where the person is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject.

23B. A person who is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject, and who is seeking leave to enter on arrival in the United Kingdom for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, irrespective of the period of time for which he seeks entry, for a period not exceeding 6 months.

## Entry clearance

24. The following:

- (i) a visa national;

- (ii) a non visa national not a British national and is seeking entry for a period exceeding six months, or for a purpose for which prior entry clearance is required under these Rules;
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules,

must either:

- (i) produce to the Immigration Officer a valid passport or other identity document endorsed with a United Kingdom entry clearance, issued to him for the purpose for which he seeks entry, which is still in force,

or:

- (ii) where he has been granted a United Kingdom entry clearance which was issued to him in electronic form for the purpose for which he seeks entry and which is still in force, produce to the Immigration Officer a valid passport or other identity document.

Such a person will be refused leave to enter if he has no such current entry clearance. Any other person who wishes to ascertain in advance whether he is eligible for admission to the United Kingdom may apply for the issue of an entry clearance.

25. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non visa nationals). A visa or an entry certificate may be issued in electronic form. These documents are to be taken as evidence of the holder's eligibility for entry into the United Kingdom, and accordingly accepted as "entry clearances" within the meaning of the Immigration Act 1971.

25A. An entry clearance which satisfies the requirements set out in article 3 of the Immigration (Leave to Enter and Remain) Order 2000 will have effect as leave to enter the United Kingdom. The requirements are that the entry clearance must specify the purpose for which the holder wishes to enter the United Kingdom and should be endorsed with the conditions to which it is subject or wish a statement that it has effect as indefinite leave to enter the United Kingdom. The holder of such an entry clearance will not require leave to enter on arrival in the United Kingdom and, for the purposes of these Rules, will be treated as a person who has arrived in the United Kingdom with leave to enter the United Kingdom which is in force but which was given to him before his arrival.

26. An application for entry clearance will be considered in accordance with the provisions in these Rules governing the grant or refusal of leave to enter. Where appropriate, the term "Entry Clearance Officer" should be substituted for "Immigration Officer".

27. An application for entry clearance is to be decided in the light of the circumstances existing at the time of the decision, except that an applicant will not be refused an entry clearance where entry is sought in one of the categories contained in paragraphs 296-316 or *paragraph EC-C of Appendix FM* solely on account of his attaining the age of 18 years between receipt of his application and the date of the decision on it.

28. An applicant for an entry clearance must be outside the United Kingdom and Islands at the time of the application. An application for an entry clearance as a visitor or as a short-term student must be made to any post designated by the Secretary of State to accept such applications. Subject to paragraph 28A, any other application must be made to a post in the country or territory where the applicant is living which has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Where there is no such post the applicant must apply to the appropriate designated post outside the country or territory where he is living.

28A (a) An application for entry clearance under Appendix T5 (Temporary Worker) Creative or Sporting Worker may also be made at the post in the country or territory where the applicant is situated at the time of the application, provided that:

- (i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant,
- (ii) the applicant is in that country or territory for a similar purpose to the activity he proposes to undertake in the UK, and
- (iii) the applicant is able to demonstrate to the Entry Clearance Officer that he has authority to be living in that country or territory in accordance with its immigration laws. Those applicants who are known to the authorities of that country or territory but who have not been given permission to live in that country or territory will not be eligible to make an application.

(b) An application for entry clearance as a Global Talent migrant or as a under Appendix T5 (Temporary Worker) Youth Mobility Scheme may also be made at the post in the country or territory where the applicant is situated at the time of the application, provided that:

- (i) the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant, and
- (ii) the applicant is able to demonstrate to the Entry Clearance Officer that he has authority to be living in that country or territory in accordance with its immigration laws and that when he was given authority to live in that country or territory

he was given authority to live in that country or territory for a period of more than 6 months. Those applicants who are known to the authorities of that country or territory but who have not been given permission to live in that country or territory will not be eligible to make an application.

29. For the purposes of paragraph 28 "post" means a British Diplomatic Mission, British Consular post or the office of any person outside the United Kingdom and Islands who has been authorised by the Secretary of State to accept applications for entry clearance. A list of designated posts is published by the Foreign and Commonwealth Office.

30. An application for an entry clearance is not made until any fee required to be paid under the regulations made under sections 68 and 69 of the Immigration Act 2014 has been paid..

30A. An entry clearance may be revoked if the Entry Clearance Officer is satisfied that:

(i) DELETED

(ii) DELETED

(iii) DELETED

(iv) in the case of an entry clearance granted under Appendix EU (Family Permit), in respect of conduct committed before the specified date as defined in that Appendix, the holder is subject to an exclusion order, an exclusion decision or an Islands exclusion decision as defined in that Appendix.

30B. An entry clearance shall cease to have effect where the entry clearance has effect as leave to enter and an Immigration Officer cancels that leave in accordance with paragraph 2A(8) of Schedule 2 to the Immigration Act 1971.

30C. An Immigration Officer may cancel an entry clearance which is capable of having effect as leave to enter if the holder arrives in the United Kingdom before the day on which the entry clearance becomes effective or if the holder seeks to enter the United Kingdom for a purpose other than the purpose specified in the entry clearance.

## Variation of leave to enter or remain in the United Kingdom

31. Under Section 3(3) of the 1971 Act a limited leave to enter or remain in the United Kingdom may be varied by extending or restricting its duration, by adding, varying or revoking conditions or by removing the time limit (where upon any condition attached to the leave ceases to apply). When leave to enter or remain is varied an entry is to be made in the applicant's passport or travel document (and his registration certificate where appropriate) or the decision may be made known in writing in some other appropriate way.

31A. Where a person has arrived in the United Kingdom with leave to enter or remain in the United Kingdom which is in force but was given to him before his arrival, he may apply, on arrival at the port of entry in the United Kingdom, for variation of that leave. An Immigration Officer acting on behalf of the Secretary of State may vary the leave at the port of entry but is not obliged to consider an application for variation made at the port of entry. If an Immigration Officer acting on behalf of the Secretary of State has declined to consider an application for variation of leave at a port of entry but the leave has not been cancelled under paragraph 2A(8) of Schedule 2 to the Immigration Act 1971, the person seeking variation should apply to the Home Office under paragraph 32.

32. DELETED

33. DELETED

33A. Where a person having left the common travel area, has leave to enter or remain in the United Kingdom which remains in force under article 13 of the Immigration (Leave to Enter and Remain) Order 2000., his leave may be varied (including any condition to which it is subject in such form and manner as permitted for the giving of leave to enter. However, the Secretary of State is not obliged to consider an application for variation of leave to enter or remain from a person outside the United Kingdom.

33B-33G DELETED

A34 DELETED

A34. Paragraphs 34 and 34A do not apply to an application made under the following:

Appendix V: Visitor

Appendix S2 Healthcare Visitor

Appendix Student

Appendix Short-term Student

Appendix Child Student  
Appendix Parent of a Child Student  
Appendix Skilled Worker  
Appendix Intra-Company routes  
Appendix T2 Minister of Religion  
Appendix T2 Sportsperson  
Appendix Representative of an Overseas Business  
Appendix UK Ancestry  
Appendix Global Talent  
Appendix Start-up  
Appendix Innovator  
Appendix T5 (Temporary Worker) Seasonal Worker  
Appendix T5 (Temporary Worker) Youth Mobility Scheme  
Appendix T5 (Temporary Worker) Creative or Sporting Worker  
Appendix T5 (Temporary Worker) Religious Worker  
Appendix T5 (Temporary Worker) Charity Worker  
Appendix T5 (Temporary Worker) International Agreement Worker  
Appendix T5 (Temporary Worker) Government Authorised Exchange Worker  
Appendix Service Providers from Switzerland  
Appendix Hong Kong British National (Overseas)  
Appendix EU.

## How to make a valid application for leave to remain in the UK

34. an application for leave to remain must be made in accordance with sub-paragraphs (1) to (9) below.

- (1) (a) Subject to paragraph 34(1)(c), the application must be made on an application form which is specified for the immigration category under which the applicant is applying on the date on which the application is made.  
  
(b) An application form is specified when it is posted on the visa and immigration pages of the GOV.UK website.

(c) An application can be made on a previous version of a specified paper application form (and shall be treated as made on a specified form) as long as it is no more than 21 days out of date.

- (2) All mandatory sections of the application form must be completed.
- (3) Where the applicant is required to pay a fee, this fee must be paid in full in accordance with the process set out in the application form.
- (4) Where the applicant is required to pay the Immigration Health Surcharge, this must be paid in accordance with the process set out on the visa and immigration pages of the GOV.UK website.
- (5) (a) Subject to paragraph 34(5)(c), the applicant must provide proof of identity as described in 34(5)(b) below and in accordance with the process set out in the application form.

(b) Proof of identity for the purpose of this paragraph means:

(i) a valid passport or, if an applicant (except a PBS applicant) does not have a valid passport, a valid national identity card; or

(ii) if the applicant does not have a valid passport or national identity card, their most recent passport or (except a PBS applicant) their most recent national identity card; or

(iii) if the applicant does not have any of the above, a valid travel document.

(c) Proof of identity need not be provided where:

(i) the applicant's passport, national identity card or travel document is held by the Home Office at the date of application; or

(ii) the applicant's passport, nationality identity card or travel document has been permanently lost or stolen and there is no functioning national government to issue a replacement; or



- (iii) the applicant's passport, nationality identity card or travel document has been retained by an employer or other person in circumstances which have led to the applicant being the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism; or
  - (iv) the application is for limited leave to enable access to public funds pending an application under paragraph 289A of, or under Part 6 of Appendix Armed Forces or section DVILR of Appendix FM to these Rules; or
  - (v) the application is made under Part 14 of these Rules for leave as a stateless person or as the family member of a stateless person; or
  - (vi) the application was made by a person in the UK with refugee leave or humanitarian protection; or
  - (vii) the applicant provides a good reason beyond their control why they cannot provide proof of their identity.
- (6) Where any of paragraph 34(5)(c)(ii)-(vii) applies, the Secretary of State may ask the applicant to provide alternative satisfactory evidence of their identity and nationality.
- (7) Where the main applicant is under the age of eighteen, their parent or legal guardian must provide written consent to the application.
- (8) Where the application is made on a paper application form, it must be sent by pre-paid post or courier to the address on the application form.
- (9) An applicant must comply with the application process set out on the visa and immigration pages on GOV.UK and in the invitation to enrol biometrics which is provided as part of the application process in relation to –
- (a) making an appointment to provide biometrics, and
  - (b) providing any evidence requested by the Secretary of State in support of their application.

## Invalid applications

- 34A. Subject to paragraph 34B, where an application for leave to remain does not meet the requirements of paragraph 34, it is invalid and will not be considered.
- 34B. (1) Where an application for permission to stay does not meet the requirements of paragraph 34(1) to (9), or the validity requirements for the route under which they are applying, the Secretary of State may notify the applicant and give them one opportunity to correct the error(s) or omission(s) identified by the Secretary of State within the timescale specified in the notification.
- (2) Where an applicant does not comply with the notification in paragraph 34B(1), or with the requirements in paragraph 34G(4), the application is invalid and will not be considered unless the Secretary of State exercises discretion to treat an invalid application as valid and the requirements of paragraph 34(3) and (5), or a requirement to pay a fee and provide biometrics has been met.
- (3) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

## Multiple Applications

- 34BB. (1) An applicant may only have one outstanding application for leave to remain at a time.
- (2) If an application for leave to remain is submitted in circumstances where a previous application for leave to remain has not been decided, it will be treated as a variation of the previous application.
- (3) Where more than one application for leave to remain is submitted on the same day then subject to sub-paragraph (4), each application will be invalid and will not be considered.
- (4) The Secretary of State may give the applicant a single opportunity to withdraw all but one of the applications within 10 working days of the date on which the notification was sent. If all but one of the applications are not withdrawn by the specified date each application will be invalid and will not be considered.
- (5) Notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

## Dependent applicants applying at the same time as the main applicant

34C. A dependent applicant can be included on a main applicant's application form where the application form allows the dependant to be included.

34D. DELETED

## Variation of Applications or Claims for Leave to Remain

34E. If a person wishes to vary the purpose of an application for permission to stay, the variation must comply with the requirements of paragraph 34 or the validity requirements for the route now applied for, or the validity requirements in Appendix ST: Student or Appendix CS: Child Student (as they apply at the date the application for variation is made), as if the variation were a new application. If it does not, subject to paragraph 34B, the variation will be invalid and will not be considered.

34F. Any valid variation of a leave to remain application will be decided in accordance with the immigration rules in force at the date such variation is made.

## Date an application (or variation of an application) for leave to remain is made

34G. For the purposes of these rules, the date on which an application (or a variation of application in accordance with paragraph 34E) is made is:

- (1) where the paper application form is sent by post by Royal Mail, whether or not accompanied by a fee waiver request form, the date of posting as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or
- (2) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office; or
- (3) where the application is made via the online application process, and there is no request for a fee waiver, the date on which the online application is submitted; or

(4) where the online application includes a request for a fee waiver, the date on which the online request for a fee waiver is submitted, as long as the completed application for leave to remain is submitted within 10 days of the receipt of the decision on the fee waiver application.

(5) Notice of invalidity under paragraph 34G(4) will be given in writing and served in accordance with Appendix SN of these Rules.

34H.-34I. DELETED

## Withdrawn applications for leave to remain in the United Kingdom

34J. The proof of identity provided under paragraph 34(5), or any other application for leave to remain, will be returned to the applicant whilst their application is being considered, unless the Secretary of State considers it necessary to retain it. Where the Secretary of State has retained an applicant's proof of identity and the applicant requests the return of their proof of identity for the purpose of travel outside the common travel area, the application shall, provided it has not already been determined, be treated as withdrawn on the date that request is received by the Home Office.

34K. Where proof of identity provided under paragraph 34(5), or any other application for leave to remain, has been returned to the applicant pending a decision on their application for permission to stay and the applicant travels outside the common travel area their application shall, provided that it has not been determined, be treated as withdrawn on the date that the applicant left the common travel area.

## Specified forms and procedures in connection with applications for administrative review

### Notice of an eligible decision

34L. (1) Unless sub-paragraph (2) applies, written notice must be given to a person of any eligible decision. The notice given must:

- (a) include or be accompanied by a statement of reasons for the decision to which it relates, and
- (b) include information on how to apply for an administrative review and the time limit for making an application.

(2) Sub-paragraph (1) does not apply where the eligible decision is a grant of leave to remain.

## Making an application

34M. An application for administrative review must be made in accordance with the requirements set out in paragraphs 34N to 34S. If it is not it will be invalid and will not be considered.

34N. (1) Unless sub-paragraph (2) or (2A) applies only one valid application for administrative review may be made in respect of an eligible decision.

(2) A further application for administrative review in respect of an eligible decision as set out in Appendix AR may be made where the outcome of the administrative review is as set out in paragraph AR2.2(d) of Appendix AR of these Rules.

(2A) A further application for administrative review in respect of an eligible decision under Appendix AR (EU) may be made where a decision is withdrawn and a new decision made in accordance with paragraph AR(EU)2.2. of Appendix AR (EU).

(3) An application for administrative review of an eligible decision under Appendix AR may not be made if the applicant has previously signed an administrative review waiver form in respect of the eligible decision, in accordance with paragraph AR2.10 of Appendix AR of these Rules.

(4) If, after receiving notice of the eligible decision, an application for entry clearance, leave to enter or leave to remain is made during the time within which an application for administrative review under Appendix AR may be brought within paragraph 34R (including any possibility of an administrative review out-of-time under paragraph 34R(3)), an application for administrative review of the eligible decision may not be made under Appendix AR.

34O. An application for administrative review under Appendix AR or Appendix AR (EU) must be made online in accordance with paragraph 34U, unless the eligible decision relates to an application that was a valid paper application, in which case it can be made:

(a) in accordance with paragraph 34U;

(b) in relation to a leave to enter or remain application, in accordance with paragraph 34V; or

(c) in relation to an entry clearance application, in accordance with paragraph 34VA.

34P. The application must be made in relation to an eligible decision.

34Q. An application under Appendix AR must be made:

- (a) when the administrative review is in relation to an eligible decision on an in country application, as defined in paragraph AR3.2 of Appendix AR, while the applicant is in the UK;
- (b) when the administrative review is in relation to an eligible decision made on arrival at the United Kingdom, as defined in paragraph AR4.2 of Appendix AR, while the applicant is in the UK, unless the eligible decision is made in the *Control Zone* (as defined in Appendix AR of these Rules), in which case administrative review may not be applied for and will not be considered until after the applicant has left or been removed from the Control Zone;
- (c) when the administrative review is in relation to an eligible decision on an application for entry clearance, as defined in paragraph AR5.2 of Appendix AR, while the applicant is outside the UK.

34QA. An application under Appendix AR (EU) of these Rules may be made from either inside or outside the UK.

34R. (1) An application under Appendix AR must be made:

- (a) where the applicant is in the UK and not detained, no more than 14 calendar days after receipt by the applicant of the notice of the eligible decision;
- (b) where the applicant is in detention in the UK under the Immigration Acts, no more than 7 calendar days after receipt by the applicant of the notice of the eligible decision;
- (c) where the applicant is overseas, no more than 28 calendar days after receipt by the applicant of the notice of the eligible decision; or

(d) where the eligible decision is a grant of leave to remain, no more than 14 calendar days after receipt by the applicant of the biometric immigration document which states the length and conditions of leave granted.

(1A) An application under Appendix AR (EU) must be made:

- (a) where the applicant is in the UK and not detained, no more than 28 calendar days after receipt by the applicant of the notice of the eligible decision;
- (b) where the applicant is in detention in the UK under the Immigration Acts, no more than 7 calendar days after receipt by the applicant of the notice of the eligible decision;
- (c) where the applicant is overseas, no more than 28 calendar days after receipt by the applicant of the notice of the eligible decision.

(2) An application which is permitted under paragraph 34N(2) or 34N(2A) of these Rules must be made within the relevant time limit stated in paragraph 34R(1) as if it was an initial application, and the notice of the outcome of the previous administrative review will be treated as the notice of the eligible decision.

(3) But the application may be accepted out of time if the Secretary of State is satisfied that it would be unjust not to waive the time limit and that the application was made as soon as reasonably practicable.

(4) DELETED

(5) For provision about when an application is made see paragraph 34W.

34S. An applicant may only include an application on behalf of a dependant of the applicant if that dependant:

- (a) was a dependant on the application which resulted in the eligible decision; or
- (b) was previously granted leave to enter or remain as a dependant of the applicant and that leave is being cancelled at the same time as that of the applicant.

## Notice of invalidity

34T. A notice of invalidity will be given in writing and served in accordance with Appendix SN of these Rules.

## Online applications for administrative review

34U. (1) In this paragraph:

"the relevant online application process" means the application process accessible via the gov.uk website and identified there as relevant for applications for administrative review; and

"specified" in relation to the relevant online application process means specified in the online guidance accompanying that process.

(2) An application may be made online by completing the relevant online application process.

(3) Where an application is made online:

(a) any specified fee in connection with the application must be paid in accordance with the method specified;

(b) any section of the online application which is designated as mandatory must be completed as specified; and

(c) documents specified as mandatory on the online application or in the related guidance must be submitted either electronically with the online application and in the specified manner, where this is permitted, or received by post and in the specified manner no more than seven working days after the day on which the online application is submitted.

## Postal applications for administrative review

34V. (1) Subject to paragraph 34O, an application may be made by post or courier in accordance with this paragraph.

(2) Where an application is made by post or courier:



- (a) it must be made on the application form as specified within the meaning of paragraph 34 (but see paragraph 34Y);
- (b) any specified fee in connection with the application must be paid in accordance with the method specified in the application form, separate payment form or related guidance notes (as applicable);
- (c) any section of the application form which is designated as mandatory in the form itself or related guidance notes must be completed;
- (d) the form must be signed by the applicant or their representative;
- (e) the application must be accompanied by any documents specified as mandatory in the application form or related guidance notes; and
- (f) the application must be sent to the address specified on the form.

### Applications for administrative review of entry clearance decisions

34VA. (1) Subject to paragraph 34O, an application may be made by post, courier, hand, fax or email in accordance with this paragraph.

(2) Where an application is made by post, courier, hand, fax or email:

- (a) it must be made on the application form as specified within the meaning of paragraph 34 (but see paragraph 34Y);
- (b) any section of the application form which is designated as mandatory in the form itself or related guidance notes must be completed;
- (c) the form must be signed by the applicant or their representative;
- (d) the application must be accompanied by any documents specified as mandatory in the application form or related guidance notes; and

(e) the application must be delivered to the postal address, email address or fax number specified on the form.

## Determining the date of an application

34W. (1) An application for administrative review is made:

(a) where it is made by post in accordance with paragraph 34V, on the marked date of posting;

(b) where it is made by courier in accordance with paragraph 34V, on the date on which it is delivered; and

(c) where it is made online in accordance with paragraph 34U, on the date on which it is submitted.

(2) Accepting an application has been made does not mean that it is accepted as being valid.

## Withdrawal of applications

34X. (1) An application which may only be brought from within the UK and has not been determined will be treated as withdrawn if the applicant requests the return of their passport for the purpose of travel outside the UK.

(2) An application which may only be brought from within the UK and which has not been determined will be treated as withdrawn if the applicant leaves the UK.

(3) The application for administrative review may be withdrawn by the applicant. A request to withdraw an application must be made in writing to the Home Office at the address provided for that purpose on the visas and immigration pages of the gov.uk website. The application will be treated as withdrawn on the date on which the request is received.

(4) An application for administrative review which has not been determined will be treated as withdrawn if the applicant makes an application for entry clearance, leave to enter or leave to remain.

(5) Sub-paragraphs (1) and (2) above do not apply to an application for administrative review made under Appendix AR (EU).

## Transitional arrangements for specified forms used in postal and courier applications

34Y. Where an application is made no more than 21 days after the date on which a form is specified (within the meaning of paragraph 34 or the validity requirements for the route applied for) and on a form that was specified immediately prior to the date of the new specification, the application is deemed to have been made on the specified form (and is therefore not to be treated as invalid by reason only of being made on the “wrong” form).

## Undertakings

35. A sponsor of a person seeking leave to enter or remain in the United Kingdom may be asked to give an undertaking in writing to be responsible for that person's maintenance, accommodation and (as appropriate) personal care for the period of any leave granted, including any further variation or for a period of 5 years from date of grant where indefinite leave to enter or remain is granted. Under the Social Security Administration Act 1992 and the Social Security Administration (Northern Ireland) Act 1992, the Department of Social Security or, as the case may be, the Department of Health and Social Services in Northern Ireland, may seek to recover from the person giving such an undertaking any income support paid to meet the needs of the person in respect of whom the undertaking has been given. Under the Immigration and Asylum Act 1999 the Home Office may seek to recover from the person giving such an undertaking amounts attributable to any support provided under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers) to, or in respect of, the person in respect of whom the undertaking has been given. Failure by the sponsor to maintain that person in accordance with the undertaking, may also be an offence under section 105 of the Social Security Administration Act 1992 and/or under section 108 of the Immigration and Asylum Act 1999 if, as a consequence, asylum support and/or income support is provided to, or in respect of, that person.

## Medical

36. A person who intends to remain in the United Kingdom for more than 6 months should normally be referred to the Medical Inspector for examination. If he produces a medical certificate he should be advised to hand it to the Medical Inspector. Any person seeking entry who mentions health or medical treatment as a reason for his visit, or who appears not to be in good mental or physical health, should also be referred to the Medical Inspector; and the Immigration Officer has discretion, which should be exercised sparingly, to refer for examination in any other case.

37. Where the Medical Inspector advises that a person seeking entry is suffering from a specified disease or condition which may interfere with his ability to support himself or his dependants, the Immigration Officer should take account of this, in conjunction with

other factors, in deciding whether to admit that person. The Immigration Officer should also take account of the Medical Inspector's assessment of the likely course of treatment in deciding whether a person seeking entry for private medical treatment has sufficient means at his disposal.

38. A returning resident should not be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds. But where a person would be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds if he were not a returning resident or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter or to cancel existing leave to enter or remain, or in any other case where the Medical Inspector so recommends, the Immigration Officer should give the person concerned a notice requiring him to report to the Medical Officer of Environmental Health designated by the Medical Inspector with a view to further examination and any necessary treatment.

A39. Any person making an application for entry clearance to come to the UK for more than six months or as a fiancé(e) or proposed civil partner applying for leave to enter under Section EC-P:Entry clearance as a partner under Appendix FM, having been present in a country listed in Appendix T for more than six months immediately prior to their application, must present, at the time of application, a valid medical certificate issued by a medical practitioner approved by the Secretary of State for these purposes, as listed on the Gov.uk website, confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

B39. Applicants seeking leave to enter as a returning resident under paragraph 19 of these rules, having been absent from the United Kingdom for more than two years are also subject to the requirements in paragraph A39.

C39. Where a person has lawfully been present in a country not mentioned in Appendix T for more than six months and they are applying for entry clearance as in A39 in a country in Appendix T but have not been in that country or any other country mentioned in Appendix T for more than six months immediately before making their application, they will not be required to produce a medical certificate showing they are free from active pulmonary TB. This does not alter the discretionary powers as in paragraph 39 below.

39. The Entry Clearance Officer has the same discretion as an Immigration Officer to refer applicants for entry clearance for medical examination and the same principles will apply to the decision whether or not to issue an entry clearance.

## Students

39A. DELETED.

## Specified documents

39B. (a) Where these Rules state that specified documents must be provided, that means documents specified in these Rules as being specified documents for the route under which the applicant is applying. If the specified documents are not provided, the applicant will not meet the requirement for which the specified documents are required as evidence.

(b) Where these Rules specify documents that are to be provided, those documents are considered to be specified documents, whether or not they are named as such, and as such are subject to the requirements in (c) to (f) below.

(c) If the Entry Clearance Officer or Secretary of State has reasonable cause to doubt the genuineness of any document submitted by an applicant which is, or which purports to be, a specified document under these Rules, and having taken reasonable steps to verify the document is unable to verify that it is genuine, the document will be discounted for the purposes of this application.

(d) Specified documents may be originals or copies.

(e) Specified documents must contain, or the applicant must provide, full contact details to allow each document to be verified.

(f) Where any specified documents provided are not in English or Welsh, the applicant must provide the version in the original language and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State.

The translation must be dated and include:

- (i) confirmation that it is an accurate translation of the original document;
- (ii) the full name and signature of the translator or an authorised official of the translation company;
- (iii) the translator or translation company's contact details; and

- (iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

## **Indefinite leave to enter or remain**

- 39C (a) An applicant for indefinite leave to enter or remain must, unless the applicant provides a reasonable explanation, comply with any request made by the Secretary of State to attend an interview.
- (b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any evidence submitted by or on behalf of an applicant for the purposes of satisfying the requirements of Appendix KoLL of these Rules was genuinely obtained, that evidence may be discounted for the purposes of the application.
- (c) Where sub-paragraph (b) applies, the decision-maker may give the applicant a further opportunity to demonstrate sufficient knowledge of the English language and about life in the United Kingdom in accordance with paragraph 3.2 or 3.3 of Appendix KoLL.
- (d) A decision-maker may decide not to give the applicant a further opportunity under sub-paragraph (c) where the decision-maker does not anticipate that the supply of further evidence will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.

## **Power to interview a person with limited leave to enter or remain**

- 39D. For the purpose of assessing whether any of the grounds of cancellation of entry clearance or permission under Part 9 apply the Secretary of State may request a person to:
- (a) provide additional information to the Home Office at the address specified in the request within 28 calendar days of the date the request is sent; and
  - (b) attend an interview.

## Exceptions for overstayers

39E. This paragraph applies where:

(1) the application was made within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or

(2) the application was made:

(a) following the refusal of a previous application for leave which was made in-time applied; and

(b) within 14 days of:

(i) the refusal of the previous application for leave; or

(ii) the expiry of any leave extended by section 3C of the Immigration Act 1971; or

(iii) the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable); or

(iv) any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

(3) the period overstaying was between 24 January and 31 August 2020.

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# Immigration Rules

## Part 2

Transitional provisions Part 2 and Appendix V: Immigration Rules for Visitors

## Visitors

Transitional provisions Part 2 and Appendix V: Immigration Rules for Visitors

- 1 DELETED.
- 2 DELETED.
- 3 DELETED.
- 4 DELETED.

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# Immigration Rules

## Part 3

Persons seeking to enter or remain in the United Kingdom for studies

## Students

Persons seeking to enter the UK for short-term study

### Introduction

A57A. DELETED.

A57B. DELETED

### Requirements for entry clearance or leave to enter – Short-Term Student

A57C. DELETED.

A57D. DELETED.

A57E. DELETED.

## **Period and conditions of grant of entry clearance or leave to enter for short-term students**

A57F. DELETED.

## **Requirements for entry clearance or leave to enter – Short-term student (child)**

A57G. DELETED.

## **Period and conditions of grant of entry clearance or leave to enter as a short-term student (child)**

A57H. DELETED.

## **Requirements for leave to enter as a student**

57. DELETED.

## **Leave to enter as a student**

58. DELETED.

## **Refusal of leave to enter as a student**

59. DELETED.

## Requirements for an extension of stay as a student

60. DELETED.

## Extension of stay as a student

61. DELETED.

## Refusal of extension of stay as a student

62. DELETED.

## Student nurses

### Definition of a student nurse

63. DELETED.

### Requirements for leave to enter as a student nurse

64. DELETED.

### Leave to enter the United Kingdom as a student nurse

65. DELETED.

### Refusal of leave to enter as a student nurse

66. DELETED.

### **Requirements for an extension of stay as a student nurse**

67. DELETED.

### **Extension of stay as a student nurse**

68. DELETED.

### **Refusal of extension of stay as a student nurse**

69. DELETED.

### **Re-sits of examinations**

#### **Requirements for leave to enter to re-sit an examination**

69A. DELETED.

#### **Leave to enter to re-sit an examination**

69B. DELETED.

#### **Refusal of leave to enter to re-sit an examination**

69C. DELETED.

#### **Requirements for an extension of stay to re-sit an examination**

69D. DELETED.

### **Extension of stay to re-sit an examination**

69E. DELETED.

### **Refusal of extension of stay to re-sit an examination**

69F. DELETED.

### **Writing up a thesis**

#### **Requirements for leave to enter to write up a thesis**

69G. DELETED.

#### **Leave to enter to write up a thesis**

69H. DELETED.

#### **Refusal of leave to enter to write up a thesis**

69I. DELETED.

#### **Requirements for an extension of stay to write up a thesis**

69J. DELETED.

#### **Extension of stay to write up a thesis**

69K. DELETED.

**Refusal of extension of stay to write up a thesis**

69L. DELETED.

**Overseas qualified nurse or midwife**

**Requirements for leave to enter as an overseas qualified nurse or midwife**

69M. DELETED.

**Leave to enter the United Kingdom as an overseas qualified nurse or midwife**

69N. DELETED.

**Refusal of leave to enter as an overseas qualified nurse or midwife**

69O. DELETED.

**Requirements for an extension of stay as an overseas qualified nurse or midwife**

69P. DELETED.

**Extension of stay as an overseas qualified nurse or midwife**

69Q. DELETED.

**Refusal of extension of stay as an overseas qualified nurse or midwife**

69R. DELETED.

## Requirements for leave to enter the United Kingdom as a postgraduate doctor or dentist

70. DELETED.

## Leave to enter as a postgraduate doctor or dentist

71. DELETED.

## Refusal of leave to enter as a postgraduate doctor or dentist

72. DELETED.

## Requirements for an extension of stay as a postgraduate doctor or dentist

73. DELETED.

## Extension of stay as a postgraduate doctor or dentist

74. DELETED.

## Refusal of an extension of stay as a postgraduate doctor or dentist

75. DELETED.

## Spouses or civil partners of students granted leave under paragraphs 57-75 (but not A57A to A57H)

Requirements for leave to enter or remain as the spouse or civil partner of a student granted leave **under paragraphs 57-75 (but not A57A to A57H)**

76. DELETED

**Leave to enter or remain as the spouse or civil partner of a student or leave to remain as the spouse or civil partner of a prospective student**

77. DELETED

**Refusal of leave to enter or remain as the spouse or civil partner of a student granted leave under paragraphs 57-75 (but not A57A to A57H)**

78. DELETED

**Children of students granted leave under paragraphs 57-75 (but not A57A to A57H)**

**Requirements for leave to enter or remain as the child of a student granted leave under paragraphs 57-75 (but not A57A to A57H)**

79. DELETED

79A. DELETED

**Leave to enter or remain as the child of a student granted leave under paragraphs 57-75 (but not A57A to A57H)**

80. DELETED

**Refusal of leave to enter or remain as the child of a student granted leave under paragraphs 57-75 (but not A57A to A57H)**

81. DELETED



## Prospective students

A82 DELETED

82-84. DELETED.

## Requirements for extension of stay as a prospective student

85. DELETED

## Extension of stay as a prospective student

86. DELETED

## Refusal of extension of stay as a prospective student

87. DELETED

## Students' unions sabbatical officers

### Requirements for leave to enter as a sabbatical officer

87A. DELETED.

### Leave to enter the United Kingdom as a sabbatical officer

87B. DELETED.

### Refusal of leave to enter the United Kingdom as a sabbatical officer

87C. DELETED.

### **Requirements for an extension of stay as a sabbatical officer**

87D. DELETED.

### **Extension of stay as a sabbatical officer**

87E. DELETED.

### **Refusal of extension of stay as a sabbatical officer**

87F. DELETED.

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# Immigration Rules

## Part 4

Persons seeking to enter or remain in the United Kingdom in an "au pair" placement, as a working holidaymaker or for training or work experience

### "Au pair" placements

DELETED

### Working holidaymakers

DELETED

### Requirements for an extension of stay as a working holidaymaker

98. DELETED

### Extension of stay as a working holidaymaker

99. DELETED

### Refusal of extension of stay as a working holidaymaker

100. DELETED

### Children of working holidaymakers

DELETED

## **Seasonal agricultural workers**

Requirements for leave to enter as a seasonal agricultural worker

DELETED

Leave to enter as a seasonal agricultural worker

DELETED

Refusal of leave to enter as a seasonal agricultural worker

DELETED

Requirements for extension of stay as a seasonal agricultural worker

DELETED

Extension of stay as a seasonal agricultural worker

DELETED

Refusal of extension of stay as a seasonal worker

DELETED

**Requirements for leave to enter as a teacher or language assistant under an approved exchange scheme**

DELETED

## **Home Office approved training or work experience**

Requirements for leave to enter for Home Office approved training or work experience

## **Spouses of persons with limited leave to enter or remain under paragraphs 110-121**

DELETED

Requirements for leave to enter or remain as the spouse or civil partners of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

122. DELETED.

Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

123. DELETED.

Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

124. DELETED.

## Children of persons admitted or allowed to remain under paragraphs 110-121

Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

125. DELETED.

Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

126. DELETED.

Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121

127. DELETED.

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# Immigration Rules

## Part 5

Persons seeking to enter or remain in the United Kingdom for employment

### Work permit employment

#### General requirements for indefinite leave to remain

128A. DELETED.

#### Requirements for leave to enter the United Kingdom for work permit employment

128. DELETED.

#### Indefinite leave to remain for a work permit holder

134. DELETED.

#### 134SD - Specified documents

DELETED.

#### Refusal of indefinite leave to remain for a work permit holder

135. DELETED.

## Highly skilled migrants

### Requirements for leave to enter the United Kingdom as a highly skilled migrant

135A. DELETED

### Leave to enter as a highly skilled migrant

135B. DELETED

### Refusal of leave to enter as a highly skilled migrant

135C. DELETED.

### Requirements for an extension of stay as a highly skilled migrant

135D. DELETED

135DA DELETED

135DB DELETED

135DC. DELETED

135DD DELETED

135DE DELETED

135DF. DELETED

135DG. DELETED



135DH. DELETED

Extension of stay as a highly skilled migrant

135E. DELETED

Refusal of extension of stay as a highly skilled migrant

135F. DELETED

Requirements for indefinite leave to remain as a highly skilled migrant

135G. DELETED.

Indefinite leave to remain as a highly skilled migrant

135GA. DELETED.

Refusal of indefinite leave to remain as a highly skilled migrant

135H. DELETED.

Additional grounds for refusal for highly skilled migrants

135HA. DELETED.

## Sectors-Based Scheme

### Requirements for leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme

135I. DELETED.

### Leave to enter for the purpose of employment under the Sectors-Based Scheme

135J DELETED.

### Refusal of leave to enter for the purpose of employment under the Sectors-Based Scheme

135K. DELETED.

### Requirements for an extension of stay for Sector-Based employment

135L. DELETED.

### Extension of stay for Sectors-Based Scheme employment

135M. DELETED.

### Refusal of extension of stay for Sectors-Based Scheme employment

135N. DELETED.

## **International Graduates Scheme**

### Requirements for leave to enter as a participant in the International Graduates Scheme

135O. DELETED

### Leave to enter as a participant in the International Graduates Scheme

135P. DELETED

### Refusal of leave to enter as a participant in the International Graduates Scheme

135Q. DELETED

### Requirements for leave to remain as a participant in the International Graduates Scheme

135R. DELETED

### Leave to remain as a participant in the International Graduates Scheme

135S. DELETED

### Refusal of leave to remain as a participant in the International Graduates Scheme

135ST. DELETED

## **Representatives of overseas newspapers, news agencies and broadcasting organisations**

Requirements for leave to enter as a representative of an overseas newspaper, news agency or broadcasting organisation

136. DELETED.

Indefinite leave to remain for a representative of an overseas newspaper, news agency or broadcasting organisation

142. DELETED.

### **142-SD Specified documents**

DELETED.

Refusal of indefinite leave to remain for a representative of an overseas newspaper, news agency or broadcasting organisation.

143. DELETED.

143A. DELETED

## **Leave to enter as a Fresh Talent: Working in Scotland scheme participant**

143B. DELETED

Refusal of leave to enter as a Fresh Talent: Working in Scotland scheme participant

143C. DELETED

Requirements for an extension of stay as a Fresh Talent: Working in Scotland scheme participant

143D. DELETED

Extension of stay as a Fresh Talent: Working in Scotland scheme participant

143E. DELETED

Refusal of an extension of stay as a Fresh Talent: Working in Scotland scheme participant

143F. DELETED

## **Representatives of overseas businesses**

Requirements for leave to enter as a representative of an overseas business

144. DELETED.

144-SD Specified documents

DELETED.

Leave to enter as a representative of an overseas business

145. DELETED.

Refusal of leave to enter as a representative of an overseas business

146. DELETED.

## Requirements for an extension of stay as a representative of an overseas business

147. DELETED.

## Extension of stay as a representative of an overseas business

148. DELETED.

## Refusal of extension of stay as a representative of an overseas business

149. DELETED.

## Indefinite leave to remain for a representative of an overseas business

150. DELETED.

## 150-SD Specified documents

DELETED.

## Refusal of indefinite leave to remain for a sole representative of an overseas business

151. DELETED.

## **Private servants in diplomatic households**

### Requirements for leave to enter as a private servant in a diplomatic household

152. Deleted on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 158 and 159.

## Indefinite leave to remain for a servant in a diplomatic household

158. Indefinite leave to remain may be granted, on application, to a private servant in a diplomatic household provided the applicant:

- (i) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity; and
- (ii) has met the requirements of paragraph 155 throughout the 5 year period; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL;  
and
- (v) does not fall for refusal under the general grounds for refusal; and
- (vi) is not in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (vii) provides the specified documents in paragraph 158-SD to evidence the reason for the absences set out in paragraph 128A.

### 158-SD Specified documents

The specified documents referred to in paragraph 158(vii) are:

- (a) A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.
- (b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK.

## Refusal of indefinite leave to remain for a servant in a diplomatic household

159. Indefinite leave to remain in the United Kingdom for a private servant in a diplomatic household is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 158 is met.

## Domestic workers in private households

### Requirements for leave to enter as a domestic worker in a private household

159A. The requirements to be met by a person seeking leave to enter the United Kingdom as a domestic worker in a private household are that the applicant:

- (i) is aged 19 years or over; and
- (ii) has been employed as a domestic worker for one year or more immediately prior to the application for entry clearance under the same roof as the employer or in a household that the employer uses for himself on a regular basis and where evidence is produced to demonstrate the connection between employer and employee in the form of:
  - (a) a letter from the employer confirming that the domestic worker has been employed by them in that capacity for the twelve months immediately prior to the date of application; and
  - (b) one of the following documents covering the same period of employment as that in (a):
    - (i) pay slips or bank statements showing payment of salary;
    - (ii) confirmation of tax paid;
    - (iii) confirmation of health insurance paid;
    - (iv) contract of employment;



- (v) work visa, residence permit or equivalent passport endorsement for the country in which the domestic worker has been employed by that employer; or
  - (vi) visas or equivalent passport endorsement to confirm that the domestic worker has travelled with the employer; and
- (iii) intends to work for the employer whilst the employer is in the United Kingdom and intends to travel in the company of either;
- (a) a British, or that employer's British spouse, civil partner or child, where the employer's usual place of residence is outside the UK and where the employer does not intend to remain in the UK beyond six months; or
  - (b) a British employer's foreign national spouse, civil partner or child where the employer does not intend to remain in the UK beyond six months; or
  - (c) DELETED.
  - (d) a foreign national employer or the employer's spouse, civil partner or child where the employer is seeking or has been granted permission under Appendix V: Visitor, except where that permission is to undertake activities listed in Appendix Visitor: Permitted Activities at PA 17.1. to PA 17.3.
- (iv) intends to leave the UK at the end of six months in the United Kingdom or at the same time as the employer, whichever is the earlier; and does not intend to live for extended periods in the United Kingdom through frequent or successive visits; and
- (v) has agreed in writing terms and conditions of employment in the UK with the employer, including specifically that the applicant will be paid in accordance with the National Minimum Wage Act 1998 and any Regulations made under it, and provides evidence of this in the form set out in Appendix 7 with the entry clearance application; and
- (va) satisfies the Entry Clearance Officer or Immigration Officer that, throughout their employment in the UK, the employer intends to pay them at least the National Minimum Wage rate to which they are entitled by the law in force at the relevant time; and
  - (vb) provides a written and signed statement from the employer confirming that the applicant is an employee and the work that will be carried out by the applicant will not constitute work within the meaning of paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time); and

- (vi) does not intend to take employment except as a domestic worker in a private household; and
- (vii) can maintain and accommodate him or herself adequately without recourse to public funds; and
- (viii) holds a valid entry clearance for entry in this capacity.

### Leave to enter as a domestic worker in a private household

159B. A person seeking leave to enter the United Kingdom as a domestic worker in a private household may be given leave to enter for that purpose for a period of 6 months provided he is able to produce to the Immigration Officer, on arrival, a valid passport or other identity document and has entry clearance for entry in this capacity. Any conditions attached to leave granted in accordance with this paragraph shall not prevent the applicant from taking employment as a domestic worker in a private household other than that of the employer in relation to which entry clearance was originally granted.

### Refusal of leave to enter as a domestic worker in a private household

159C. Leave to enter as a domestic worker in a private household is to be refused, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### Requirements for extension of stay as a domestic worker in a private household

159D. The requirements for an extension of stay as a domestic worker in a private household are that the applicant:

- (i) entered the United Kingdom with a valid entry clearance as a domestic worker in a private household; and
- (ii) was granted less than 6 months leave to enter in this capacity; and
- (iii) has continued to be employed for the duration of leave granted as a domestic worker in the private household of the employer with whom the applicant entered or joined in the UK; and

- (iv) continues to be required for employment for the period of the extension sought as a domestic worker in a private household that the employer lives in, where there is evidence of this in the form of written terms and conditions of employment in the UK as set out in Appendix 7 and evidence that the employer is living in the UK; and
  - (iva) satisfies the Secretary of State that, throughout their employment in the UK, the employer intends to pay them at least the National Minimum Wage rate to which they are entitled by the law in force at the relevant time; and
  - (ivb) provides a written and signed statement from the employer confirming that the applicant is an employee and the work that will be carried by the applicant will not constitute work within the meaning of paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time); and
- (v) does not intend to take employment except as a domestic worker in the private household of the employer; and
- (vi) meets the requirements of paragraph 159A (iv) and (vii); and
- (vii) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Extension of stay as a domestic worker in a private household

159E. An extension of stay as a domestic worker in a private household may be granted for a period of six months less the period already spent in the UK in this capacity.

## Requirements for extension of stay as a domestic worker in a private household for applicants who entered the United Kingdom under the Rules in place before 6 April 2012

159EA. The requirements for an extension of stay as a domestic worker in a private household for applicants who entered the United Kingdom under Rules in place before 6 April 2012 are that the applicant:

- (i) last entered the UK with a valid entry clearance as a domestic worker in a private household under Rules in place before 6 April 2012; and
- (ii) has continued to be employed for the duration of leave granted as a domestic worker in a private household; and
- (iii) continues to be required for employment for the period of the extension sought as a domestic worker for at least 30 hours per week in a private household under the same roof as the employer or in the same household that the employer has lived in and where evidence of this in the form of written terms and conditions of employment in the UK as set out in Appendix 7 and evidence that the employer resides in the UK; and
  - (iii)(a) satisfies the Secretary of State that throughout their employment in the UK, the employer intends to pay them at least the National Minimum Wage rate to which they are entitled by the law in force at the relevant time; and
  - (iii)(b) provides a written and signed statement from the employer confirming that the applicant is an employee and the work that will be carried by the applicant will not constitute work within the meaning of paragraph 57 of the National Minimum Wage Regulations 2015 (as amended from time to time); and
- (iv) does not intend to take employment except as a full time domestic worker in the private household referred to in subparagraph 159EA (iii); and
- (v) meets the requirements of paragraph 159A (i) and (vii); and
- (vi) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Extension of stay as a domestic worker in a private household for applicants who entered the United Kingdom under the Rules in place before 6 April 2012

159EB(i) An extension of stay as a domestic worker in a private household may be granted for a period not exceeding 12 months at a time provided the Secretary of State is satisfied that each of the requirements of paragraph 159EA are met.

- (ii) Except, where the application is decided before the current leave expires, the extension of stay granted may be for a period not exceeding 12 months plus the time remaining before the expiry of the current leave (so if the application is decided on March 31st and the current leave does not expire until April 30th, an additional period of one month's leave may be granted).

## Refusal of extension of stay as a domestic worker in a private household

159F. An extension of stay as a domestic worker may be refused if the Secretary of State is not satisfied that each of the requirements of paragraph either paragraph 159D or, where applicable, paragraph 159EA, is met.

## Indefinite leave to remain for a domestic worker in a private household

159G. The requirements for indefinite leave to remain as a domestic worker in a private household are that the applicant:

- (i) entered the United Kingdom with a valid entry clearance as a domestic worker in a private household under the Rules in place before 6 April 2012; and
- (ii) has spent a continuous period of 5 years lawfully in the United Kingdom employed in this capacity; and
- (iii) has met the requirements of paragraph 159A (vi) and (vii) throughout the 5 year period; and
- (iv) continues to be required for employment as a domestic worker in a private household as certified by the current employer; and
- (v) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
- (vi) does not fall for refusal under the general grounds for refusal; and
- (vii) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and

(viii) provides the specified documents in paragraph 159G-SD to evidence the reason for the absences set out in paragraph 128A.

## 159G-SD Specified documents

The specified documents referred to in paragraph 159G(viii) are:

- (a) A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.
- (b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK.

## Refusal of indefinite leave to remain for a domestic worker in a private household

159H. Indefinite leave to remain in the United Kingdom for a domestic worker in a private household is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 159G is met.

## Domestic workers who are the victim of slavery or human trafficking

### Requirements for leave to remain as a domestic worker who is the victim of slavery or human trafficking

159I. The requirements to be met by a person seeking leave to remain as a domestic worker who is the victim of slavery or human trafficking are that:

- (i) the applicant's most recent grant of leave to enter or remain in the UK has been granted:
  - (a) as a domestic worker in a private household;

(b) as a Tier 5 (Temporary Worker) migrant on the basis of a Certificate of Sponsorship issued in the International Agreement subcategory which confirmed that the applicant was being sponsored as a private servant in a diplomatic household;

(c) as a domestic worker who is the victim of slavery or human trafficking; or

(d) outside these Rules having been the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism, and where the applicant's most recent leave prior to that decision was as a domestic worker within the meaning of (a) or (c) above;

(ii) the applicant is the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism;

(iii) except where the applicant is applying to extend a previous grant of leave to remain as a domestic worker who is the victim of slavery or human trafficking, the application:

(a) is made within 28 days of the decision at (ii) being notified to the applicant; or

(b) if the applicant has an outstanding application for leave to remain on the date that the decision at (ii) is notified to the applicant, or the applicant makes an application for (or is being considered for a grant of) leave to remain on some other basis within 28 days of that date, is made within 28 days of the outcome of that application or consideration being notified to the applicant; or

(c) if the applicant is a person who falls within sub-paragraph (i)(d) above, is made before the applicant's most recent grant of leave expires; and

(iv) the applicant can maintain and accommodate him or herself without recourse to public funds.

### Leave to remain as a domestic worker who is the victim of slavery or human trafficking

159J. Except where paragraph 159JA applies, a person meeting the requirements of paragraph 159I will be granted leave to remain for a period not exceeding 2 years. A person previously granted leave to remain as a domestic worker who is a victim of slavery or human trafficking for a period of less than 2 years may, if they continue to meet the requirements of paragraph 159I, be granted a further period

of leave to remain such that their total leave to remain as a domestic worker who is a victim of slavery or human trafficking does not exceed 2 years. Leave to remain granted in accordance with this paragraph or paragraph 159JA will be subject to the following conditions:

(i) no recourse to public funds; and

(ii) no employment except:

(a) as a domestic worker in a private household;

(b) as a private servant in a diplomatic household working only in the household of the employer recorded by the Certificate of Sponsorship Checking Service in the Tier 5 (International Agreement) sub-category issued to the applicant in accordance with paragraph 111(g)(iii) of Appendix A of these Rules before the employment commences.

159JA. A person meeting the requirements of paragraph 159I who has previously been granted leave outside these Rules having been the subject of a positive conclusive grounds decision made by a competent authority under the National Referral Mechanism may be granted a period of leave to remain such that the total duration of leave granted outside the Rules and under this provision does not exceed 2 years.

## Refusal of leave to remain as a domestic worker who is the victim of slavery or human trafficking

159K. Leave to remain as a domestic worker who is the victim of slavery or human trafficking may be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 159I is met.

## Overseas government employees

### Requirements for leave to enter as an overseas government employee

160. Deleted on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 167 and 168.



## Indefinite leave to remain for an overseas government employee

167. Indefinite leave to remain may be granted, on application, to an overseas government employee provided the applicant:

- (i) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity; and
- (ii) has met the requirements of paragraph 164 throughout the 5 year period; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL;  
and
- (v) does not fall for refusal under the general grounds for refusal; and
- (vi) is not in the UK in breach of immigration laws except, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (vii) provides the specified documents in paragraph 167-SD to evidence the reason for the absences set out in paragraph 128A.

### 167-SD Specified documents

The specified documents referred to in paragraph 167(vii) are:

- (a) A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.
- (b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK.

## Refusal of indefinite leave to remain for an overseas government employee

168. Indefinite leave to remain in the United Kingdom for an overseas government employee is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 167 is met.

169. DELETED.

## Requirements for leave to enter as a minister of religion, missionary, or member of a religious order

170. DELETED.

## Refusal of extension of stay as a minister of religion, missionary or member of a religious order

175. DELETED.

## Indefinite leave to remain for a minister of religion, missionary or member of a religious order

176. DELETED.

## 176-SD Specified documents

DELETED.

## Refusal of indefinite leave to remain for a minister of religion, missionary or member of a religious order

177. DELETED.

177A. DELETED

Requirements for leave to enter the United Kingdom as a visiting religious worker or a religious worker in a non-pastoral role

DELETED

Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role

177C. DELETED

177D. DELETED

Requirements for an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role

177E. DELETED

Extension of stay as a visiting religious worker or a religious worker in a non-pastoral role

177F. DELETED

Refusal of an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role

177G. DELETED

## Airport based operational ground staff of overseas-owned airlines

### Requirements for leave to enter the United Kingdom as a member of the operational ground staff of an overseas-owned airline

178. Deleted on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 184 and 185.

### Indefinite leave to remain for a member of the operational ground staff of an overseas owned airline

184. Indefinite leave to remain may be granted, on application, to a member of the operational ground staff of an overseas-owned airline provided the applicant:

- (i) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity; and
- (ii) has met the requirements of paragraph 181 throughout the 5 year period; and
- (iii) is still required for the employment in question as certified by the employer; and
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL;  
and
- (v) does not fall for refusal under the general grounds for refusal; and
- (vi) is not in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (vii) provides the specified documents in paragraph 184-SD to evidence the reason for the absences set out in paragraph 128A.

## 184-SD Specified documents

The specified documents referred to in paragraph 184(vii) are:

- (a) A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.
- (b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK.

## Refusal of indefinite leave to remain for a member of the operational ground staff of an overseas owned airline

185. Indefinite leave to remain in the United Kingdom for a member of the operational ground staff of an overseas owned airline is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 184 is met.

## Persons with United Kingdom ancestry

### Requirements for leave to enter on the grounds of United Kingdom ancestry

186. DELETED.

### Leave to enter the United Kingdom on the grounds of United Kingdom ancestry

187. DELETED.

### Refusal of leave to enter on the grounds of United Kingdom ancestry

188. DELETED.

## Requirements for an extension of stay on the grounds of United Kingdom ancestry

189. DELETED.

## Extension of stay on the grounds of United Kingdom ancestry

190. DELETED.

## Refusal of extension of stay on the grounds of United Kingdom ancestry

191. DELETED.

## Indefinite leave to remain on the grounds of United Kingdom ancestry

192. DELETED.

## 192-SD Specified documents

DELETED.

## Refusal of indefinite leave to remain on the grounds of United Kingdom ancestry

193. DELETED.

## **Partners of persons who have or have had leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K)**

193A. Nothing in paragraphs 194-196F is to be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a partner of a person granted entry clearance or leave to enter under Paragraph 159A where that entry clearance or leave to enter was granted under 159A on or after 6 April 2012.

## Requirements for leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

194. The requirements to be met by a person seeking leave to enter the United Kingdom as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that:

- (i) the applicant is the spouse, civil partner, unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); and
- (ii) if an unmarried or same-sex partner:
  - (1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
  - (2) the parties are not involved in a consanguineous relationship with one another; and
  - (3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and
- (iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is genuine and subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his partner; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal; and
- (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and

- (ix) where the applicant is accompanying or joining a person granted entry clearance or leave to enter or limited leave to remain as the sole representative of an overseas business within the meaning of paragraph 144(ii)(a), the applicant does not have a majority stake in, or otherwise own or control, that overseas business, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement.

### Leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

195. A person seeking leave to enter the United Kingdom as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K), subject to a condition on study as set out in Appendix ATAS of these Rules, provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

### Refusal of leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196. Leave to enter the United Kingdom as the partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

### Requirements for extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is the spouse, civil partner, unmarried or same sex partner of a person who:

- (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); or



- (2) has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and
- (ii) meets the requirements of paragraph 194(ii) - (vii); and
- (iii) was not last granted:
  - 1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
  - 2) temporary admission,
  - 3) temporary release, or
  - 4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and
- (iv) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

### Extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196B. An extension of stay in the United Kingdom as:

- (i) the partner of a person who has limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted, subject to a condition on study as set out in Appendix ATAS of these Rules, for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the partner of a person who is being admitted at the same time for settlement, or the partner of a person who has indefinite leave to remain or has become a British citizen, may be granted for a period not exceeding 2 years, subject to a condition on

study as set out in Appendix ATAS of these Rules, in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 196A is met.

### Refusal of extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196C. An extension of stay in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 196A is met.

### Requirements for indefinite leave to remain for the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is the spouse, civil partner, unmarried or same-sex partner of a person who:
  - (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
  - (2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and
- (ii) meets the requirements of paragraph 194(ii) - (vii); and
- (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

- (iv) was not last granted:
  - (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
  - (2) temporary admission,
  - (3) temporary release, or
  - (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and
- (iii) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

### Indefinite leave to remain as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196E. Indefinite leave to remain in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 196D is met.

### Refusal of indefinite leave to remain as the partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

196F. Indefinite leave to remain in the United Kingdom as the partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 196D is met.

## Children of persons with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135i-135k)

196G. Nothing in paragraphs 197-199 is to be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the child of a person granted entry clearance or leave to enter under Paragraph 159A where that entry clearance or leave to enter was granted under 159A on or after 6 April 2012.

## Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

197. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as a child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that:

- (i) he is the child of a parent with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) or, in respect of applications for leave to remain only, of a parent who has indefinite leave to remain in the UK but who immediately before that grant had limited leave to enter or remain under those paragraphs; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the United Kingdom beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the United Kingdom save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or

- (b) the parent he is accompanying or joining has had sole responsibility for his upbringing;  
or
- (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:
  - (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
  - (2) temporary admission,
  - (3) temporary release, or
  - (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary admission or temporary release would previously have been granted; and
- (viii) if seeking leave to remain, must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

### Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

198.

(a) A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K), subject to a condition on study as set out in Appendix ATAS of these 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, provided that:

- i) in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid passport or other identity document and has entry clearance for entry in this capacity; or
- ii) in the case of an application for limited leave to remain, he was not last granted:

(1) entry clearance or leave as a visitor short-term student or short-term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted,

and is able to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

(b) A person seeking leave to remain as the child of a parent who has indefinite leave to remain in the UK and who had limited leave under paragraphs 128 - 193 (but not paragraphs 135I - 135K) immediately before being granted indefinite leave may be given leave to remain in the UK for a period of 30 months, subject to a condition on study as set out in Appendix ATAS of these 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, provided he is in the UK with valid leave under paragraph 198 and is able to satisfy the Secretary of State that each of the requirements of paragraph 197(i) and 197 (ii) - (vi) and(viii) is met.

### Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

198A. Leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if:

- (i) in relation to an application for leave to enter, a valid passport or other identity document is not produced to the Immigration Officer on arrival and the applicant does not have entry clearance for entry in this capacity; or
- (ii) in the case of an application for limited leave to remain, if the applicant was last granted:

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

or is unable to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

### Requirements for indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

199. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) are that the applicant:

- (i) is the child of a person who:
  - (1) has limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or
  - (2) has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and
- (ii) meets the requirements of paragraph 197(i) - (vi) and (viii); and
- (iii) was not last granted:

- (1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),
- (2) temporary admission,
- (3) temporary release, or
- (4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and
- (iv) does not fall for refusal under the general grounds for refusal; and
- (v) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (vi) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.

### Indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

199A. Indefinite leave to remain in the United Kingdom as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 199 is met.

### Refusal of indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K)

199B. Indefinite leave to remain in the United Kingdom as the child of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K) is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 199 is met.



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# Immigration Rules

## Part 6

Persons seeking to enter or remain in the United Kingdom as a businessman, self-employed person, investor, writer or composer or artist

200A. DELETED

### **Person intending to establish themselves in business**

Requirements for leave to enter the United Kingdom as a person intending to establish himself in business

200. DELETED.

201. DELETED.

202. DELETED.

203. DELETED.

Leave to enter the United Kingdom as a person seeking to establish himself in business

204. DELETED.

Refusal of leave to enter the United Kingdom as a person seeking to establish himself in business

205. DELETED.

## Requirements for an extension of stay in order to remain in business

206. DELETED.

206A. DELETED.

206B. DELETED.

206C. DELETED.

206D. DELETED.

206E. DELETED.

206F. DELETED.

206G. DELETED.

206H. DELETED.

206I. DELETED.

## Extension of stay in order to remain in business

207. DELETED.

## Refusal of extension of stay in order to remain in business

208. DELETED.

209-210. DELETED.

## Innovators

### Requirements for leave to enter the United Kingdom as an innovator

210A. DELETED.

### Leave to enter as an innovator

210B. DELETED.

### Refusal of leave to enter as an innovator

210C. DELETED.

### Requirements for an extension of stay as an innovator

210D. DELETED.

210DA. DELETED.

210DB. DELETED.

210DC. DELETED.

210DD. DELETED.

210DE. DELETED.

210DF. DELETED.

210DG. DELETED.

210DH. DELETED.

210DI. DELETED.

### Extension of stay as an innovator

210E. DELETED.

### Refusal of extension of stay as an innovator

210F. DELETED.

210G-210H. DELETED.

## Persons intending to establish themselves in business under provisions of EC Association Agreements

Requirements for leave to enter the United Kingdom as a person intending to establish himself in business under the provisions of an EC Association Agreement

211-221. DELETED

222-223A. DELETED.

## Requirements for leave to enter the United Kingdom as an investor

224. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

## Leave to enter as an investor

225. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

## Refusal of leave to enter as an investor

226. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

## Requirements for an extension of stay as an investor

### Extension of stay as an investor

227. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

227A. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

227B. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

227C. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

227D. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

227E. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

228. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

### Refusal of extension of stay as an investor

229. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 230. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

230-231. DELETED.

### Writers, composers and artists

#### Requirements for leave to enter the United Kingdom as a writer, composer or artist

232. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

#### Leave to enter as a writer, composer or artist

233. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

#### Refusal of leave to enter as a writer, composer or artist

234. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

#### Requirements for an extension of stay as a writer, composer or artist

235. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

### Extension of stay as a writer, composer or artist

236. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

### Refusal of extension of stay as a writer, composer or artist

237. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 238. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

238-245. DELETED.

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# Immigration Rules

## Part 6A

Points-based system

### 245AAA. General requirements for indefinite leave to remain

The following rules apply to all requirements for indefinite leave to remain in Part 6A and Appendix A:

(a) References to a “continuous period” “lawfully in the UK” means, subject to paragraph (e), residence in the UK for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:

- (i) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:
  - (1) 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, if the applicant provides evidence that this was the purpose of the absence(s) and that their Sponsor, if there was one, agreed to the absence(s) for that purpose; and
  - (2) for any absences from the UK during periods of leave granted under the Rules in place before 11 January 2018, the applicant must not have been absent from the UK for more than 180 days during each consecutive 12 month period, ending on the same date of the year as the date of the application for indefinite leave to remain; and
  - (3) for any applicant who has or has had leave as a Tier 2 (General) migrant, where the Certificate of Sponsorship Checking Service entry shows that they were sponsored to work in any of the occupations in table 1 of Appendix J when the absence occurred, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their sponsor showing that:
    - (a) research was the purpose of the absence(s); and
    - (b) the sponsor, agreed to the absence(s) for that purpose; and
    - (c) the absence(s) directly related to their Tier 2 employment in the UK; and

(4) for any applicant who has or has had leave as a Tier 1 (Exceptional Talent) Migrant, where they were endorsed by the Royal Society, the British Academy or the Royal Academy of Engineering, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days, if it occurred while they held this leave.

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:

(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted,

(2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, or

(3) where, on or after 24 November 2016, the applicant makes a further application for entry clearance within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application for indefinite leave to remain, why the application could not be made during the currency of continuing limited leave, or

(4) where a successful application for entry clearance is made following the refusal of a previous application to which (2) or (3) otherwise applies, and the application was made within 14 days of that refusal (or the expiry of the time-limit for making an in-time application for administrative review, or any administrative review or appeal being concluded, withdrawn or abandoned or lapsing),

that period spent without existing leave, pending the applicant's re-entry into the United Kingdom, shall be disregarded; and

(iii) the applicant has any current period of overstaying disregarded where paragraph 39E of these Rules applies; and

(iv) the applicant has any previous period of overstaying between periods of leave disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

(b) DELETED

- (c) Except for periods where the applicant had leave as a Tier 1(Investor) Migrant, a Tier 1(Entrepreneur) Migrant, a Tier 1(Exceptional Talent) Migrant or a highly skilled migrant, any absences from the UK during the relevant qualifying period must have been for a purpose that is consistent with the applicant's basis of stay here, including paid annual leave, or for serious or compelling reasons.
- (d) The continuous period will be considered as ending on whichever of the following dates is most beneficial to the applicant:
  - (i) the date of application;
  - (ii) the date of decision; or
  - (iii) any date up to 28 days after the date of application
- (e) References to a continuous period spent with valid leave in the UK include time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, where that leave was granted for an equivalent purpose to one of the categories stated in the relevant paragraph, provided that the most recent period prior to the date of application was spent in the UK with valid leave in the relevant category.

## 245AA. Documents not submitted with applications

- (a) Subject to sub-paragraph (b) and where otherwise indicated, where Part 6A or any appendices referred to in Part 6A state that specified documents must be provided, the decision maker (that is the Entry Clearance Officer, Immigration Officer or the Secretary of State) will only consider documents received by the Home Office before the date on which the application is considered.
- (b) If the applicant has submitted the specified documents and:
  - (i) specified evidence is missing from the documents; or
  - (ii) a document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or
  - (iv) a document does not contain all of the specified information;

the decision maker may contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received at the address specified in the request within 10 working days of the date of the request.

- (c) Documents will not be requested where the decision maker does not think that the submission of missing or correct documents will lead to a grant because the application will be refused for other reasons.
- (d) If the applicant has omitted to provide specified evidence, or submitted it in the wrong format, but the missing information is verifiable from other documents provided with the application or elsewhere, the decision maker may grant the application despite the error or omission, if they are satisfied that the applicant meets all the other requirements of the Rules.

### **245A. Specified documents for students previously sponsored by an overseas government or international scholarship agency**

Where Part 6A of these Rules state that specified documents must be provided to show that a sponsoring government or international scholarship agency has provided its unconditional written consent to the application, the specified documents are letters, on the official letter-headed paper or stationery of the organisation(s), bearing the official stamp of that organisation and issued by an authorised official of that organisation. The documents must confirm that the organisation gives the applicant unconditional consent to remain in or re-enter the UK for an unlimited time.

## **Tier 1 (Exceptional Talent) Migrants**

245B. DELETED

245BA. DELETED

245BB. DELETED

245BC. DELETED

245BD. DELETED

245BE. DELETED

245BF. DELETED

## **Tier 1 (General) Migrants**

245C. Purpose

DELETED

245CD. Requirements for indefinite leave to remain

DELETED

## 245CD-SD Specified documents

DELETED

## Tier 1 (Entrepreneur) Migrants

### 245D. Purpose of this route and meaning of business

(a) (i) This category is now closed to new applicants.

(ii) Individuals who have entry clearance, leave to enter or leave to remain as:

- (1) a Tier 1 (Entrepreneur) Migrant
- (2) a Tier 1 (Graduate Entrepreneur) Migrant, or
- (3) a Start-up migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant,

or have had such leave in the 12 months immediately before the date of application, may apply under these rules to extend their stay or for indefinite leave to remain.

(iii) Other migrants who wish to establish, one or more businesses in the UK may apply under the rules for the Start-up or Innovator categories, which are set out in Appendix W.

(b) For the purpose of paragraphs 245D to 245DF and paragraphs 35 to 53 of Appendix A 'business' means an enterprise as:

- (i) a sole trader,
- (ii) a partnership, or
- (iii) a company registered in the UK.

(c) Where paragraphs 245D to 245DF and paragraphs 35 to 53 of Appendix A, refer to investing funds in a business or businesses, or to money remaining available to the applicant until such time as it is spent for the purposes of his business or businesses:

- (i) 'Available' means that the funds are:
  - (1) in the applicant's own possession,
  - (2) in the financial accounts of the UK business(es) which they are relying on to claim points, or
  - (3) available from the third party or parties named in the application under the terms of the declaration(s) referred to in paragraph 41(a)(vi) of Appendix A.
  
- (ii) 'Invested' means that the funds have been invested into a business or businesses which the applicant is running as self-employed or as a director or member of a partnership. 'Invested' or 'spent' excludes spending on:
  - (1) the applicant's own remuneration,
  - (2) buying any business from a previous owner, where the money ultimately goes to that previous owner (irrespective of whether it is received or held directly or indirectly by that previous owner) rather than into the business being purchased (This applies regardless of whether the money is channelled through the business en route to the previous owner, for example by means of the applicant or business purchasing 'goodwill' or other assets which were previously part of the business.),
  - (3) investing in businesses, other than those which the applicant is running as self-employed or as a director, and
  - (4) any spending which is not directly for the purpose of establishing or running the applicant's own business or businesses.

## 245DA. Entry to the UK

All migrants arriving in the UK and wishing to enter as a Tier 1 (Entrepreneur) Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

## 245DB. Requirements for entry clearance

To qualify for entry clearance as a Tier 1 (Entrepreneur) Migrant, an applicant must meet the requirements listed below. If the applicant meets those requirements, entry clearance will be granted. If the applicant does not meet these requirements, the application will be refused.

### **Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal.
- (b) The applicant must have a minimum of 75 points under paragraphs 35 to 53 of Appendix A.
- (c) The applicant must have a minimum of 10 points under paragraph 1 to 15 of Appendix B.
- (d) The applicant must have a minimum of 10 points under paragraph 1 to 2 of Appendix C.
- (e) The applicant must have entry clearance, leave to enter or leave to remain as:
  - (i) a Tier 1 (Entrepreneur) Migrant
  - (ii) a Tier 1 (Graduate Entrepreneur) Migrant, or
  - (iii) a Start-up migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant, or have had such leave in the 12 months immediately before the date of application.
- (f) DELETED
- (g) The applicant must provide a business plan, setting out his proposed business activities in the UK and how he expects to make his business succeed.
- (h) DELETED



- (i) Where the applicant has entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, or has had such leave in the 12 months immediately before the date of application, and is being assessed under Table 5 of Appendix A, the Entry Clearance Officer must be satisfied that:
  - (i) the applicant has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while he had leave as a Tier 1 (Entrepreneur) Migrant; and
  - (ii) the applicant has genuinely invested the money referred to in Table 5 of Appendix A into one or more genuine businesses in the UK to be spent for the purpose of that business or businesses; and
  - (iii) the applicant genuinely intends to continue operating one or more businesses in the UK; and
  - (iv) the applicant does not intend to take employment in the United Kingdom other than under the terms of paragraph 245DE.
- (j) In making the assessment in (i), the Entry Clearance Officer will assess the balance of probabilities. The Entry Clearance Officer may take into account the following factors:
  - (i) the evidence the applicant has submitted;
  - (ii) the viability and credibility of the source of the money referred to in Table 5 of Appendix A;
  - (iii) the credibility of the financial accounts of the business or businesses;
  - (iv) the credibility of the applicant's business activity in the UK, including when he had leave as a Tier 1 (Entrepreneur) Migrant;
  - (v) the credibility of the job creation for which the applicant is claiming points in Table 5 of Appendix A;
  - (vi) if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and
  - (vii) any other relevant information.
- (k) The Entry Clearance Officer reserves the right to request additional information and evidence to support the assessment in (i), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the Entry Clearance Officer at the address specified in the request within 28 calendar days of the date of the request.
- (l) If the Entry Clearance Officer is not satisfied with the genuineness of the application in relation to a points-scoring requirement in Appendix A, those points will not be awarded.

- (m) The Entry Clearance Officer may decide not to carry out the assessment in (i) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.
- (n) The applicant must, unless he provides a reasonable explanation, comply with any request made by the Entry Clearance Officer to attend for interview.
- (o) The applicant must be at least 16 years old.
- (p) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian or by one parent if that parent has sole legal responsibility for the child.
- (q) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or one parent if that parent has sole legal responsibility for the child, must confirm that they consent to the arrangements for the applicant's care in the UK.
- (r) Where the applicant is 18 years of age or older, the applicant must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the past 10 years, while aged 18 or over. This requirement does not need to be met where the Secretary of State is satisfied, by way of an explanation provided in or with the application, that it is not reasonably practicable for the applicant to obtain a certificate from the relevant authority.
- (s) If the applicant has failed to provide a criminal record certificate or an explanation in accordance with sub-paragraph (r), the decision maker may contact the applicant or his representative in writing, and request the certificate(s) or explanation. The requested certificate(s) or explanation must be received at the address specified in the request within 28 calendar days of the date of the request.
- (t) The application must have been made:
  - (i) before 6 July 2021, if the applicant has ever previously had leave as a Tier 1 (Graduate Entrepreneur) Migrant and is claiming points for an initial application under Table 4 of Appendix A; or
  - (ii) before 6 July 2025, if the applicant has ever previously had leave as a Tier 1 (Graduate Entrepreneur) Migrant and is claiming points for an extension application under Table 5 of Appendix A; or

(iii) before 6 April 2023, in all other cases.

## 245DC. Period and conditions of grant

(a) Entry clearance will be granted:

- (i) for a period of 2 years, to an applicant who has, or has had, leave as a Tier 1 (Entrepreneur) Migrant in the 12 months immediately before the date of application,
- (ii) for a period of 3 years and four months, to an applicant who has, or has had, leave as a Tier 1 (Graduate Entrepreneur) Migrant or a Startup migrant in the 12 months immediately before the date of application.

(b) Entry clearance will be subject to the following conditions:

- (i) no recourse to public funds,
- (ii) registration with the police, if this is required by paragraph 326 of these Rules, and
- (iii) no employment other than working for the business(es) the applicant has established, joined or taken over, but working for such business(es) does not include anything undertaken by the applicant pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business,
- (iv) no employment as a professional sportsperson (including as a sports coach), and
- (v) study subject to the condition set out in Appendix ATAS of these 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.

## 245DD. Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (Entrepreneur) Migrant under this rule, an applicant must meet the requirements listed below. If the applicant meets these requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

### Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, except that paragraph 322(10) shall not apply, and must not be an illegal entrant.
- (b) The applicant must have a minimum of 75 points under paragraphs 35 to 53 of Appendix A.
- (c) The applicant must have a minimum of 10 points under paragraphs 1 to 15 of Appendix B.
- (d) The applicant must have a minimum of 10 points under paragraphs 1 to 2 of Appendix C.
- (e) The applicant who is applying for leave to remain must have, or have last been granted, entry clearance, leave to enter or remain as:
  - (i) a Tier 1 (Entrepreneur) Migrant,
  - (ii) a Tier 1 (Graduate Entrepreneur) Migrant, or
  - (iii) a Start-up migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant.
- (f) DELETED
- (g) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.
- (h) DELETED

- (i) The applicant must provide a business plan, setting out his proposed business activities in the UK and how he expects to make his business succeed.
- (j) DELETED
- (k) Where the applicant has, or was last granted, leave as a Tier 1 (Entrepreneur) Migrant and is being assessed under Table 5 of Appendix A, the Secretary of State must be satisfied that:
  - (i) the applicant has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while he had leave as a Tier 1 (Entrepreneur) Migrant; and
  - (ii) the applicant has genuinely invested the money referred to in Table 5 of Appendix A into one or more genuine businesses in the UK to be spent for the purpose of that business or businesses; and
  - (iii) the applicant genuinely intends to continue operating one or more businesses in the UK; and
  - (iv) the applicant does not intend to take employment in the United Kingdom other than under the terms of paragraph 245DE.
- (l) In making the assessment in (k), the Secretary of State will assess the balance of probabilities. The Secretary of State may take into account the following factors:
  - (i) the evidence the applicant has submitted;
  - (ii) the viability and credibility of the source of the money referred to in Table 5 of Appendix A;
  - (iii) the credibility of the financial accounts of the business or businesses;
  - (iv) the credibility of the applicant's business activity in the UK, including when he had leave as a Tier 1 (Entrepreneur) Migrant;
  - (v) the credibility of the job creation for which the applicant is claiming points in Table 5 of Appendix A;

- (vii) if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and
  - (viii) any other relevant information.
- (m) The Secretary of State reserves the right to request additional information and evidence to support the assessment in (k), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the Secretary of State at the address specified in the request within 28 calendar days of the date of the request.
- (n) If the Secretary of State is not satisfied with the genuineness of the application in relation to a points-scoring requirement in Appendix A, those points will not be awarded.
- (o) The Secretary of State may decide not to carry out the assessment in (k) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.
- (p) The applicant must, unless he provides a reasonable explanation, comply with any request made by the Secretary of State to attend for interview.
- (q) The applicant must be at least 16 years old.
- (r) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian or by one parent if that parent has sole legal responsibility for the child.
- (s) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or one parent if that parent has sole legal responsibility for the child, must confirm that they consent to the arrangements for the applicant's care in the UK.
- (t) The application must have been made:
  - (i) before 6 July 2021, if the applicant has, or was last granted, entry clearance, leave to enter or remain as a Tier 1 (Graduate Entrepreneur) Migrant or a Start-up migrant; or
  - (ii) before 6 July 2025, if the applicant has ever previously had leave as a Tier 1 (Graduate Entrepreneur) Migrant and is claiming points for an extension application under Table 5 of Appendix A; or

(iii) before 6 April 2023, in all other cases.

## 245DE. Period, conditions and curtailment of grant

- (a) Leave to remain will be granted:
- (i) for a period of 2 years, to an applicant who has, or was last granted, leave as a Tier 1 (Entrepreneur) Migrant,
  - (ii) for a period of 3 years, to an applicant who has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant or a Start-up migrant.
- (b) Leave to remain under this route will be subject to the following conditions:
- (i) no recourse to public funds,
  - (ii) registration with the police, if this is required by paragraph 326 of these Rules, and
  - (iii) no employment, other than working for the business or businesses which he has established, joined or taken over, but working for such business(es) does not include anything undertaken by the applicant pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business, and
  - (iv) no employment as a professional sportsperson (including as a sports coach), and
  - (v) study subject to the condition set out in Appendix ATAS of these 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.
- (c) Without prejudice to the grounds for curtailment in paragraph 323 of these Rules, leave to enter or remain granted to a Tier 1 (Entrepreneur) Migrant may be curtailed if:
- (i) within 6 months of the date specified in paragraph (d), the applicant has not done one or more of the following things:

- (1) registered with HM Revenue and Customs as self-employed,
  - (2) registered a new company or partnership in which he is a director or member, or
  - (3) registered as a director or member of an existing business or partnership, or
- (ii) the funds referred to in the relevant sections of Appendix A cease to be available to him, except where they have been spent for the purposes of his business or businesses.
- (d) The date referred to in paragraph (c) is:
- (i) the date of the applicant's entry to the UK, in the case of an applicant granted entry clearance as a Tier 1 (Entrepreneur) Migrant where there is evidence to establish the applicant's date of entry to the UK,
  - (ii) the date of the grant of entry clearance to the applicant, in the case of an applicant granted entry clearance as a Tier 1 (Entrepreneur) Migrant where there is no evidence to establish the applicant's date of entry to the UK, or
  - (iii) the date of the grant of leave to remain to the applicant, in any other case.

## 245DF. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

### Requirements:

- (a) DELETED
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.



- (c) The applicant must have a minimum of 75 points under paragraphs 35 to 53 of Appendix A.
- (d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
- (e) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.
- (f) The Secretary of State must be satisfied that:
  - (i) the applicant has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while he had leave as a Tier 1 (Entrepreneur) Migrant; and
  - (ii) the applicant has genuinely invested the money referred to in Table 6 of Appendix A into one or more businesses in the UK to be spent for the purpose of that business or businesses; and
  - (iii) the applicant genuinely intends to continue operating one or more businesses in the UK.
- (g) In making the assessment in (f), the Secretary of State will assess the balance of probabilities. The Secretary of State may take into account the following factors:
  - (i) the evidence the applicant has submitted;
  - (ii) the viability and credibility of the source of the money referred to in Table 6 of Appendix A;
  - (iii) the credibility of the financial accounts of the business or businesses;
  - (iv) the credibility of the applicant's business activity in the UK, including when he had leave as a Tier 1 (Entrepreneur) Migrant;
  - (v) the credibility of the job creation for which the applicant is claiming points in Table 6 of Appendix A;

- (vii) if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and
- (viii) any other relevant information.
- (h) The Secretary of State reserves the right to request additional information and evidence to support the assessment in (f), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the Secretary of State at the address specified in the request within 28 calendar days of the date of the request.
- (i) If the Secretary of State is not satisfied with the genuineness of the application in relation to a points-scoring requirement in Appendix A, those points will not be awarded.
- (j) The Secretary of State may decide not to carry out the assessment in (f) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.
- (k) The applicant must, unless he provides a reasonable explanation, comply with any request made by the Secretary of State to attend for interview.
- (l) The application for indefinite leave to remain must have been made:
  - (i) before 6 July 2027, if the applicant has ever previously had leave as a Tier 1 (Graduate Entrepreneur) Migrant; or
  - (ii) before 6 April 2025, in all other cases.

## Tier 1 (Investor) Migrants

### 245E. Purpose

This route is for high net worth individuals making a substantial financial investment to the UK.

## 245EA. Entry to the UK

All migrants arriving in the UK and wishing to enter as a Tier 1 (Investor) Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

## 245EB. Requirements for entry clearance

To qualify for entry clearance or leave to remain as a Tier 1 (Investor) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance will be granted. If the applicant does not meet these requirements, the application will be refused.

### **Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal.
- (b) The applicant must have a minimum of 75 points under paragraphs 54 to 65-SD of Appendix A.
- (c) An applicant who has, or was last granted, permission as a Student or Child Student and:
  - (i) is currently being sponsored by a government or international scholarship agency, or
  - (ii) was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or lessmust provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to as set out in paragraph 245A above, show that this requirement has been met.
- (d) The applicant must be at least 18 years old and the assets and investment he is claiming points for must be wholly under his control.
- (e) The entry clearance officer must not have reasonable grounds to believe that:

- (i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A or (where relevant) was awarded points in a previous application as a Tier 1 (Investor) Migrant, the applicant is or was not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Appendix A to these Rules; or
- (ii) any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules held by:
  - (1) the applicant; or
  - (2) where any of the specified money has been made available to the applicant by another party, that party, has been acquired by means of conduct which is unlawful in the UK, or would constitute unlawful conduct if it occurred in the UK, or has been or will be transferred internationally by means which are unlawful in any of the countries involved; or
- (iii) where any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Entry Clearance Officer does have reasonable grounds to believe one or more of the above applies, no points from Appendix A will be awarded.

- (f) Where the applicant is 18 years of age or older, the applicant must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the past 10 years, while aged 18 or over. This requirement does not need to be met where the Secretary of State is satisfied, by way of an explanation provided in or with the application, that it is not reasonably practicable for the applicant to obtain a certificate from the relevant authority.
- (g) If the applicant has failed to provide a criminal record certificate or an explanation in accordance with sub-paragraph (f), the decision maker may contact the applicant or his representative in writing, and request the certificate(s) or explanation. The requested certificate(s) or explanation must be received at the address specified in the request within 28 calendar days of the date of the request.

## 245EC. Period and conditions of grant

- (a) Entry clearance will be granted:
  - (i) for a period of 2 years, to an applicant who has, or has had, leave as a Tier 1 (Investor) Migrant in the 12 months immediately before the date of application, or
  - (ii) for a period of 3 years and four months, to any other applicant.
- (b) Entry clearance will be subject to the following conditions:
  - (i) no recourse to public funds,
  - (ii) registration with the police, if this is required by paragraph 326 of these Rules,
  - (iii) no Employment as a Doctor or Dentist in Training, unless the applicant has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a student sponsor licence under the Points Based System, and
  - (iv) no employment as a professional sports person (including as a sports coach), and
  - (v) study subject to the condition set out in Appendix ATAS of these Rules.

## 245ED. Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (Investor) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

### **Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.

- (b) The applicant must have a minimum of 75 points under paragraphs 54 to 65-SD of Appendix A.
- (c) The applicant must have, or have last been granted, entry clearance, leave to enter or remain:
  - (i) as a Highly Skilled Migrant,
  - (ii) as a Tier 1 (General) Migrant,
  - (iii) as a Tier 1 (Entrepreneur) Migrant,
  - (iv) as a Tier 1 (Investor) Migrant,
  - (v) – (xiv) DELETED
  - (xv) as a Tier 2 Migrant, or
  - (xvi) as a Student and, in respect of such leave, is or was last sponsored by:
    - (1) a higher education provider with a track record of compliance; or
    - (2) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom; or
    - (3) an Embedded College offering Pathway Courses, or
    - (4) an independent school, or
  - (xvii) as a Child Student.
- (d) An applicant who has, or was last granted, leave as a Student or Child Student and:

- (i) is currently being sponsored by a government or international scholarship agency, or
- (ii) was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or less,

must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents as set out in paragraph 245A above, to show that this requirement has been met.

- (e) The applicant must be at least 18 years old and the assets and investment he is claiming points for must be wholly under his control.
- (f) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.
- (g) The Secretary of State must not have reasonable grounds to believe that:
  - (i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A or (where relevant) was awarded points in a previous application as a Tier 1 (Investor) Migrant, the applicant is not or was not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Appendix A to these Rules; or
  - (ii) any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules held by:
    - (1) the applicant; or
    - (2) where any of the specified money has been made available to the applicant by another party, that party,has been acquired by means of conduct which is unlawful in the UK, or would constitute unlawful conduct if it occurred in the UK, or has been or will be transferred internationally by means which are unlawful in any of the countries involved; or

(iii) where any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Secretary of State does have reasonable grounds to believe one or more of the above applies, no points from Appendix A will be awarded.

## 245EE. Period, conditions and curtailment of grant

(a) Leave to remain will be granted:

- (i) for a period of 2 years, to an applicant who has, or was last granted, leave as a Tier 1 (Investor) Migrant,
- (ii) for a period of 3 years, to any other applicant.

(b) Leave to remain under this route will be subject to the following conditions:

- (i) no recourse to public funds,
- (ii) registration with the police, if this is required by paragraph 326 of these Rules,
- (iii) no Employment as a Doctor or Dentist in Training, unless the applicant:
  - (1) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a student sponsor licence under the Points Based System, and provides evidence of this degree; or
  - (2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, has been employed during that leave as a Doctor in Training, and provides a letter from the Postgraduate Deanery or NHS Trust employing them which confirms that they have been working in a post or programme that has been approved by the General Medical Council as a training programme or post; or



- (3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, has been employed during that leave as a Dentist in Training, and provides a letter from the Postgraduate Deanery or NHS Trust employing them which confirms that they have been working in a post or programme that has been approved by the Joint Committee for Postgraduate Training in Dentistry as a training programme or post, and
  - (iv) no employment as a professional sportsperson (including as a sports coach), and
  - (v) study subject to the condition set out in Appendix ATAS of these Rules.
- (c) Without prejudice to the grounds for curtailment in paragraph 323 of these Rules, leave to enter or remain as a Tier 1 (Investor) Migrant may be curtailed if:
- (i) within 3 months of the date specified in paragraph (d), the applicant has not invested, or had invested on his behalf, at least the amount of capital specified in paragraph (e) in the UK by way of UK Government bonds (where the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is before 6 April 2023), share capital or loan capital in active and trading UK registered companies other than those principally engaged in property investment, or
  - (ii) the applicant does not maintain at least the level of investment in (i) throughout the remaining period of his leave.
- (d) The date referred to in paragraph (c) is:
- (i) the date of the applicant's entry to the UK, in the case of an applicant granted entry clearance as a Tier 1 (Investor) Migrant where there is evidence to establish the applicant's date of entry to the UK,
  - (ii) the date of the grant of entry clearance to the applicant, in the case of an applicant granted entry clearance as a Tier 1 (Investor) Migrant where there is no evidence to establish the applicant's date of entry to the UK, or
  - (iii) the date of the grant of leave to remain to the applicant, in any other case.
- (e) The amount of capital referred to in paragraph (c) is:

- (i) at least £2 million if the applicant was last granted leave under the Rules in place from 6 November 2014 and was awarded points as set out in Table 7 or Table 8A of Appendix A to these Rules in that last grant, or
  - (ii) at least £750,000 if the applicant was last granted leave under the Rules in place before 6 November 2014 or was awarded points as set out in Table 8B of Appendix A to these Rules in his last grant
- (f) Paragraph 245EE(c) does not apply where the applicant's two most recent grants of leave were as a Tier 1 (Investor) Migrant.

### 245EF. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain, a Tier 1 (Investor) Migrant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) DELETED
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (c) The applicant must have a minimum of 75 points under paragraphs 54 to 65-SD of Appendix A
- (d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
- (e) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.
- (f) The Secretary of State must not have reasonable grounds to believe that:

- (i) notwithstanding that the applicant was awarded points in a previous application as a Tier 1 (Investor) Migrant, the applicant is or was not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Appendix A to these Rules; or
- (ii) any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules held by:
  - (1) the applicant; or
  - (2) where any of the specified money has been made available to the applicant by another party, that party, has been acquired by means of conduct which is unlawful in the UK, or would constitute unlawful conduct if it occurred in the UK, or has been transferred internationally by means which are unlawful in any of the countries involved; or
- (iii) where any of the money specified in the application for the purposes of meeting the requirements of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Secretary of State does have reasonable grounds to believe one or more of the above applies, no points from Appendix A will be awarded.

## **Tier 1 (Graduate Entrepreneur) Migrants**

245F. This category is now closed and has been replaced by the Start-up category in Appendix W.

## **TIER 2 MIGRANTS**

### **Tier 2 (Intra-Company Transfer) Migrants**

#### **245G. DELETED**

**245GA. DELETED**

**245GB. DELETED**

**245GC. DELETED**

**245GD. DELETED**

**245GE. DELETED**

**245GF. DELETED**

**245GF-SD DELETED**

Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants and Tier 2 (Sportsperson) Migrants

**245H. DELETED**

**245HA. DELETED**

**245HB. DELETED**

**245HC. DELETED**

**245HD. DELETED**

**245HE. DELETED**

**245HF. DELETED**

**245HG. DELETED**

**245HH DELETED**

### **Tier 5 (Youth Mobility Scheme) Temporary Migrants**

**245ZI. DELETED**

**245ZJ. DELETED**

**245ZK. DELETED**

**245ZL. DELETED**

## **Tier 5 (Temporary Worker) Migrants**

245ZM. DELETED

245ZN. DELETED

245ZO. DELETED

245ZP. DELETED

245ZQ. DELETED

245ZR. DELETED

245ZS. DELETED

## **Tier 4 (General) Student**

245ZT. Purpose of this route

DELETED.

245ZU. Entry clearance

DELETED.

245ZV. Requirements for entry clearance

DELETED.

245ZW. Period and conditions of grant

DELETED.

245ZX. Requirements for leave to remain

DELETED.

245ZY. Period and conditions of grant

DELETED.

**Tier 4 (Child) Student**

245ZZ. Purpose of route

DELETED.

245ZZA. Entry clearance

DELETED.

245ZZB. Period and conditions of grant

DELETED.

245ZZC. Requirements for leave to remain

DELETED.

245ZZD. Period and conditions of grant

DELETED.

245ZZE Specified documents, details and requirements of care arrangements

DELETED.

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# Immigration Rules

## Part 7

### Other categories

#### Requirements for leave to enter the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

A246. Paragraphs 246 to 248F apply only to a person who has made an application before 9 July 2012 for leave to enter or remain or indefinite leave to remain as a person exercising rights of access to a child resident in the UK, or who before 9 July 2012 has been granted leave to enter or remain as a person exercising rights of access to a child resident in the UK.

AB246. Where an application for leave to enter or remain is made on or after 9 July 2012 as a person exercising rights of access to a child resident in the UK Appendix FM will apply.

246. The requirements to be met by a person seeking leave to enter the United Kingdom to exercise access rights to a child resident in the United Kingdom are that:

- (i) the applicant is the parent of a child who is resident in the United Kingdom; and
- (ii) the parent or carer with whom the child permanently resides is resident in the United Kingdom; and
- (iii) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by a Court in the United Kingdom; or

- (b) a certificate issued by a district judge confirming the applicant's intention to maintain contact with the child; and
- (iv) the applicant intends to take an active role in the child's upbringing; and
- (v) the child is under the age of 18; and
- (vi) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (vii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and
- (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

## Leave to enter the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

247. Leave to enter as a person exercising access rights to a child resident in the United Kingdom may be granted for 12 months in the first instance, provided that on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

## Refusal of leave to enter the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248. Leave to enter as a person exercising rights of access to a child resident in the United Kingdom is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

## Requirements for leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248A. The requirements to be met by a person seeking leave to remain in the United Kingdom to exercise access rights to a child resident in the United Kingdom are that:

- (i) the applicant is the parent of a child who is resident in the United Kingdom; and
- (ii) the parent or carer with whom the child permanently resides is resident in the United Kingdom; and
- (iii) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by a Court in the United Kingdom; or
  - (b) a certificate issued by a district judge confirming the applicant's intention to maintain contact with the child; or
  - (c) a statement from the child's other parent (or, if contact is supervised, from the supervisor) that the applicant is maintaining contact with the child; and
- (iv) the applicant takes and intends to continue to take an active role in the child's upbringing; and
- (v) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and
- (vi) the child is under the age of 18; and
- (vii) the applicant has limited leave to remain in the United Kingdom as the spouse, civil partner, unmarried partner or same-sex partner of a person present and settled in the United Kingdom who is the other parent of the child; and
- (viii) the applicant has not remained in breach of the immigration laws; and

- (ix) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (x) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds.

### Leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248B. Leave to remain as a person exercising access rights to a child resident in the United Kingdom may be granted for 12 months in the first instance, provided the Secretary of State is satisfied that each of the requirements of paragraph 248A is met.

### Refusal of leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248C. Leave to remain as a person exercising rights of access to a child resident in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 248A is met.

### Indefinite leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248D. The requirements for indefinite leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom are that:

- (i) the applicant was admitted to the United Kingdom or granted leave to remain in the United Kingdom for a period of 12 months as a person exercising rights of access to a child and has completed a period of 12 months as a person exercising rights of access to a child; and
- (ii) the applicant takes and intends to continue to take an active role in the child's upbringing; and

(iii) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and

(iv) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and

(v) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and

(vi) the child is under 18 years of age; and

(vii) the applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(viii) the applicant does not fall for refusal under the general grounds for refusal.

## Indefinite leave to remain as a person exercising rights of access to a child resident in the United Kingdom

248E. Indefinite leave to remain as a person exercising rights of access to a child may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 248D is met.

## Refusal of indefinite leave to remain in the United Kingdom as a person exercising rights of access to a child resident in the United Kingdom

248F. Indefinite leave to remain as a person exercising rights of access to a child is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 248D is met.

## Holders of special vouchers

Requirements for indefinite leave to enter as the holder of a special voucher

249. DELETED

Indefinite leave to enter as the holder of a special voucher

250. DELETED

Refusal of indefinite leave to enter as the holder of a special voucher

251. DELETED

Requirements for indefinite leave to enter as the spouse or child of a special voucher holder

252. DELETED

Indefinite leave to enter as the spouse or child of a special voucher holder

253. DELETED

Refusal of indefinite leave to enter as the spouse or child of a special voucher holder

254. DELETED

## EEA Nationals and their families

### Settlement

255. DELETED. But this is subject to the transitional provision in paragraph 5 continues to apply for the purpose of determining an application made before 30 April 2006 for an endorsement under paragraph 255.

255A. DELETED. But this is subject to the transitional provision in paragraph 5 continues to apply for the purpose of determining an application made before 30 April 2006 for an endorsement under paragraph 255.

255B. DELETED. But this is subject to the transitional provision in paragraph 5 continues to apply for the purpose of determining an application made before 30 April 2006 for an endorsement under paragraph 255.

256. DELETED

257. DELETED

257A. DELETED. But this is subject to the transitional provision in paragraph 8 continues to apply for the purpose of determining an application made before 30 April 2006 for an endorsement under paragraph 257A.

257B. DELETED. But this is subject to the transitional provision in paragraph 8 continues to apply for the purpose of determining an application made before 30 April 2006 for an endorsement under paragraph 257B.

257C. DELETED.

257D. DELETED.

257E. DELETED.

## The EEA family permit

258. DELETED

## Requirements for the issue of an EEA family permit

259. DELETED

## Issue of an EEA family permit

260. DELETED

## Refusal of an application for an EEA family permit

261. DELETED

## Registration with the police for family members of EEA nationals

262. DELETED

## Retired persons of independent means



## Requirements for leave to enter the United Kingdom as a retired person of independent means

263. DELETED

## Leave to enter as a retired person of independent means

264. DELETED

## Refusal of leave to enter as a retired person of independent means

265. DELETED

## Requirements for an extension of stay as a retired person of independent means

266. The requirements for an extension of stay as a retired person of independent means are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a retired person of independent means; and
- (ii) meets the following requirements:
  - (a) has under his control and disposable in the United Kingdom an income of his own of not less than £25,000 per annum; and
  - (b) is able and willing to maintain and accommodate himself and any dependants indefinitely in the United Kingdom from his own resources with no assistance from any other person and without taking employment or having recourse to public funds; and
  - (c) can demonstrate a close connection with the United Kingdom; and

(iii) has made the United Kingdom his main home; and

(iv) must not be in the UK in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Extension of stay as a retired person of independent means

266A. DELETED

266C. DELETED

266D. DELETED

266E. DELETED

267. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment and a condition on study as set out in Part 15 of these Rules, may be granted so as to bring the person's stay in this category up to a maximum of 5 years in aggregate, provided the Secretary of State is satisfied that each of the requirements of paragraph 266 is met.

## Refusal of extension of stay as a retired person of independent means

268. An extension of stay as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 266 is met.

## Indefinite leave to remain for a retired person of independent means

269. Indefinite leave to remain may be granted, on application, to a person admitted as a retired person of independent means provided the applicant:

- (i) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity; and
- (ii) has met the requirements of paragraph 266 throughout the 5 year period and continues to do so; and

(iii) does not fall for refusal under the general grounds for refusal; and

(iv) must not be in the UK in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and

(v) in the case of absences for serious or compelling reasons, submits a personal letter which includes full details of the reason for the absences and all supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK

continuous period of 5 years lawfully in the UK means residence in the United Kingdom for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

(i) the applicant has been absent from the UK for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that:

(1) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 24 November 2016 and subsequently granted, that period and any period pending the applicant's re-entry into the United Kingdom shall be disregarded; and

(2) where, on or after 24 November 2016, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and any period pending the applicant's re-entry into the United Kingdom shall be disregarded; and

(iii) the applicant has any current period of overstaying disregarded where paragraph 39E of these Rules applies; and

(iv) the applicant has any previous period of overstaying between periods of leave disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

## Refusal of indefinite leave to remain for a retired person of independent means

270. Indefinite leave to remain in the United Kingdom for a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 269 is met.

## Partners of persons with limited leave to enter or remain in the United Kingdom as retired persons of independent means

### Requirements for leave to enter or remain as the partners of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

271. The requirements to be met by a person seeking leave to enter the United Kingdom as the partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means are that:

- (i) the applicant is the spouse, civil partner, unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; and
- (ii) if an unmarried or same-sex partner:
  - (1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
  - (2) the parties are not involved in a consanguineous relationship with one another; and
  - (3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and

- (iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his partner; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal; and
- (viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

### Leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

272. A person seeking leave to enter the United Kingdom as the partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, subject to a condition on study as set out in Part 15 of these Rules. provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

### Refusal of leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

273. Leave to enter as the partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 271 is met.

## Requirements for extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means

273A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means are that the applicant:

(i) is the spouse, civil partner, unmarried or same sex partner of a person who:

(1) has limited leave to enter or remain in the United Kingdom as a retired person of independent means; or

(2) has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom as a retired person of independent means immediately before being granted indefinite leave to remain; and

(ii) meets the requirements of paragraph 271(ii) - (vii); and

(iii) was not last granted:

(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and

(iv) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means

273B. An extension of stay in the United Kingdom as:

- (i) the partner of a person who has limited leave to enter or remain as a retired person of independent means may be granted for a period not in excess of that granted to the person with limited leave to enter or remain, subject to a condition on study as set out in Part 15 of these Rules; or
- (ii) the partner of a person who is being admitted at the same time for settlement or the partner of a person who has indefinite leave to remain or has become a British citizen may be granted for a period not exceeding 2 years, subject to a condition on study as set out in Part 15 of these Rules, in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 273A is met.

## Refusal of extension of stay as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means

273C. An extension of stay in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 273A is met.

## Requirements for indefinite leave to remain for the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means

273D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means are that the applicant:

- (i) is the spouse, civil partner, unmarried or same-sex partner of a person who:

(1) has limited leave to enter or remain in the United Kingdom as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or

(2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the United Kingdom or has become a British citizen, and who had limited leave to enter or remain in the United Kingdom as a retired person of independent means immediately before being granted indefinite leave to remain; and

(ii) meets the requirements of paragraph 271(ii) - (vii); and

(iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(iv) was not last granted:

(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and

(v) must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

Indefinite leave to remain as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means



273E. Indefinite leave to remain in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 273D is met.

### Refusal of indefinite leave to remain as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means

273F. Indefinite leave to remain in the United Kingdom as the partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 273D is met.

### Children of persons with limited leave to enter or remain in the United Kingdom as retired persons of independent means

#### Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

274. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means are that:

- (i) he is the child of a parent who has been admitted to or allowed to remain in the United Kingdom as a retired person of independent means or, for applications for leave to remain, of a parent with indefinite leave to remain in the UK and who had limited leave as a retired person of independent means immediately before being granted indefinite leave; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and

(iv) he can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and

(v) he will not stay in the United Kingdom beyond any period of leave granted to his parent(s); and

(vi) both parents are being or have been admitted to or allowed to remain in the United Kingdom save where:

(a) the parent he is accompanying or joining is his sole surviving parent; or

(b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and

(vii) if seeking leave to enter, he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:

(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted;

and

(viii) if seeking leave to remain, must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

275. (a) A person seeking leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United as a retired person of independent means may be given leave to enter or remain in the United Kingdom for a period of leave not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, subject to a condition on study as set out in Part 15 of these Rules, if:

(i) in relation to an application for leave to enter, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity; or

(ii) in the case of an application for limited leave to remain, he was not last granted:

(1) entry clearance or leave to enter as a visitor, short-term student or short-term student (child),

(2) temporary admission,

(3) temporary release, or

(4) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, immigration bail in circumstances in which temporary release or temporary admission would previously been granted; and

is able to satisfy the Secretary of State that each of the requirements of paragraph 274(i)-(vi) and (viii) is met.

(b) A person seeking limited leave to remain as the child of a parent who has indefinite leave to remain in the UK and who had limited leave as a retired person of independent means immediately before being granted indefinite leave may be given leave to remain in the UK for a period of 30 months, subject to a condition on study as set out in Part 15 of these Rules, provided he is in the UK with valid leave under paragraph 275 and is able to satisfy the Secretary of State that each of the requirements of paragraph 274(i) to (vi) and (viii) are satisfied.

275A. An application for indefinite leave to remain in this category may be granted provided the applicant meets the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### Requirements

- (i) he is the child of a parent with limited leave to enter or remain in the United Kingdom as a retired person of independent means who is, at the same time, being granted indefinite leave to remain, or he is the child of a parent who has indefinite leave to remain in the United Kingdom and who had limited leave under paragraphs 263-269 immediately before being granted indefinite leave; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the United Kingdom beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the United Kingdom save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care;
- (vii) he must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

(viii) if aged 18 or over, he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL of these Rules;

(ix) indefinite leave to remain is, at the same time, being granted to the person with limited leave as a retired person of independent means unless, at the time when indefinite leave to remain was granted to that person, the applicant was aged 18 or over and unable to satisfy paragraph 275A(viii) and the applicant has continued to be in the United Kingdom with leave to remain as a child of that person.

## Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means

276. Leave to enter or remain in the United Kingdom as the child of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means is to be refused if, in relation to an application for leave to enter, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity, or in the case of an application for limited leave to remain, if the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 274 (i)-(vi) and (viii) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 275 is met.

## Long residence

### Long residence in the United Kingdom

276A. For the purposes of paragraphs 276B to 276D and 276ADE(1).

(a) "continuous residence" means residence in the United Kingdom for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from the United Kingdom for a period of 6 months or less at any one

time, provided that the applicant in question has existing limited leave to enter or remain upon their departure and return, but shall be considered to have been broken if the applicant:

- (i) has been removed under Schedule 2 of the 1971 Act, section 10 of the 1999 Act, has been deported or has left the United Kingdom having been refused leave to enter or remain here; or
- (ii) has left the United Kingdom and, on doing so, evidenced a clear intention not to return; or
- (iii) left the United Kingdom in circumstances in which he could have had no reasonable expectation at the time of leaving that he would lawfully be able to return; or
- (iv) has been convicted of an offence and was sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), provided that the sentence in question was not a suspended sentence; or
- (v) has spent a total of more than 18 months absent from the United Kingdom during the period in question.

(b) "lawful residence" means residence which is continuous residence pursuant to:

- (i) existing leave to enter or remain; or
- (ii) temporary admission within section 11 of the 1971 Act (as previously in force), or immigration bail within section 11 of the 1971 Act, where leave to enter or remain is subsequently granted; or
- (iii) an exemption from immigration control, including where an exemption ceases to apply if it is immediately followed by a grant of leave to enter or remain.

(c) 'lived continuously' and 'living continuously' mean 'continuous residence', except that paragraph 276A(a)(iv) shall not apply.

276A0. For the purposes of paragraph 276ADE(1) the requirement to make a valid application will not apply when the Article 8 claim is raised:

- (i) as part of an asylum claim, or as part of a further submission in person after an asylum claim has been refused;

(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Home Office staff at the migrant's place of detention; or

(iii) in an appeal (subject to the consent of the Secretary of State where applicable).

276A00. Where leave to remain is granted under paragraphs 276ADE- 276DH, or where an applicant does not meet the requirements in paragraph 276ADE(1) but the Secretary of State grants leave to remain outside the rules on Article 8 grounds, (and without prejudice to the specific provision that is made in paragraphs 276ADE-276DH in respect of a no recourse to public funds condition), that leave may be subject to such conditions as the Secretary of State considers appropriate in a particular case.

276A01(1). Where an applicant for leave to enter the UK remains in the UK on immigration bail and satisfies the requirements in paragraph 276ADE(1), as if those were requirements for leave to enter not leave to remain (and except that the reference to "leave to remain" in sub-paragraph (ii) is to be read as if it said "leave to enter"), or the Secretary of State decides to grant leave to enter outside the rules on Article 8 grounds:

(a) paragraph 276BE(1) shall apply, as if the first reference in paragraph 276BE(1) to limited leave to remain were to limited leave to enter and as if the wording from "provided that" to "under this sub-paragraph" were omitted; and

(b) paragraph 276BE(2) shall apply, as if the reference in paragraph 276BE(2) to limited leave to remain were to limited leave to enter.

(2). Where leave to enter is granted in accordance with paragraph 276A01(1), paragraph 276BE(1) shall apply to an application for leave to remain on the grounds of private life in the UK as if for "leave to remain under this sub-paragraph" there were substituted "leave to enter in accordance with paragraph 276A01(1)".

276A02. In all cases where:

(a) limited leave on the grounds of private life in the UK is granted under paragraph 276BE(1) or 276DG; or

(b) limited leave is granted outside the rules on Article 8 grounds under paragraph 276BE(2),

leave will normally be granted subject to a condition of no recourse to public funds, unless the applicant has provided the decision-maker with (i) satisfactory evidence that the applicant is destitute as defined in section 95 of the Immigration and Asylum Act 1999, or

(ii) satisfactory evidence that there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income.

276A03. Where a person aged 18 or over is granted limited leave to remain under this Part on the basis of long residence or private life in the UK or limited leave to enter in accordance with paragraph 276A01(1) (or limited leave to enter or remain outside the rules on Article 8 grounds), or where a person granted such limited leave to enter or remain will be aged 18 before that period of limited leave expires, the leave will, in addition to any other conditions which may apply, be granted subject to the conditions in Appendix ATAS of these rules.

276A04. Where a person who has made an application for indefinite leave to remain under this Part does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under this Part on the basis of long residence or private life in the UK, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;
- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and
- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.

## Requirements for an extension of stay on the ground of long residence in the United Kingdom

276A1. The requirement to be met by a person seeking an extension of stay on the ground of long residence in the United Kingdom is that the applicant meets each of the requirements in paragraph 276B(i)-(ii) and (v).

## Extension of stay on the ground of long residence in the United Kingdom

276A2. An extension of stay on the ground of long residence in the United Kingdom may be granted for a period not exceeding 2 years provided that the Secretary of State is satisfied that the requirement in paragraph 276A1 is met (but see paragraph 276A04), and a



person granted such an extension of stay following an application made before 9 July 2012 will remain subject to the rules in force on 8 July 2012.

## Conditions to be attached to extension of stay on the ground of long residence in the United Kingdom

276A3. Where an extension of stay is granted under paragraph 276A2:

- (i) if the applicant has spent less than 20 years in the UK , the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or
- (ii) if the applicant has spent 20 years or more in the UK, the grant of leave should not contain any restriction on employment.

## Refusal of extension of stay on the ground of long residence in the United Kingdom

276A4. An extension of stay on the ground of long residence in the United Kingdom is to be refused if the Secretary of State is not satisfied that the requirement in paragraph 276A1 is met.

## Requirements for indefinite leave to remain on the ground of long residence in the United Kingdom

276B. The requirements to be met by an applicant for indefinite leave to remain on the ground of long residence in the United Kingdom are that:

- (i) (a) he has had at least 10 years continuous lawful residence in the United Kingdom.
- (ii) having regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain on the ground of long residence, taking into account his:
  - (a) age; and

- (b) strength of connections in the United Kingdom; and
  - (c) personal history, including character, conduct, associations and employment record; and
  - (d) domestic circumstances; and
  - (e) compassionate circumstances; and
  - (f) any representations received on the person's behalf; and
- (iii) the applicant does not fall for refusal under the general grounds for refusal.
- (iv) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
- (v) the applicant must not be in the UK in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded. Any previous period of overstaying between periods of leave will also be disregarded where –
- (a) the previous application was made before 24 November 2016 and within 28 days of the expiry of leave; or
  - (b) the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

## Indefinite leave to remain on the ground of long residence in the United Kingdom

276C. Indefinite leave to remain on the ground of long residence in the United Kingdom may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 276B is met.

## Refusal of indefinite leave to remain on the ground of long residence in the United Kingdom

276D. Indefinite leave to remain on the ground of long residence in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276B is met.

## Private life

### Requirements to be met by an applicant for leave to remain on the grounds of private life

276ADE (1). The requirements to be met by an applicant for leave to remain on the grounds of private life in the UK are that at the date of application, the applicant:

- (i) does not fall for refusal under any of the grounds in Section S-LTR 1.1 to S-LTR 2.2. and S-LTR.3.1. to S-LTR.4.5. in Appendix FM; and
- (ii) has made a valid application for leave to remain on the grounds of private life in the UK; and
- (iii) has lived continuously in the UK for at least 20 years (discounting any period of imprisonment); or
- (iv) is under the age of 18 years and has lived continuously in the UK for at least 7 years (discounting any period of imprisonment) and it would not be reasonable to expect the applicant to leave the UK; or
- (v) is aged 18 years or above and under 25 years and has spent at least half of his life living continuously in the UK (discounting any period of imprisonment); or
- (vi) subject to sub-paragraph (2), is aged 18 years or above, has lived continuously in the UK for less than 20 years (discounting any period of imprisonment) but there would be very significant obstacles to the applicant's integration into the country to which he would have to go if required to leave the UK.

276ADE (2). Sub-paragraph (1)(vi) does not apply, and may not be relied upon, in circumstances in which it is proposed to return a person to a third country pursuant to Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

## Leave to remain on the grounds of private life in the UK

276BE(1). Limited leave to remain on the grounds of private life in the UK may be granted for a period not exceeding 30 months provided that the Secretary of State is satisfied that the requirements in paragraph 276ADE(1) are met or, in respect of the requirements in paragraph 276ADE(1)(iv) and (v), were met in a previous application which led to a grant of limited leave to remain under this sub-paragraph. Such leave shall be given subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

276BE(2). Where an applicant does not meet the requirements in paragraph 276ADE(1) but the Secretary of State grants leave to remain outside the rules on Article 8 grounds, the applicant will normally be granted leave for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

276BE(3). Where an applicant has extant leave at the date of application, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under paragraph 276BE(1)(which may therefore exceed 30 months).

## Refusal of limited leave to remain on the grounds of private life in the UK

276CE. Limited leave to remain on the grounds of private life in the UK is to be refused if the Secretary of State is not satisfied that the requirements in paragraph 276ADE(1) are met.

## Requirements for indefinite leave to remain on the grounds of private life in the UK

276DE. The requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the UK are that:

(a) the applicant has been in the UK with continuous leave on the grounds of private life for a period of at least 120 months. This continuous leave will disregard any current period of overstaying where paragraph 39E of these Rules applies. Any previous period of overstaying between periods of leave on the grounds of private life will also be disregarded where –

(a) the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or

(b) the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied;

(b) the applicant meets the requirements of paragraph 276ADE(1) or, in respect of the requirements in paragraph 276ADE(1)(iv) and (v), the applicant met the requirements in a previous application which led to a grant of limited leave to enter or remain under paragraph 276BE(1);

(c) the applicant does not fall for refusal under any of the grounds in Section S-ILR: Suitability-indefinite leave to remain in Appendix FM;

(d) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(e) there are no reasons why it would be undesirable to grant the applicant indefinite leave to remain based on the applicant's conduct, character or associations or because the applicant represents a threat to national security.

## Indefinite leave to remain on the grounds of private life in the UK

276DF. Indefinite leave to remain on the grounds of private life in the UK may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 276DE is met.

276DG. If the applicant does not meet the requirements for indefinite leave to remain on the grounds of private life in the UK only for one or both of the following reasons-

(a) paragraph S-ILR.1.5. or S-ILR.1.6. in Appendix FM applies;

(b) the applicant has not demonstrated sufficient knowledge of the English language or

about life in the UK in accordance with Appendix KoLL,

subject to compliance with any requirement notified under paragraph 276A04(b), the applicant may be granted further limited leave to remain on the grounds of private life in the UK for a period not exceeding 30 months, and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

## Refusal of indefinite leave to remain on the grounds of private life in the UK

276DH. Indefinite leave to remain on the grounds of private life in the UK is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276DE is met, subject to paragraph 276DG.

## HM Forces

## Transitional provisions and interaction between paragraphs 276E to 276AI of Part 7 and Appendix Armed Forces

276DI. From 1 December 2013, Appendix Armed Forces will apply to all applications to which paragraphs 276E to 276AI of this Part applied on or before 30 November 2013, except where the provisions of 276E to 276AI are preserved and continue to apply in accordance with paragraph 276DL.

276DJ. The requirements to be met under paragraphs 276E to 276AI from 1 December 2013 may be modified or supplemented by the requirements in Appendix Armed Forces or Appendix FM-SE.

276DK. The requirements in paragraphs 8 and 9 of Appendix Armed Forces apply to applications made under paragraphs 276E to 276AI where the decision is made on or after 1 December 2013 (and irrespective of the date of the application).

276DL. Paragraphs 276E-276AI also continue to apply to applications:

- (i) made before 1 December 2013 under paragraphs 276E to 276AI but which have not been decided before that date; and
- (ii) by persons who have been granted entry clearance or limited leave to enter or remain under paragraphs 276E to 276AI before 1 December 2013 or in accordance with sub-paragraph (i) above and, where it is a requirement of Part 7, that leave to enter or remain is extant.

## Definition of Gurkha

276E. For the purposes of these Rules the term "Gurkha" means a citizen or national of Nepal who has served in the Brigade of Gurkhas of the British Army under the Brigade of Gurkhas' terms and conditions of service.

## Leave to enter or remain in the United Kingdom as a Gurkha discharged from the British Army

### Requirements for indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army

276F. The requirements for indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army are that:

- (i) the applicant has completed at least four years' service as a Gurkha with the British Army; and
- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997; and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made; and
- (iv) holds a valid United Kingdom entry clearance for entry in this capacity; and
- (v) does not fall for refusal under the general grounds for refusal.

## Indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army

276G. A person seeking indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army may be granted indefinite leave to enter provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

## Refusal of indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army

276H. Indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

## Requirements for indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army

276I. The requirements for indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army are that the applicant:

- (i) has completed at least four years' service as a Gurkha with the British Army; and
- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997; and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made unless they are applying following a grant of limited leave to remain under paragraph 276KA; and
- (iv) is not in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (v) does not fall for refusal under the general grounds for refusal.



## Indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army

276J. A person seeking indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army may be granted indefinite leave to remain provided the Secretary of State is satisfied that each of the requirements of paragraph 276I is met.

## Refusal of indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army

276K. Indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276I is met.

## Leave to remain in the United Kingdom as a Gurkha discharged from the British Army

276KA. If a Gurkha discharged from the British Army does not meet the requirements for indefinite leave to remain only because paragraph 322(1C)(iii) or 322(1C)(iv) applies, the applicant may be granted limited leave to remain for a period not exceeding 30 months.

## Leave to enter or remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

## Requirements for indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276L. The requirements for indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces are that the applicant:

- (i) has completed at least four years' service with HM Forces; and
- (ii) was discharged from HM Forces on completion of engagement; and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made; and
- (iv) holds a valid United Kingdom entry clearance for entry in this capacity; and
- (v) does not fall for refusal under the general grounds for refusal.

## Indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276M. A person seeking indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to enter provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

## Refusal of indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276N. Indefinite leave to enter the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

## Requirements for indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276O. The requirements for indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces are that the applicant:

- (i) has completed at least four years' service with HM Forces; and
- (ii) was discharged from HM Forces on completion of engagement; and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made unless they are applying following a grant of limited leave to remain under paragraph 276QA; and
- (iv) is not in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and
- (v) does not fall for refusal under the general grounds for refusal.

## Indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276P. A person seeking indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to remain provided the Secretary of State is satisfied that each of the requirements of paragraph 276O is met.

## Refusal of indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276Q. Indefinite leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276O is met.

## Leave to remain in the United Kingdom as a foreign or Commonwealth citizen discharged from HM Forces

276QA. If a foreign or Commonwealth citizen discharged from HM Forces does not meet the requirements for indefinite leave to remain only because paragraph 322(1C)(iii) or 322(1C)(iv) applies, the applicant may be granted limited leave to remain for a period not exceeding 30 months.

## **Spouses, civil partners, unmarried or same-sex partners of persons settled or seeking settlement in the United Kingdom in accordance with paragraphs 276E to 276Q (HM Forces rules) or of members of HM Forces who are exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and have at least 5 years' continuous service**

Leave to enter or remain in the UK as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service.

Requirements for indefinite leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement under paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276R. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

- (i) the applicant is married to, or the civil partner, unmarried or same-sex partner of, a person present and settled in the United Kingdom or who is being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; and
- (ii) the parties to the marriage, or civil partnership or relationship akin to marriage or civil partnership have met; and
- (iii) the parties were married or formed a civil partnership or a relationship akin to marriage or civil partnership at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse, civil partner, unmarried or same-sex partner; and
- (v) the marriage, civil partnership or relationship akin to marriage or civil partnership is subsisting; and
- (vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276S. A person seeking leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service may be granted indefinite leave to enter provided, on arrival, that a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

Refusal of indefinite leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the UK or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276T. Leave to enter the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and he does not have entry clearance for entry in this capacity.

Requirement for indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom under paragraphs 276E to 276Q or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276U. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same

occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

- (i) the applicant is married to or the civil partner or unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; and
- (ii) the parties to the marriage, civil partnership or relationship akin to marriage or civil partnership have met; and
- (iii) the parties were married or formed a civil partnership or relationship akin to marriage or civil partnership at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse, civil partner, unmarried or same-sex partner; and
- (v) the marriage, civil partnership or relationship akin to marriage or civil partnership is subsisting; and
- (vi) has, or has last been granted, leave to enter or remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276V. Indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 276U is met.

**Refusal of indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

276W. Indefinite leave to remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of a person present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276U is met.

**Children of a parent, parents or a relative settled or seeking settlement in the United Kingdom under paragraphs 276E to 276Q (HM Forces rules) or of members of HM Forces who are exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and have at least 5 years' continuous service**



Leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

Requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276X. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

(i) the applicant is seeking indefinite leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) both parents are being admitted on the same occasion for settlement; or

(c) one parent is present and settled in the United Kingdom or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other is being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; or

(d) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other parent is dead; or

(e) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and has had sole responsibility for the child's upbringing; or

(f) one parent or a relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) holds a valid United Kingdom entry clearance for entry in this capacity; and

(v) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276Y. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service may be granted provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

Refusal of indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276Z. Indefinite leave to enter the United Kingdom as the child of a parent, parents, or a relative present and settled in the United Kingdom or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

Requirements for indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276AA. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

(i) the applicant is seeking indefinite leave to remain with a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom or being granted settlement on the same occasion; or

(ab) one parent is present and settled in the United Kingdom or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other is being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; or

(b) one parent is present and settled in the United Kingdom or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other parent is dead; or

(c) one parent is present and settled in the United Kingdom or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and has had sole responsibility for the child's upbringing; or

(d) one parent or a relative is present and settled in the United Kingdom or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) is not in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; and

(v) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276AB. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service may be granted if the Secretary of State is satisfied that each of the requirements of paragraph 276AA is met.

Refusal of indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service

276AC. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 276AA is met.

**Spouses, civil partners, unmarried or same-sex partners of armed forces members who are exempt from immigration control under section 8(4) of the Immigration Act 1971**

## Requirements for leave to enter or remain as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971

276AD. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- (i) the applicant is married to or the civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner, unmarried or same-sex partner during the applicant's stay and the marriage, civil partnership, or relationship akin to a marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds;
- (v) the applicant does not intend to stay in the United Kingdom beyond his or her spouse's, civil partner's, unmarried or same-sex partner's enlistment in the home forces, or period of posting or training in the United Kingdom; and
- (vi) where the applicant is the unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971, the following requirements are also met:
  - (a) any previous marriage or civil partnership or relationship akin to a marriage by the applicant or the exempt armed forces member must have permanently broken down,
  - (b) the applicant and the exempt armed forces member must not be so closely related that they would be prohibited from marrying each other in the UK, and

(c) the applicant and the exempt armed forces member must have been living together in a relationship akin to marriage or civil partnership for a period of at least 2 years.

### Leave to enter or remain as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971

276AE. A person seeking leave to enter or remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 may be given leave to enter or remain in the United Kingdom for a period not exceeding 4 years or the expected duration of the enlistment, posting or training of his or her spouse, civil partner, unmarried or same-sex partner, whichever is shorter, provided that the Immigration Officer, or in the case of an application for leave to remain, the Secretary of State, is satisfied that each of the requirements of paragraph 276AD (i)-(vi) is met. Study will be subject to a condition as set out in Part 15 of these Rules.

### Refusal of leave to enter or remain as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971

276AF. Leave to enter or remain in the United Kingdom as the spouse, civil partner, unmarried or same-sex partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 is to be refused if the Immigration Officer, or in the case of an application for leave to remain, the Secretary of State, is not satisfied that each of the requirements of paragraph 276AD (i)-(vi) is met.

### Children of armed forces members who are exempt from immigration control under section 8(4) of the Immigration Act 1971

## Requirements for leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971

276AG. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- (i) he is the child of a parent who is an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the United Kingdom beyond the period of his parent's enlistment in the home forces, or posting or training in the United Kingdom; and
- (vi) his other parent is being or has been admitted to or allowed to remain in the United Kingdom save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care.



## Leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971

276AH. A person seeking leave to enter or remain in the United Kingdom as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 may be given leave to enter or remain in the United Kingdom for a period not exceeding 4 years or the duration of the enlistment, posting or training of his parent, whichever is the shorter, provided that the Immigration Officer, or in the case of an application for leave to remain, the Secretary of State, is satisfied that each of the requirements of 276AG (i)-(vi) is met.

Study will be subject to a condition set out in Part 15 of these 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.

## Refusal of leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971

276AI. Leave to enter or remain in the United Kingdom as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 is to be refused if the Immigration Officer, or in the case of an application for leave to remain, the Secretary of State, is not satisfied that each of the requirements of paragraph 276AG (i)-(vi) is met.

## Limited leave to enter for relevant Afghan citizens

### Limited leave to enter the United Kingdom as a relevant Afghan citizen

276BA1. Limited leave to enter the United Kingdom for a period not exceeding 5 years, subject to a condition on study as set out in Part 15 of these Rules, will be granted to relevant Afghan citizens, unless the application falls for refusal under paragraph 276BC1.

## Definition of a "relevant Afghan citizen"

276BB1. A relevant Afghan citizen is a person who:

(i) is in Afghanistan; *and*

(ii) is an Afghan citizen; *and*

(iii) is aged 18 years or over; *and*

(iv) if applying on the basis of redundancy:

a) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office; and

b) was made redundant on or after 1 May 2006; and

c) the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development, or the Foreign, Commonwealth and Development Office has determined should meet the criteria to qualify for relocation under the ex-gratia redundancy package; or

(v) if applying on the basis of employment, is or was employed, in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office for any period since 2001; and has been determined by the Secretary of State as being in need of relocation to the United Kingdom under the published intimidation policy; or

(vi) if applying on the basis of resignation:

a) was employed in Afghanistan directly by the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office: and

b) resigned on or after 1 May 2006; and

c) served for a minimum of 12 months prior to resignation and served 'on frontline duties outside the wire in Helmand'; and

d) submits and application for consideration not later than 30 November 2022; and

- (e) the Ministry of Defence, the Foreign and Commonwealth Office, the Department for International Development or the Foreign, Commonwealth and Development Office has determined should qualify for relocation under the ex-gratia redundancy / resignation package, including confirmation that they served 'on frontline duties outside the wire in Helmand'.

## Refusal of limited leave to enter the United Kingdom as a relevant Afghan citizen

276BC1. An applicant will be refused leave to enter as a relevant Afghan citizen if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;
- (ii) there are serious reasons for considering that the applicant has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the applicant is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the applicant constitutes a danger to the community or to the security of the United Kingdom.

## Curtailment of leave to enter the United Kingdom as a relevant Afghan citizen

276BD1. Limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or
- (ii) it is undesirable to permit the relevant Afghan citizen to remain in the United Kingdom

in the light of his conduct, character or associations or the fact that he represents a threat to national security.

## Dependants of a relevant Afghan citizen

276BE1. A relevant Afghan citizen may include a partner or minor dependent child in his or her application for limited leave to enter as his or her dependants.

276BF1. All dependants included in the application for limited leave to enter the United Kingdom must be:

- (i) Afghan citizens; and
- (ii) in Afghanistan.

276BG1. The application must include details of all dependants seeking relocation at the time the application is made, including any dependants who intend to relocate to the UK under paragraph 276BE1 after the relevant Afghan citizen.

276BH1. DELETED

276BI1. If the relevant Afghan citizen is in a polygamous marriage, his or her application for limited leave may only include one partner.

## Limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen

276BJ1. Limited leave to enter the United Kingdom for a period not exceeding 5 years, subject to a condition on study as set out in Part 15 of these Rules, will be granted to the partner of a relevant Afghan citizen where;

- (i) the relationship requirements under paragraph 276BL1 are met; and
- (ii) the application does not fall for refusal under paragraph 276BM1.

## Definition of "partner" of a relevant Afghan citizen

276BK1. For the purposes of this section a partner of a relevant Afghan citizen (the principal applicant) is a person who:

- (i) is the principal applicant's spouse; or
- (ii) is the principal applicant's civil partner; or
- (iii) has been living together with the principal applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application.

276BK2. Where a relevant Afghan citizen has already been granted leave to enter the UK under paragraph 276BA1 and has relocated to the UK, any partner must also have met the requirements in 276BK1 at the time of that relocation.

## Relationship requirements for a partner of a relevant Afghan citizen

276BL1. The relationship requirements for a partner of a relevant Afghan citizen (the principal applicant) are that:

- (i) they are aged 18 or over at the date of application;
- (ii) they are in a relationship with the principal applicant that is not within the prohibited degree of relationship;
- (iii) they have met the principal applicant in person;
- (iv) they are in a genuine and subsisting relationship with the principal applicant;
- (v) if the principal applicant and partner are married or in a civil partnership, they must be in a valid marriage or civil partnership and must provide reasonable evidence to the equivalent of a marriage certificate or civil partnership certificate issued in the United Kingdom and valid under the law in force in the relevant country;

- (vi) any previous relationship of the principal applicant or their partner must have broken down permanently, unless it is a relationship which falls with paragraph 278(i) of these Rules; and
- (vii) they must intend to live together permanently in the UK with the principal applicant.

## Refusal of limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen

276BM1. A partner of a relevant Afghan citizen (the principal applicant) will be refused limited leave to enter the United Kingdom if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;
- (ii) there are serious reasons for considering that the partner of the principal applicant has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the partner of the principal applicant is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the partner of the principal applicant constitutes a danger to the community or to the security of the United Kingdom.

## Curtailment of limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen

276BN1. Limited leave to enter the United Kingdom as the partner of a relevant Afghan citizen and who has been granted leave in accordance with paragraph 276BJ1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the partner of a relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or

(ii) it is undesirable to permit the partner of a relevant Afghan citizen to remain in the United Kingdom in the light of his conduct, character or associations or the fact that he represents a threat to national security.

## Limited leave to enter the United Kingdom as the minor dependant child of a relevant Afghan citizen or their partner

276BO1. Limited leave to enter the United Kingdom for a period not exceeding 5 years will be granted to the minor dependant child of a relevant Afghan citizen or their partner where;

- (i) the relationship requirements under paragraph 276BQ1 are met; and
- (ii) the application does not fall for refusal under paragraph 276BR1.

## Definition of "minor dependent child" of a relevant Afghan citizen or their partner

276BP1. For the purposes of paragraphs 276BO1, 276BQ1, 276BR1 and 276BS1 a minor dependent child of a relevant Afghan citizen (the principal applicant) or their partner is a person who:

- (i) is the child of the principal applicant or the partner of the principal applicant subject to paragraph 276BQ1; and who
- (ii) was under the age of 18 at 19 December 2012;
- (iii) is not married or in a civil partnership;
- (iv) has not formed an independent family unit; and
- (v) must not be leading an independent life.

## Relationship requirements for a minor dependent child of a relevant Afghan citizen or their partner

276BQ1. The relationship requirements for a minor dependent child of a relevant Afghan citizen (the principal applicant) or their partner are that the person:

- (i) is the child of the principal applicant and the child's other parent is the principal applicant's partner; or
- (ii) is the child of the principal applicant; and
  - (a) the child's other parent is dead; or
  - (b) the principal applicant has sole responsibility for the child's upbringing; or
- (iii) is the child of the principal applicant's partner; and
  - (a) the child's other parent is dead; or
  - (b) the principle applicant's partner has sole responsibility for the child's upbringing; or
- (iv) is the adopted child of the principal applicant as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) - (xi) of these Rules are fulfilled; or
- (v) is the adopted child of the principal applicant's partner and as defined at paragraphs 309A or 309B of these Rules and where the requirements at paragraph 310 (vi) - (xi) of these Rules are fulfilled.

## Refusal of limited leave to enter the United Kingdom as the minor dependent child of a relevant Afghan citizen or their partner

276BR1. A minor dependent child of a relevant Afghan citizen (the principal applicant) or their partner will be refused limited leave to enter the United Kingdom if:

- (i) their application falls for refusal under the general grounds of refusal contained in Part 9 of these Rules;



- (ii) there are serious reasons for considering that the minor dependent child of the principal applicant or their partner has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (iii) there are serious reasons for considering that the minor dependent child of the principal applicant or their partner is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iv) there are serious reasons for considering that the minor dependent child of the principal applicant or their partner constitutes a danger to the community or to the security of the United Kingdom.

### Curtailment of limited leave to enter the United Kingdom as the minor dependent child of a relevant Afghan citizen or their partner

276BS1. Limited leave to enter the United Kingdom as the minor dependent child of a relevant Afghan citizen or their partner and who has been granted leave in accordance with paragraph 276BO1 may be curtailed where the person is a danger to the security or public order of the United Kingdom or leave may be curtailed where:

- (i) the minor dependent child of a relevant Afghan citizen has made false representations or failed to disclose any material fact for the purpose of obtaining leave to enter; and/or
- (ii) it is undesirable to permit the minor dependent child of a relevant Afghan citizen to remain in the United Kingdom in the light of his conduct, character or associations or the fact that he represents a threat to national security.

### **Requirements for indefinite leave to remain for persons granted limited leave to enter the United Kingdom in accordance with paragraphs 276BA1 to 276BS1 of the Immigration Rules**

276BS2. The requirements for indefinite leave to remain for a person granted limited leave in line with Paragraphs 276BA1 to 276BS1 of the Immigration Rules, or their dependants granted limited leave in line with the main applicant, are that:

- (i) the applicant has had limited leave to enter the United Kingdom in line with paragraphs 276BA1-276BS1 for a continuous period of five years in the UK or has leave to remain for the same period as their parent or parents; and
- (ii) the applicant's leave has not been revoked or not curtailed under paragraphs 276BD1, 276BN1 or 276BS1 of the immigration rules; and
- (iii) the applicant does not fall for refusal under the general grounds for refusal.
- (iv) the applicant has not:
  - a. been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or
  - b. been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or
  - c. been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or
  - d. within the 24 months prior to the date on which the application has been decided, been convicted of or admitted an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
  - e. in the view of the Secretary of State caused serious harm by their offending or persistently offended and shown a particular disregard for the law; and
- (v) in the view of the Secretary of State, having had regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain.

**Indefinite leave to remain for a person granted leave in accordance with paragraph 276BA1 of the Immigration Rules**

276BS3. Indefinite leave to remain for a person granted leave in accordance with paragraphs 276BA1-BS1 of the Immigration Rules, or their dependants, will be granted where each of the requirements in paragraph 276BS2 is met.

**Refusal of indefinite leave to remain for a person granted leave in accordance with paragraphs 276BA1-BS1 of the Immigration Rules**

276BS4. Indefinite leave to remain for a person granted leave in accordance with paragraph 276BA1-BS1 or their dependants will be refused if any of the requirements of paragraph 276BS2 is not met.

(i) An applicant refused indefinite leave to remain under paragraph 276BS2 may apply to have their residence permit extended in accordance with paragraphs 276BA1, 276BJ1 or 276BO1.

**Parent of a Child Student**

Requirements for leave to enter or remain as the parent of a Child Student

276BT1. DELETED.

**Leave to enter or remain as the parent of a Child Student**

276BU1 DELETED.

**Refusal of leave to enter or remain as the parent of a Child Student**

276BV1 DELETED.

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# Immigration Rules

## Part 8

### Transitional provisions and interaction between Part 8, Appendix FM and Appendix FM-SE

A277 From 9 July 2012 Appendix FM will apply to all applications to which Part 8 of these rules applied on or before 8 July 2012 except where the provisions of Part 8 are preserved and continue to apply, as set out in paragraphs A280 to A280B.

A277A. Where the Secretary of State is considering an application for limited leave to remain or indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant or Appendix W Worker), and where the applicant:

(a) does not meet the requirements of Part 8 for indefinite leave to remain, (where the application is for indefinite leave to remain) and

(b) meets or continues to meet the requirements for limited leave to remain under Part 8 in force at the date of decision,

subject to compliance with any requirement notified under paragraph A277D(b), further limited leave to remain under Part 8 may be granted of such a period and subject to such conditions as the Secretary of State deems appropriate. For the purposes of this subparagraph an applicant last granted limited leave to enter under Part 8 will be considered as if they had last been granted limited leave to remain under Part 8; or

(c) if the applicant does not meet the requirements of Part 8 for indefinite leave to remain as a bereaved partner (where the application is for indefinite leave to remain as a bereaved partner) only because paragraph 322(1C)(iii) or 322(1C)(iv) of these rules applies, the applicant will (subject to compliance with any requirement notified under paragraph A277D(b)) be granted limited leave to remain under Part 8 for a period not exceeding 30 months and subject to such conditions as the Secretary of State deems appropriate.

A277B. Where the Secretary of State is considering an application for limited leave to remain or indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant or

Appendix W Worker, from a victim of domestic violence or from a bereaved spouse, civil partner, unmarried partner or same sex partner) and where the application does not meet the requirements for indefinite leave to remain (where the application is for indefinite leave to remain) or limited leave to remain under Part 8 in force at the date of decision:

(a) the application will also be considered under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b) and (d) of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules;

(b) if the applicant meets the requirements for leave under those paragraphs of Appendix FM or paragraphs 276ADE to 276DH (except the requirement for a valid application under that route), the applicant will (subject to compliance with any requirement notified under paragraph A277D(b)) be granted leave under those provisions; and

(c) if the applicant is granted leave under those provisions, the period of the applicant's continuous leave under Part 8 at the date of application will be counted towards the period of continuous leave which must be completed before the applicant can apply for indefinite leave to remain under paragraph 276B.

A277C. Subject to paragraphs A277 to A280B, paragraph 276A0 and paragraph GEN.1.9. of Appendix FM of these rules, where the Secretary of State deems it appropriate, the Secretary of State will consider any application to which the provisions of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules do not already apply, under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b) and (d) of Appendix FM (family life) and paragraph 276ADE(1) (private life) of these rules. If the applicant meets the requirements for leave under those provisions (except the requirement for a valid application), the applicant will be granted leave under paragraph D-LTRP.1.2., D-LTRPT.1.2. or D-LTRC.1.1. of Appendix FM or under paragraph 276BE(1) of these rules.

A277D. Where, pursuant to paragraphs A277A to A277C, a person who has made an application for indefinite leave to remain to which Part 8 of these rules continues to apply does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under Part 8, paragraphs 276ADE(1) to 276DH or Appendix FM, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;
- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and

- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.

A278 The requirements to be met under Part 8 after 9 July 2012 may be modified or supplemented by the requirements in Appendix FM and Appendix FM-SE.

A279. Paragraphs A398-399D apply to all immigration decisions made further to applications under Part 8 and paragraphs 276A-276D where a decision is made on or after 28 July 2014, irrespective of the date the application was made.

A280 The following provisions of Part 8 apply in the manner and circumstances specified:

- (a) The following paragraphs apply in respect of all applications made under Part 8 and Appendix FM, irrespective of the date of application or decision:

277-280
289AA
295AA
296

- (b) The following paragraphs of Part 8 continue to apply to all applications made on or after 9 July 2012. The paragraphs apply in their current form unless an additional requirement by reference to Appendix FM is specified:

Paragraph number	Additional requirement
295J	None
297-300	Where the applicant falls under paragraph 297, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of the applicant. For these purposes, “a parent of the applicant” is to be construed as including “a relative of the applicant” under paragraph 297.
304-309	Where the applicant falls under paragraph 305, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of the applicant.
309A-316F	<p>Where:</p> <p>(1) the applicant:</p> <ul style="list-style-type: none"> <li>• falls under paragraph 314(i)(a); or</li> <li>• falls under paragraph 316A(i)(d) or (e); and</li> <li>• is applying on or after 9 July 2012; and</li> </ul> <p>(2) the “other parent” mentioned in paragraph 314(i)(a), or one of the prospective parents mentioned in paragraph 316A(i)(d) or (e), has or is applying for entry clearance or limited leave to remain as a partner under Appendix FM,</p> <p>the application must also meet the requirements of paragraphs E-ECC 2.1-2.3 (entry clearance applications) or E-LTRC 2.1-2.3 (leave to remain applications) of Appendix FM.</p>

Paragraph number	Additional requirement
	<p>Where the applicant:</p> <ul style="list-style-type: none"> <li>• falls under paragraph 314(i)(d);</li> <li>• is applying on or after 9 July 2012; and</li> <li>• has two parents or prospective parents and one of the applicant's parents or prospective parents does not have right of abode, indefinite leave to enter or remain, is not present and settled in the UK or being admitted for settlement on the same occasion as the applicant is seeking admission, but otherwise has or is applying for entry clearance or limited leave to remain as a partner under Appendix FM,</li> </ul> <p>the application must also meet the requirements of paragraphs E-ECC 2.1-2.3 (entry clearance applications) or E-LTRC 2.1-2.3 (leave to remain applications) of Appendix FM.</p>
319X	None

(c) The following provisions of Part 8 continue to apply on or after 9 July 2012, and are not subject to any additional requirement listed in

(b) above:

(i) to persons who have made an application before 9 July 2012 under Part 8 which was not decided as at 9 July 2012; and



(ii) to applications made by persons in the UK who have been granted entry clearance or limited leave to enter or remain under Part 8 before 9 July 2012 and where this is a requirement of Part 8, this leave to enter or limited leave to remain is extant:

281-289
289A-289C
290-295
295A-295O
297-316F
317-319
319L-319U
319V-319Y

(d)

(i) The following provisions of Part 8 continue to apply to applications made in the period beginning with 9 July 2012 and ending on 30 November 2013, including those that have not been decided before 1 December 2013, and are not subject to any additional requirement listed in (b) above, by persons who have made an application for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, or child or other dependant relative of a British citizen or settled person who is a full-time member of HM Forces:

281-289
289A-289C
290-295
295A-295O
297-316F
317-319

(ii) Subject to the following provisions, from 1 December 2013, Appendix Armed Forces applies to all applications for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner or child of a British citizen or settled person who is a full-time member of HM Forces.

(iii) Except, from 1 December 2013, the provisions in paragraph A280(d)(i) continue to apply to persons who were granted entry clearance, limited leave to enter or remain under Part 8 before 1 December 2013, and where it is a requirement of Part 8, that leave to enter or remain is extant.

(iv) Applications may continue to be made under paragraphs 297 to 316F of Part 8 by the child of a British citizen or settled person who was a full-time member of HM Forces regardless of the date of application and paragraph A280(b) continues to apply to these applications as appropriate.

(v) A new application by a dependent relative of a British citizen or settled person who is a full time member of HM Forces may no longer be made under paragraphs 317-319 on or after 1 December 2013. Those applications must meet the requirements of Appendix FM unless an application was submitted on or before 30 November 2013. An application made by a dependent relative of a British citizen or settled person who is a full time member of HM Forces on or before 30 November 2013 will be considered under the relevant paragraphs 317-319 which apply.

(vi) For the avoidance of doubt, paragraph A280(e) will continue to apply to the spouse, civil partner, unmarried partner or same sex partner of a British citizen or settled person who is a full-time member of HM Forces when the spouse, civil partner, unmarried or same sex partner was admitted to the UK under paragraph 282(c) or 295B(c) where the applicant has not yet applied for indefinite leave to remain, including where an application relying on paragraph A280(e) is made on or after 1 December 2013.

(vii) The requirements in paragraphs 8 and 9 of Appendix Armed Forces apply to applications for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, or child or other dependent relative of a British citizen or settled person who is a full-time member of HM Forces making an application under Part 8 (where paragraph A280 (d) has permitted such an application) where the decision is made on or after 1 December 2013 (and irrespective of the date of the application).

(e)The following provisions of Part 8 shall continue to apply to applications made on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above, by a spouse, civil partner, unmarried partner or same sex partner who was admitted to the UK before 9 July 2012 further to paragraph 282(c) or 295B(c) of these Rules who has not yet applied for indefinite leave to remain:

284-286
287(a)(i)(c)
287(a)(ii)-(vii)
287(b)
288-289
289A-289C

295D-295F
295G(i)(c)
295G(ii)-(vii)
295H-295I

(f) Paragraphs 301-303F continue to apply to applications made under this route on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above, by a child of a person to whom those paragraphs relate who has been granted limited leave to enter or remain or an extension of stay following an application made before 9 July 2012,

(g) For the avoidance of doubt, notwithstanding the introduction of Appendix FM, paragraphs 319AA - 319J of Part 8 continue to apply, and are not subject to any additional requirement listed in paragraph (b) above, to applications for entry clearance or leave to enter or remain as the spouse, civil partner, unmarried partner, same sex partner, or child of a Relevant Points Based System Migrant or Appendix W Worker.

A280A. The sponsor of an applicant under Part 8 for limited or indefinite leave to remain as a spouse, civil partner, unmarried partner or same sex partner must be the same person as the sponsor of the applicant's last grant of leave in that category.

A280AA. Where a person aged 18 or over is granted limited leave to enter or remain under Part 8 of these rules, or where a person granted such limited leave to enter or remain will be aged 18 before that period of limited leave expires, the leave will, in addition to any other conditions which may apply, be granted subject to the conditions in Part 15 of these rules.

A280B. An applicant aged 18 or over may not rely on paragraph A280 where, since their last grant of limited leave to enter or remain under Part 8, they have been granted or refused leave under Appendix FM, Appendix Armed Forces or paragraph 276BE to CE of these rules, or been granted limited leave to enter or remain in a category outside their original route to settlement.

A281. In Part 8 "specified" means specified in Appendix FM-SE, unless otherwise stated, and "English language test provider approved by the Secretary of State" means a provider specified in Appendix O.

A282. From 1 December 2020, all references to 'refusal under General Grounds for Refusal' in Part 8 are to be read as 'refusal under Part 9: grounds for refusal'.

## Spouses and civil partners

277. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse or civil partner of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in the United Kingdom or (as the case may be) on the date on which the leave to remain or variation of leave would be granted. In these rules the term "sponsor" includes "partner" as defined in GEN 1.2 of Appendix FM.

278. Nothing in these Rules shall be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the spouse and civil partner of a man or woman (the sponsor) if:

- (i) his or her marriage or civil partnership to the sponsor is polygamous; and
- (ii) there is another person living who is the husband or wife of the sponsor and who:
  - (a) is, or at any time since his or her marriage or civil partnership to the sponsor has been, in the United Kingdom; or
  - (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in Section 2(1)(a) of the Immigration Act 1988 or an entry clearance to enter the United Kingdom as the husband or wife of the sponsor.

For the purpose of this paragraph a marriage or civil partnership may be polygamous although at its inception neither party had any other spouse or civil partner.

279. Paragraph 278 does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or she has been in the United Kingdom before 1 August 1988 having been admitted for the purpose of settlement as the husband or wife of the sponsor; or

(ii) he or she has, since their marriage or civil partnership to the sponsor, been in the United Kingdom at any time when there was no such other spouse or civil partner living as is mentioned in paragraph 278 (ii).

But where a person claims that paragraph 278 does not apply to them because they have been in the United Kingdom in circumstances which cause them to fall within sub paragraphs (i) or (ii) of that paragraph it shall be for them to prove that fact.

280. For the purposes of paragraphs 278 and 279 the presence of any wife or husband in the United Kingdom in any of the following circumstances shall be disregarded:

(i) as a visitor; or

(ii) an illegal entrant; or

(iii) in circumstances whereby a person is deemed by Section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom.

## Spouses or civil partners of persons present and settled in the United Kingdom or being admitted on the same occasion for settlement

Requirements for leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

281. The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement are that:

(i) (a)(i) the applicant is married to or the civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and

\_\_\_ (ii) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (a) the applicant is aged 65 or over at the time he makes his application; or
- (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;
- (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

\_\_\_ (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

\_\_\_ (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

\_\_\_ (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

- (1) provides the specified evidence to show he has the qualification, and
- (2) UK NARIC has confirmed that the qualification was taught or researched in English, or

\_\_\_ (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

- (1) he has the qualification, and
- (2) that the qualification was taught or researched in English.

or

\_\_\_(b)(i) the applicant is married to or the civil partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside the United Kingdom; and

\_\_\_(b)(ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

\_\_\_(b)(iii) DELETED

(ii) the parties to the marriage or civil partnership have met; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and

(vii) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs 282-289 a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.



## Leave to enter as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted for settlement on the same occasion

282. A person seeking leave to enter the United Kingdom as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:

(a) in the case of a person who meets the requirements of paragraph 281(i)(a)(i) and one of the requirements of paragraph 281(i)(a)(ii) - (vi) be admitted for an initial period not exceeding 27 months, or

(b) in the case of a person who meets all of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or

(c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 27 months, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.

## Refusal of leave to enter as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

283. Leave to enter the United Kingdom as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.

## Requirements for an extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom

284. The requirements for an extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom are that:

(i) the applicant has or was last granted limited leave to enter or remain in the United Kingdom which meets the following requirements:

(a) The leave was given in accordance with any of the provisions of these Rules; and

(b) The leave was granted for a period of 6 months or more, unless it was granted as a fiancé(e) or proposed civil partner; and

(c) The leave was not as the spouse, civil partner, unmarried or same-sex partner of a Relevant Points-Based System Migrant or Appendix W Worker; and

(ii) the applicant is married to or the civil partner of a person present and settled in the United Kingdom; and

(iii) the parties to the marriage or civil partnership have met; and

(iv) the applicant must not be in the UK in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded); and

(v) the marriage or civil partnership has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under Section 6(2) of the Immigration Act 1971 or been given directions for his removal under section 10 of the Immigration and Asylum Act 1999; and

(vi) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(vii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(ix)(a) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (i) the applicant is aged 65 or over at the time he makes his application; or
- (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;
- (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(ix)(b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(ix)(c) the applicant has obtained an academic qualification, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

(ix)(d) the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

- (1) provides the specified evidence to show he has the qualification, and
- (2) UK NARIC has confirmed that the qualification was taught or researched in English, or

(ix)(e) has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

- (1) he has the qualification, and
- (2) that the qualification was taught or researched in English.

## Extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom

285. An extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom may be granted for a period of 2 years in the first instance, provided the Secretary of State is satisfied that each of the requirements of paragraph 284 is met.

## Refusal of extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom

286. An extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 284 is met.

## Requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom

287. (a) The requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom are that:

(i) (a) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of a person present and settled in the United Kingdom; or

\_\_\_(b) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or same-sex partner and then the spouse or civil partner of a person present and settled in the United Kingdom; or

\_\_\_(c) was admitted to the United Kingdom in accordance with leave granted under paragraph 282(c) of these rules; or

\_\_\_(d) the applicant was admitted to the UK or given an extension of stay as the spouse or civil partner of a Relevant Points Based System Migrant or Appendix W Worker; and then obtained an extension of stay under paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of the person who is now present and settled here; or

\_\_\_(e) the applicant was admitted to the UK or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or same-sex partner and then the spouse or civil partner of the person who is now present and settled in the UK; or

\_\_\_(f) the applicant was admitted into the UK in accordance with paragraph 319L and has completed a period of 2 years limited leave as the spouse or civil partner of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the spouse or civil partner of a former refugee or beneficiary of humanitarian protection who is now a British Citizen.

(ii) the applicant is still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join and the marriage or civil partnership is subsisting; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(vii) the applicant does not fall for refusal under the general grounds for refusal.

(b) The requirements for indefinite leave to remain for the bereaved spouse or civil partner of a person who was present and settled in the United Kingdom are that:

(i) (a) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years as the spouse or civil partner of a person present and settled in the United Kingdom in accordance with paragraphs 281 to 286 of these Rules; or;

\_\_\_(b) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years as the unmarried or same-sex partner of a person present and settled in the United Kingdom in accordance with paragraphs 295AA to 295F of these Rules and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join; and

(ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period; and

(iii) the applicant was still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join at the time of the death; and

(iv) each of the parties intended to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership was subsisting at the time of the death; and

(v) the applicant does not fall for refusal under the general grounds for refusal.

## Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom

288. Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 287 is met.

## Refusal of indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom

289. Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 287 is met.

## Victims of domestic violence

### Requirements for indefinite leave to remain in the United Kingdom as the victim of domestic violence

289A. The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in the United Kingdom are that the applicant:

(i)(a) the applicant was last admitted to the UK for a period not exceeding 27 months in accordance with sub-paragraph 282(a), 282(c), 295B(a) or 295B(c) of these Rules; or

(b) the applicant was last granted leave to remain as the spouse or civil partner or unmarried partner or same-sex partner of a person present and settled in the UK in accordance with paragraph 285 or 295E of these Rules, except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant or Appendix W Worker; or

(c) the applicant was last granted leave to enable access to public funds pending an application under paragraph 289A and the preceding grant of leave was given in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules, except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant or Appendix W Worker; and

(ii) the relationship with their spouse or civil partner or unmarried partner or same-sex partner, as appropriate, was subsisting at the beginning of the last period of leave granted in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules; and

(iii) is able to produce evidence to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence.

(iv) DELETED

(v) DELETED

## Indefinite leave to remain as the victim of domestic violence

289B. Indefinite leave to remain as the victim of domestic violence may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 289A is met.

## Refusal of indefinite leave to remain as the victim of domestic violence

289C. Indefinite leave to remain as the victim of domestic violence is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 289A is met.

289D. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph 322(1C)(iii) or 322(1C)(iv) applies, they may be granted further limited leave to remain for a period not exceeding 30 months and subject to such conditions as the Secretary of State deems appropriate.

## Fiance(e)s and proposed civil partners

289AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as a fiance(e) or proposed civil partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the United Kingdom or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

## Requirements for leave to enter the United Kingdom as a fiance(e) or proposed civil partner (i.e. with a view to marriage or civil partnership and permanent settlement in the United Kingdom)



290. The requirements to be met by a person seeking leave to enter the United Kingdom as a fiancé(e) or proposed civil partner are that:

- (i) the applicant is seeking leave to enter the United Kingdom for marriage or civil partnership to a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner after the marriage or civil partnership ; and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage or civil partnership; and
- (v) there will, after the marriage or civil partnership, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage or civil partnership to maintain themselves and any dependants adequately without recourse to public funds; and
- (vii)(a) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:
  - (i) the applicant is aged 65 or over at the time he makes his application; or
  - (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;
  - (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or
- (vii)(b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(vii)(c) the applicant has obtained an academic qualification, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

(vii)(d) the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the qualification was taught or researched in English, or

(vii)(e) has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English.

and

(viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

## Leave to enter as a fiance(e) or proposed civil partner

291. A person seeking leave to enter the United Kingdom as a fiance(e) or proposed civil partner may be admitted, with a prohibition on employment, for a period not exceeding 6 months to enable the marriage or civil partnership to take place provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

## Refusal of leave to enter as a fiance(e) or proposed civil partner

292. Leave to enter the United Kingdom as a fiance(e) or proposed civil partner is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### Requirements for an extension of stay as a fiance(e) or proposed civil partner

293. The requirements for an extension of stay as a fiance(e) or proposed civil partner are that:

- (i) the applicant was admitted to the United Kingdom with a valid United Kingdom entry clearance as a fiance(e) or proposed civil partner; and
- (ii) good cause is shown why the marriage or civil partnership did not take place within the initial period of leave granted under paragraph 291; and
- (iii) there is satisfactory evidence that the marriage or civil partnership will take place at an early date; and
- (iv) the requirements of paragraph 290 (ii)-(vii) are met.

### Extension of stay as a fiance(e) or proposed civil partner

294. An extension of stay as a fiance(e) or proposed civil partner may be granted for an appropriate period with a prohibition on employment to enable the marriage or civil partnership to take place provided the Secretary of State is satisfied that each of the requirements of paragraph 293 is met.

### Refusal of extension of stay as a fiance(e) or proposed civil partner

295. An extension of stay is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 293 is met.

## Unmarried and same-sex partners

### Leave to enter as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

295AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as an unmarried or same-sex partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the United Kingdom or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

### Requirements for leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

295A. The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement, are that:

(i) (a)(i) the applicant is the unmarried or same-sex partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement and the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for two years or more; and

\_\_\_ (ii) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (a) the applicant is aged 65 or over at the time he makes his application; or
- (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
- (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

\_\_\_ (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

\_\_\_ (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

\_\_\_ (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

- (1) provides the specified evidence to show he has the qualification, and
- (2) UK NARIC has confirmed that the qualification was taught or researched in English, or

\_\_\_ (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

- (1) he has the qualification, and
- (2) that the qualification was taught or researched in English.

or

\_\_\_ (b)(i) the applicant is the unmarried or same-sex partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties have been living together outside the United Kingdom in a relationship akin to marriage or civil partnership which has subsisted for 4 years or more; and

\_\_(b)(ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

\_\_(b)(iii) DELETED

(ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and

(iii) the parties are not involved in a consanguineous relationship with one another; and

(iv) DELETED

(v) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(vi) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vii) the parties intend to live together permanently; and

(viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and

(ix) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs 295B - 295I, a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.

## Leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

295B. A person seeking leave to enter the United Kingdom as the unmarried or same-sex partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person who meets the requirements of paragraph 295A(i)(a)(i), and one of the requirements of paragraph 295A(i)(a)(ii)-(vi) be admitted for an initial period not exceeding 27 months, or
- (b) in the case of a person who meets all of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 27 months, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.

## Refusal of leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

295C. Leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met.

## Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

### Requirements for leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

295D. The requirements to be met by a person seeking leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom are that:

- (i) the applicant has or was last granted limited leave to enter or remain in the United Kingdom which was given in accordance with any of the provisions of these Rules, unless:
  - (a) as a result of that leave he would not have been in the United Kingdom beyond 6 months from the date on which he was admitted to the United Kingdom; or
  - (b) the leave was granted as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and
- (ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
- (iii) the applicant is the unmarried or same-sex partner of a person who is present and settled in the United Kingdom; and
- (iv) the applicant must not be in the UK in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded); and
- (v) the parties are not involved in a consanguineous relationship with one another; and



(vi) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for two years or more; and

(vii) the parties' relationship pre-dates any decision to deport the applicant, recommend him for deportation, give him notice under Section 6(2) of the Immigration Act 1971, or give directions for his removal under section 10 of the Immigration and Asylum Act 1999; and

(viii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(x) the parties intend to live together permanently; and

(xi)(a) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(i) the applicant is aged 65 or over at the time he makes his application; or

(ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;

(iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(xi)(b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(xi)(c) the applicant has obtained an academic qualification, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

(xi)(d) the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the qualification was taught or researched in English, or

(xi)(e) has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English.

## Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

295E. Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom may be granted for a period of 2 years in the first instance provided that the Secretary of State is satisfied that each of the requirements of paragraph 295D are met.

## Refusal of leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

295F. Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295D is met.

## Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

### Requirements for indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom

295G. The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in the United Kingdom are that:

- (i)(a) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and has completed a period of 2 years as the unmarried or same-sex partner of a person present and settled here; or
  - (b) the applicant was admitted to the UK or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and then obtained an extension of stay under paragraphs 295AA to 295F of these Rules; and the person has completed a period of 2 years as the unmarried or same-sex partner of the person who is now present and settled here; or
  - (c) the applicant was admitted to the United Kingdom in accordance with leave granted under paragraph 295B(c) of these rules; or
  - (d) the applicant was admitted into the UK in accordance with paragraph 319O and has completed a period of 2 years limited leave as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the unmarried or same-sex partner of a former refugee or beneficiary of humanitarian protection who is now a British Citizen.
- (ii) the applicant is still the unmarried or same-sex partner of the person he was admitted or granted an extension of stay to join and the relationship is still subsisting; and
  - (iii) each of the parties intends to live permanently with the other as his partner; and

- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295H. Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 295G is met.

### **Refusal of indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295I. Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295G is met.

### **Leave to enter or remain as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270**

## Requirements for leave to enter or remain as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270

295J-295L. DELETED.

## **Indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom**

### Requirements for indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom

295M. The requirements to be met by a person seeking indefinite leave to remain as the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom, are that:

- (i) the applicant was admitted to the United Kingdom admitted to the United Kingdom for a period not exceeding 27 months; or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules as the unmarried partner of a person present and settled in the United Kingdom; and
- (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period of leave; and
- (iii) the applicant was still the unmarried or same-sex partner of the person he was admitted or granted an extension of stay to join at the time of the death; and
- (iv) each of the parties intended to live permanently with the other as his partner and the relationship was subsisting at the time of the death; and
- (v) the applicant does not fall for refusal under the general grounds for refusal.

## Indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom

295N. Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the United Kingdom, may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 295M is met.

## Refusal of indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom

295O. Indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom, is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295M is met.

## Children

296. Nothing in these Rules shall be construed as permitting a child to be granted entry clearance, leave to enter or remain, or variation of leave where his parent is party to a polygamous marriage or civil partnership and any application by that parent for admission or leave to remain for settlement or with a view to settlement would be refused pursuant to paragraphs 278 or 278A.

## Leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

## Requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

297. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom are that he:

(i) is seeking leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) both parents are being admitted on the same occasion for settlement; or

(c) one parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or

(d) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is dead; or

(e) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or

(f) one parent or a relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately by the parent, parents or relative the child is seeking to join without recourse to public funds in accommodation which the parent, parents or relative the child is seeking to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents, or relative the child is seeking to join, without recourse to public funds; and

(vi) holds a valid United Kingdom entry clearance for entry in this capacity; and

(vii) does not fall for refusal under the general grounds for refusal.

## Requirements for indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

298. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom are that he:

(i) is seeking to remain with a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) one parent is present and settled in the United Kingdom and the other parent is dead; or

(c) one parent is present and settled in the United Kingdom and has had sole responsibility for the child's upbringing or the child normally lives with this parent and not their other parent; or

(d) one parent or a relative is present and settled in the United Kingdom and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) has or has had limited leave to enter or remain in the United Kingdom, and

(a) is under the age of 18; or

(b) was given leave to enter or remain with a view to settlement under paragraph 302 or Appendix FM; or

(c) was admitted into the UK in accordance with paragraph 319R and has completed a period of 2 years limited leave as the child of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the child of a former refugee or beneficiary of humanitarian protection who is now a British Citizen, or



(d) the applicant *has* limited leave to enter or remain in *the* United Kingdom in accordance with paragraph 319X, as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom and who is now present and settled here; or

(e) was last given limited leave to remain under paragraph 298A; and

(iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds in accommodation which the parent, parents or relative the child was admitted to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds; and

(vi) does not fall for refusal under the general grounds for refusal, and

(vii) if aged 18 or over, was admitted to the United Kingdom under paragraph 302, or Appendix FM, or 319R or 319X and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL.

298A. If an applicant does not meet the requirements of paragraph 298 only because:

(a) the applicant does not meet the requirement in paragraph 298(vi) by reason of a sentence or disposal of a type mentioned in paragraph 322(1C)(iii) or (iv); or

(b) an applicant aged 18 or over does not meet the requirement in paragraph 298(vii); or

(c) the applicant would otherwise be refused indefinite leave to remain under paragraph 322(1C)(iii) or (iv),

the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.

## Indefinite leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

299. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom may be granted provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 298 is met.

## Refusal of indefinite leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom

300. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 298 is met.

## Requirements for limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

301. The requirements to be met by a person seeking limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:

- (a) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement; or
- (b) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and has had sole responsibility for the child's upbringing; or
- (c) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately without recourse to public funds, in accommodation which the parent or parents own or occupy exclusively; and

(iva) can, and will, be maintained adequately by the parent or parents without recourse to public funds; and

(ivb) does not qualify for limited leave to enter as a child of a parent or parents given limited leave to enter or remain as a refugee or beneficiary of humanitarian protection under paragraph 319R; and

(v) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the United Kingdom; and

(vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

Limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

302. A person seeking limited leave to enter the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be admitted for a period not exceeding 27 months provided he is able, on arrival, to produce to the Immigration Officer a valid passport or other identity document and the applicant has entry clearance for entry in this capacity. A person seeking limited leave to remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be given limited leave to remain for a period not exceeding 27 months provided the Secretary of State is satisfied that each of the requirements of paragraph 301 (i)-(v) is met.

### Refusal of limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

303. Limited leave to enter the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 301 (i)-(v) is met.

### Leave to enter and extension of stay in the United Kingdom as the child of a parent who is being, or has been admitted to the united kingdom as a fiance(e) or proposed civil partner

### Requirements for limited leave to enter the United Kingdom as the child of a fiance(e) or proposed civil partner

303A. The requirements to be met by a person seeking limited leave to enter the United Kingdom as the child of a fiance(e) or proposed civil partner, are that:

- (i) he is seeking to accompany or join a parent who is, on the same occasion that the child seeks admission, being admitted as a fiance(e) or proposed civil partner, or who has been admitted as a fiance(e) or proposed civil partner; and
- (ii) he is under the age of 18; and
- (iii) he is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds with the parent admitted or being admitted as a fiance(e) or proposed civil partner; and
- (v) there are serious and compelling family or other considerations which make the child's exclusion undesirable, that suitable arrangements have been made for his care in the United Kingdom, and there is no other person outside the United Kingdom who could reasonably be expected to care for him; and
- (vi) he holds a valid United Kingdom entry clearance for entry in this capacity.

### **Limited leave to enter the United Kingdom as the child of a parent who is being, or has been admitted to the United Kingdom as a fiance(e) or proposed civil partner**

303B. A person seeking limited leave to enter the United Kingdom as the child of a fiance(e) or proposed civil partner, may be granted limited leave to enter the United Kingdom for a period not in excess of that granted to the fiance(e) or proposed civil partner, provided that on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Where the period of limited leave granted to a fiance(e) will expire in more than 6 months, a person seeking limited leave to enter as the child of the fiance(e) or proposed civil partner should be granted leave for a period not exceeding six months.

### **Refusal of limited leave to enter the United Kingdom as the child of a parent who is being, or has been admitted to the United Kingdom as a fiance(e) or proposed civil partner**

303C. Limited leave to enter the United Kingdom as the child of a fiancée or proposed civil partner, is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### Requirements for an extension of stay in the United Kingdom as the child of a fiancée or proposed civil partner

303D. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the child of a fiancée or proposed civil partner are that:

- (i) the applicant was admitted with a valid United Kingdom entry clearance as the child of a fiancée or proposed civil partner; and
- (ii) the applicant is the child of a parent who has been granted limited leave to enter, or an extension of stay, as a fiancée or proposed civil partner; and
- (iii) the requirements of paragraph 303A (ii) - (v) are met.

### Extension of stay in the United Kingdom as the child of a fiancée or proposed civil partner

303E. An extension of stay as the child of a fiancée or proposed civil partner may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 303D is met.

### Refusal of an extension of stay in the United Kingdom as the child of a fiancée or proposed civil partner

303F. An extension of stay as the child of a fiancée or proposed civil partner is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 303D is met.

## Children born in the United Kingdom who are not British citizens

304. This paragraph and paragraphs 305-309 apply only to dependent children under 18 years of age who are unmarried and are not civil partners and who were born in the United Kingdom on or after 1 January 1983 (when the British Nationality Act 1981 came into force) but who, because neither of their parents was a British Citizen or settled in the United Kingdom at the time of their birth, are not British Citizens and are therefore subject to immigration control. Such a child requires leave to enter where admission to the United Kingdom is sought, and leave to remain where permission is sought for the child to be allowed to stay in the United Kingdom. If he qualifies for entry clearance, leave to enter or leave to remain under any other part of these Rules, a child who was born in the United Kingdom but is not a British Citizen may be granted entry clearance, leave to enter or leave to remain in accordance with the provisions of that other part.

## Requirements for leave to enter or remain in the United Kingdom as the child of a parent or parents given leave to enter or remain in the United Kingdom

305. The requirements to be met by a child born in the United Kingdom who is not a British Citizen who seeks leave to enter or remain in the United Kingdom as the child of a parent or parents given leave to enter or remain in the United Kingdom are that he:

- (i) (a) is accompanying or seeking to join or remain with a parent or parents who have, or are given, leave to enter or remain in the United Kingdom; or
  - (b) is accompanying or seeking to join or remain with a parent or parents one of whom is a British Citizen or has the right of abode in the United Kingdom; or
  - (c) is a child in respect of whom the parental rights and duties are vested solely in a local authority; and
- (ii) is under the age of 18; and
- (iii) was born in the United Kingdom; and
- (iv) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(v) (where an application is made for leave to enter) has not been away from the United Kingdom for more than 2 years.

## Leave to enter or remain in the United Kingdom

306. A child born in the United Kingdom who is not a British Citizen and who requires leave to enter or remain in the circumstances set out in paragraph 304 may be given leave to enter for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Immigration Officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where leave to remain is sought, the child may be granted leave to remain for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Secretary of State is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met. Where the parent or parents have or are given periods of leave of different duration, the child may be given leave to whichever period is longer except that if the parents are living apart the child should be given leave for the same period as the parent who has day to day responsibility for him.

307. If a child does not qualify for leave to enter or remain because neither of his parents has a current leave, (and neither of them is a British Citizen or has the right of abode), he will normally be refused leave to enter or remain, even if each of the requirements of paragraph 305 (ii)-(v) has been satisfied. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in the United Kingdom and it appears unlikely that they will be removed in the immediate future, and there is no other person outside the United Kingdom who could reasonably be expected to care for him.

308. A child born in the United Kingdom who is not a British Citizen and who requires leave to enter or remain in the United Kingdom in the circumstances set out in paragraph 304 may be given indefinite leave to enter where paragraph 305 (i)(b) or (i)(c) applies provided the Immigration Officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where an application is for leave to remain, such a child may be granted indefinite leave to remain where paragraph 305 (i)(b) or (i)(c) applies, provided the Secretary of State is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met.

## Refusal of leave to enter or remain in the United Kingdom

309. Leave to enter the United Kingdom where the circumstances set out in paragraph 304 apply is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 305 is met. Leave to remain for such a child is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 305 (i)-(iv) is met.



## Adopted children

309A. For the purposes of adoption under paragraphs 310-316C a de facto adoption shall be regarded as having taken place if:

(a) at the time immediately preceding the making of the application for entry clearance under these Rules the adoptive parent or parents have been living abroad (in applications involving two parents both must have lived abroad together) for at least a period of time equal to the first period mentioned in sub-paragraph (b)(i) and must have cared for the child for at least a period of time equal to the second period material in that sub-paragraph; and

(b) during their time abroad, the adoptive parent or parents have:

(i) lived together for a minimum period of 18 months, of which the 12 months immediately preceding the application for entry clearance must have been spent living together with the child; and

(ii) have assumed the role of the child's parents, since the beginning of the 18 month period, so that there has been a genuine transfer of parental responsibility.

309B. Inter-country adoptions may be subject to section 83 of the Adoption and Children Act 2002 or the equivalent legislation in Scotland or Northern Ireland if the adopter's habitual residence is there. Where this is the case, a letter obtained from the Department for Education (England and Wales habitual residents) or the equivalent from the relevant central authority (Scotland or Northern Ireland habitual residents) confirming the issue of a Certificate of Eligibility must be provided with any entry clearance adoption application under paragraphs 310-316C.

## Requirements for indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom

310. The requirements to be met in the case of a child seeking indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom are that he:

- (i) is seeking leave to enter to accompany or join an adoptive parent or parents in one of the following circumstances;
  - (a) both parents are present and settled in the United Kingdom; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is dead; or
  - (e) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
  - (f) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or
  - (g) in the case of a de facto adoption one parent has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is seeking admission to the United Kingdom on the same occasion for the purposes of settlement; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (v) DELETED

- (vi) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the United Kingdom; or
  - (b) is the subject of a de facto adoption; and
- (vii) was adopted at a time when:
  - (a) both adoptive parents were resident together abroad; or
  - (b) either or both adoptive parents were settled in the United Kingdom; and
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and
- (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (x) has lost or broken his ties with his family of origin; and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the United Kingdom; and
- (xii) holds a valid United Kingdom entry clearance for entry in this capacity; and
- (xiii) does not fall for refusal under the general grounds for refusal.

## Requirements for indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom

311. The requirements to be met in the case of a child seeking indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom are that he:

- (i) is seeking to remain with an adoptive parent or parents in one of the following circumstances:
  - (a) both parents are present and settled in the United Kingdom; or
  - (b) one parent is present and settled in the United Kingdom and the other parent is dead; or
  - (c) one parent is present and settled in the United Kingdom and has had sole responsibility for the child's upbringing; or
  - (d) one parent is present and settled in the United Kingdom and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or
  - (e) in the case of a de facto adoption one parent has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is seeking admission to the United Kingdom on the same occasion for the purpose of settlement; and
- (ii) has limited leave to enter or remain in the United Kingdom, and
  - (a) is under the age of 18; or
  - (b) if aged 18 or over, was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL; and
- (iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (v) DELETED
- (vi) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the United Kingdom; or

- (b) is the subject of a de facto adoption; and
- (vii) was adopted at a time when:
  - (a) both adoptive parents were resident together abroad; or
  - (b) either or both adoptive parents were settled in the United Kingdom; and
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and
- (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (x) has lost or broken his ties with his family of origin; and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the United Kingdom; and
- (xii) does not fall for refusal under the general grounds for refusal.

### Indefinite leave to enter or remain in the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom

312. Indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom may be granted provided, on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 311 is met.

## Refusal of indefinite leave to enter or remain in the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom

313. Indefinite leave to enter the United Kingdom as the adopted child of a parent or parents present and settled or being admitted for settlement in the United Kingdom is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the United Kingdom as the adopted child of a parent or parents present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 311 is met. If an applicant aged 18 or over does not meet the requirements of paragraph 311 only because the applicant does not meet the requirement in paragraph 311(ii)(b) to have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL, the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.

## Requirements for limited leave to enter or remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

314. The requirements to be met in the case of a child seeking limited leave to enter or remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:
  - (a) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and has had sole responsibility for the child's upbringing; or

(c) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or

(d) in the case of a de facto adoption one parent has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is seeking admission to the United Kingdom on the same occasion for the purpose of settlement; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and

(v) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the United Kingdom; or

(b) is the subject of a de facto adoption; and

(vi) was adopted at a time when:

(a) both adoptive parents were resident together abroad; or

(b) either or both adoptive parents were settled in the United Kingdom; and

(vii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and

(viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and

(ix) has lost or broken his ties with his family of origin; and

(x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to the United Kingdom; and

(xi) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the United Kingdom; and

(xii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

### Limited leave to enter or remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

315. A person seeking limited leave to enter the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be admitted for a period not exceeding 12 months provided he is able, on arrival, to produce to the Immigration Officer a valid passport or other identity document and has entry clearance for entry in this capacity. A person seeking limited leave to remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be granted limited leave for a period not exceeding 12 months provided the Secretary of State is satisfied that each of the requirements of paragraph 314 (i)-(xi) is met.

### Refusal of limited leave to enter or remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement

316. Limited leave to enter the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 314 (i)-(xi) is met.



## Requirements for limited leave to enter the United Kingdom with a view to settlement as a child for adoption

316A. The requirements to be satisfied in the case of a child seeking limited leave to enter the United Kingdom for the purpose of being adopted (which, for the avoidance of doubt, does not include a de facto adoption) in the United Kingdom are that he:

- (i) is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in the United Kingdom (the "prospective parent(s)"), in one of the following circumstances:
  - (a) both prospective parents are present and settled in the United Kingdom; or
  - (b) both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission; or
  - (c) one prospective parent is present and settled in the United Kingdom and the other is being admitted for settlement on the same occasion that the child is seeking admission; or
  - (d) one prospective parent is present and settled in the United Kingdom and the other is being given limited leave to enter or remain in the United Kingdom with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave; or
  - (e) one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission; or
  - (f) one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing; or
  - (g) one prospective parent is present and settled in the United Kingdom or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion undesirable, and suitable arrangements have been made for the child's care; and

- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
- (v) will have the same rights and obligations as any other child of the marriage or civil partnership; and
- (vi) is being adopted due to the inability of the original parent(s) or current carer(s) (or those looking after him immediately prior to him being physically transferred to his prospective parent or parents) to care for him, and there has been a genuine transfer of parental responsibility to the prospective parent or parents; and
- (vii) has lost or broken or intends to lose or break his ties with his family of origin; and
- (viii) will be adopted in the United Kingdom by his prospective parent or parents in accordance with the law relating to adoption in the United Kingdom, but the proposed adoption is not one of convenience arranged to facilitate his admission to the United Kingdom.

### Limited leave to enter the United Kingdom with a view to settlement as a child for adoption

316B. A person seeking limited leave to enter the United Kingdom with a view to settlement as a child for adoption may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid passport or other identity document and has entry clearance for entry in this capacity.

### Refusal of limited leave to enter the United Kingdom with a view to settlement as a child for adoption

316C. Limited leave to enter the United Kingdom with a view to settlement as a child for adoption is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### Requirements for limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention

316D The requirements to be satisfied in the case of a child seeking limited leave to enter the United Kingdom for the purpose of being adopted in the United Kingdom under the Hague Convention are that he:

- (i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the United Kingdom and who wish to adopt him under the Hague Convention ("the prospective parents");
- (ii) is the subject of an agreement made under Article 17(c) of the Hague Convention; and
- (iii) has been entrusted to the prospective parents by the competent administrative authority of the country from which he is coming to the United Kingdom for adoption under the Hague Convention; and
- (iv) is under the age of 18; and
- (v)\* can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
- (vi)\* holds a valid United Kingdom entry clearance for entry in this capacity.

### Limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention

316E A person seeking limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid passport or other identity document and has entry clearance for entry in this capacity.

### Refusal of limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention

316F Limited leave to enter the United Kingdom with a view to settlement as a child for adoption under the Hague Convention is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### Parents, grandparents and other dependent relatives of persons present and settled in the United Kingdom

#### Requirements for indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom

317. The requirements to be met by a person seeking indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom are that the person:

- (i) is related to a person present and settled in the United Kingdom in one of the following ways:
  - (a) parent or grandparent who is divorced, widowed, single or separated aged 65 years or over; or
  - (b) parents or grandparents travelling together of whom at least one is aged 65 or over; or
  - (c) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person settled

in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or civil partner or child of the second relationship who would be admissible as a dependant; or

(d) parent or grandparent under the age of 65 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; or

(e) parents or grandparents travelling together who are both under the age of 65 if living in the most exceptional compassionate circumstances; or

(f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; and

(ii) is joining or accompanying a person who is present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and

(iii) is financially wholly or mainly dependent on the relative present and settled in the United Kingdom; and

(iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and

(iva) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and

(v) has no other close relatives in his own country to whom he could turn for financial support; and

(vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity; and

(vii) does not fall for refusal under the general grounds for refusal.

**Indefinite leave to enter or remain as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom**

318. Indefinite leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom may be granted provided, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

### Refusal of indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom

319. Indefinite leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a person settled in the United Kingdom is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

## Family members of Relevant Points-Based System Migrants and Appendix W Workers

### Partners of Relevant Points-Based System Migrants and Appendix W Workers

319AA. In paragraphs A277A to 319K, Appendix C and Appendix E:

- (a) Relevant Points Based System migrant means a T1 (Entrepreneur) or T1 (Investor)
- (b) DELETED.

## 319A. Purpose

This route is for the spouse, civil partner, unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker (Partner of a Relevant Points Based System Migrant or Appendix W Worker). Paragraphs 277 to 280 of these Rules apply to spouses or civil partners of Relevant Points Based System Migrant or Appendix W Worker; paragraph 277 of these Rules applies to civil partners of Relevant Points Based System Migrant or Appendix W Worker; and paragraph 295AA of these Rules applies to unmarried and same-sex partners of Relevant Points Based System Migrant or Appendix W Worker

## 319B. Entry to the UK

(a) Subject to paragraph (b), all migrants wishing to enter as the Partner of a relevant Points Based System Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

(b) A Migrant arriving in the UK and wishing to enter as a partner of a Tier 5 (Temporary Worker) Migrant, who does not have a valid entry clearance will not be refused entry if the following conditions are met:

- (i) the migrant wishing to enter as partner is not a visa national,
- (ii) the migrant wishing to enter as a Partner is accompanying an applicant who at the same time is being granted leave to enter under paragraph 245ZN(b), and
- (iii) the migrant wishing to enter as a Partner meets the requirements of entry clearance in paragraph 319C.

## 319C. Requirements for entry clearance or leave to remain

To qualify for entry clearance or leave to remain as the Partner of a Relevant Points Based System Migrant or Appendix W Worker, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance or leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

**Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal, and if applying for leave to remain, must not be an illegal entrant.
- (b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:
  - (i) has valid leave to enter or remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (ii) is, at the same time, being granted entry clearance or leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (iii) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or is at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, where the applicant is applying for further leave to remain, or has been refused indefinite leave to remain solely because the applicant has not met the requirements of paragraph 319E(g), and was last granted leave:
    - (1) as the partner of that same Relevant Points Based System Migrant or Appendix W worker: or
    - (2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules; or
  - (iv) has become a British Citizen where prior to that they held indefinite leave to Remain as a Relevant Points Based System Migrant or Appendix W Worker and where the applicant is applying for further leave to remain, or has been refused indefinite leave to remain solely because the application has not met the requirements of paragraph 319E(g), and was last granted leave:
    - (1) as the partner of that same Relevant Points Based System Migrant or Appendix W Worker, or
    - (2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules.



(c) An applicant who is the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker must also meet the following requirements:

- (i) any previous marriage or civil partnership or similar relationship by the applicant or the Relevant Points Based System Migrant or Appendix W Worker with another person must have permanently broken down,
- (ii) the applicant and the Relevant Points Based System Migrant or Appendix W Worker must not be so closely related that they would be prohibited from marrying each other in the UK, and
- (iii) the applicant and the Relevant Points Based System Migrant or Appendix W Worker must have been living together in a relationship similar to marriage or civil partnership for a period of at least 2 years.

(d) The marriage or civil partnership, or relationship similar to marriage or civil partnership, must be genuine and subsisting at the time the application is made.

(e) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must intend to live with the other as their spouse or civil partner, unmarried or same-sex partner throughout the applicants stay in the UK.

(f) The applicant must not intend to stay in the UK beyond any period of leave granted to the Relevant Points Based System Migrant or Appendix W Worker.

(g) Unless the applicant who is applying as the Partner of a Relevant Points Based System Migrant who is a Tier 1 (Investor) Migrant, there must be a sufficient level of funds available to the applicant, as set out in Appendix E.

(h) An applicant who is applying for leave to remain must not have last been granted:

- (i) entry clearance or leave as a:

- (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

(b) short-term student or short term student (child); or

unless the applicant is applying as the Partner of a Relevant Points Based System Migrant who 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);

(ii) temporary admission;

(iii) temporary release; or

(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.

(i) DELETED.

(j) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

(k) Where the applicant is 18 years of age or older and seeking entry clearance as the partner of a person specified below, the applicant must provide of a criminal record certificate from the relevant authority in any country in which they have been present for 12 months (whether continuously or in total) or more in the past 10 years, while aged 18 or over. This requirement does not need to be met where the Secretary of State is satisfied, by way of an explanation provided in or with the application, that it is not reasonably practicable for the applicant to obtain a certificate from the relevant authority.

(1) For the purposes of sub-paragraph (k), a specified person is a person who is seeking, or has been granted, entry clearance or leave to remain as a:

(a) Tier 1 (Entrepreneur) Migrant,

(b) Tier 1 (Investor) Migrant,

(c) DELETED.

(m) If the applicant has failed to provide a criminal record certificate or an explanation in accordance with sub-paragraph (k), the decision maker may contact the applicant or his representative in writing, and request the certificate(s) or explanation. The requested certificate(s) or explanation must be received at the address specified in the request within 28 calendar days of the date of the request.

### 319D. Period and conditions of grant

(a) (i) Entry clearance or limited leave to remain will be granted for a period which expires on the same day as the leave granted to the Relevant Points Based System Migrant or Appendix W Worker, or

(ii) If the Relevant Points-Based System Migrant or Appendix W Worker has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or where the Relevant Points-Based System Migrant or Appendix W Worker has since become a British Citizen, leave to remain will be granted to the applicant for a period of 3 years.

(b) Entry clearance and leave to remain under this route will be subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required under paragraph 326 of these Rules,

(iii) DELETED.

(iv) DELETED.

(v) no employment as a professional sportsperson (including as a sports coach),

(vi) study subject to the condition set out in Part 15 of these 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.

## 319E. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain as the Partner of a Relevant Points Based System Migrant or Appendix W Worker, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

### Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:
  - (i) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker; or
  - (ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.
- (c) The applicant must have, or have last been granted, leave as the partner of the Relevant Points Based System Migrant or Appendix W Worker who:
  - (i) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker; or
  - (ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.

(d) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must have been living together in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least a continuous period of 5 years, during which the applicant must:

(a) have been in a relationship with the same Relevant Points Based System Migrant or Appendix W Worker for this entire period,

(b) have spent the most recent part of the 5 year period with leave as the Partner of that Relevant Points Based System Migrant or Appendix W Worker, and during that part of the period have met all of the requirements of paragraph 319C(a) to (e),

(c) have spent the remainder of the 5 year period, where applicable, with leave as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules, and

(d) not have been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:

(1) 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, if the applicant provides evidence that this was the purpose of the absence(s), and

(2) 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; and

(3) 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 any of the occupations in table 1 of Appendix J 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, if the applicant provides evidence from their partner's sponsor showing that:

- (a) research was the purpose of the partner's absence(s); and
- (b) the partner's sponsor agreed to the partner's absence(s) for that purpose; and
- (c) the absence(s) were directly related to the Tier 2 employment in the UK.

(4) for any applicant who has leave as a PBS partner of a settled migrant who, at the point they applied for settlement, held leave as a Tier 2 (General) migrant, where the Certificate of Sponsorship Checking Service entry showed that they were sponsored to work in any of the occupations in table 1 of Appendix J, any absence from the UK to accompany the settled migrant for the purpose of their research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their settled partner's employer showing that:

- (a) the settled partner remained working in an occupation that would appear in table 1 of Appendix J during the period of absence(s);
- (b) research was the purpose of the partner's absence(s); and
- (c) the settled partner's employer agreed to the absence(s) for that purpose; and
- (d) the absence(s) directly related to the settled partner's employment in the UK.

(5) for any applicant who has or has had leave as the Partner of a Tier 1 (Exceptional Talent) Migrant, or Partner of a Global Talent migrant, where the Tier 1 or Global Talent migrant was endorsed by The Royal Society, The British Academy, The Royal Academy of Engineering, or UK Research and Innovation, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days if it occurred while the applicant held this leave.

(6) for any applicant who has leave as the Points Based System Partner or Appendix W Partner of a settled migrant who, at the point they applied for settlement, held leave as a Tier 1 (Exceptional Talent) Migrant or Global Talent migrant, where they were endorsed by The Royal Society, The British Academy, The Royal Academy of Engineering, UK Research and Innovation, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days.

Any time spent lawfully in the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man shall be deemed to be time spent in the UK.

- (e) The marriage or civil partnership, or relationship similar to marriage or civil partnership, must be genuine and subsisting at the time the application is made.
- (f) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must intend to live permanently with the other as their spouse or civil partner, unmarried or same-sex partner.
- (g) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL.
- (h) DELETED
- (i) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## Children of relevant points-based system migrants or Appendix W Workers

### 319F. Purpose

This route is for the children of a Relevant Points Based System Migrant or Appendix W Worker who are under the age of 18 when they apply to enter under this route. Paragraph 296 of these Rules applies to children of a Relevant Points Based System Migrants or Appendix W Workers.

### 319G. Entry to the UK

- (a) Subject to paragraph (b), all migrants wishing to enter as the Child of a relevant Points Based System Migrant or Appendix W Worker must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

(b) DELETED.

### 319H. Requirements for entry clearance or leave to remain

To qualify for entry clearance or leave to remain under this route, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance or leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### Requirements:

(a) The applicant must not fall for refusal under the general grounds for refusal, and if applying for leave to remain, must not be an illegal entrant.

(b) The applicant must be the child of a parent who has, or is at the same time being granted, valid entry clearance, leave to enter or remain, or indefinite leave to remain, as:

(i) a Relevant Points Based System Migrant or Appendix W Worker, or

(ii) the partner of a Relevant Points Based System Migrant or Appendix W Worker.

or who has obtained British citizenship having previously held indefinite leave to remain as above.

(c) The applicant must be under the age of 18 on the date the application is made, or if over 18 and applying for leave to remain, must have, or have last been granted, leave as the child of a Relevant Points Based System Migrant or Appendix W Worker or as the child of the parent who had leave under another category of these Rules and who has since been granted, or, is at the same time being granted, leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.

(d) The applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life and, if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met.



(e) The applicant must not intend to stay in the UK beyond any period of leave granted to the Relevant Points Based System Migrant or Appendix W Worker parent.

(f) 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:

(i) The Relevant Points Based System Migrant or Appendix W Worker is the applicant's sole surviving parent, or

(ii) The Relevant Points Based System Migrant or Appendix W Worker parent has and has had sole responsibility for the applicant's upbringing, or

(iii) 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.

(g) Unless the applicant is applying as the Child of a Relevant Points Based System Migrant who is a Tier 1 (Investor) Migrant, there must be a sufficient level of funds available to the applicant, as set out in Appendix E.

(h) An applicant who is applying for leave to remain must not have last been granted:

(i) entry clearance or leave as a:

(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

(b) short-term student (child)

- (ii) temporary admission;
- (iii) temporary release; or
- (iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.

(i) DELETED.

(j) DELETED.

(k) If the applicant is a child born in the UK to a Relevant Points Based System migrant or Appendix W Worker and their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

(l) All arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations.

(m) The applicant must not be in the UK in breach of immigration laws except, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

### 319H-SD Specified documents and information

Applicants who are over the age of 16 on the date the application is made must provide the following specified documents and information:

(a) The applicant must provide two items from the list below confirming his residential address:

- (i) bank statements,
- (ii) credit card bills,

(iii) driving licence,

(iv) NHS Registration document,

(v) letter from his current school, college or university, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation.

(b) The documents submitted must be from two separate sources and dated no more than one calendar month before the date of the application.

(c) If the applicant pays rent or board, he must provide details of how much this amounts to each calendar month.

(d) If the applicant is residing separately from the Relevant Points Based System Migrant or Appendix W Worker, he must provide:

(i) reasons for residing away from the family home. Where this is due to academic endeavours he must provide confirmation from his university or college confirming his enrolment and attendance on the specific course, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation,

(ii) the following evidence that he has been supported financially by his parents whilst residing away from the family home:

(1) bank statements for the applicant covering the three months before the date of the application clearly showing the origin of the deposits; and

(2) bank statements for the applicant's parent covering the three months before the date of the application also showing corroborating payments out of their account.

### 319I. Period and conditions of grant

(a) Entry clearance and leave to remain will be granted for:

- (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.
- (b) Entry clearance and leave to remain under this route will be subject to the following conditions:
- (i) no recourse to public funds,
  - (ii) registration with the police, if this is required under paragraph 326 of these Rules, and
  - (iii) DELETED.
  - (iv) no employment as a professional sportsperson (including as a sports coach).

### 319J. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain under this route, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### **Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must be the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:
  - (i) a Relevant Points Based System Migrant or Appendix W Worker, or
  - (ii) the partner of a Relevant Points Based System Migrant or Appendix W Worker.

- (c) The applicant must have, or have last been granted, leave as the child of or have been born in the United Kingdom to, the Relevant Points Based System Migrant or Appendix W Worker, or the partner of a Relevant Points Based System Migrant or Appendix W Worker who is being granted indefinite leave to remain.
- (d) The applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life, and if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met.
- (e) Both of an applicant's parents must either be lawfully settled in the UK, or being granted indefinite leave to remain at the same time as the applicant, unless:
- (i) The Relevant Points Based System Migrant or Appendix W Worker is the applicant's sole surviving parent, or
  - (ii) The Relevant Points Based System Migrant or Appendix W Worker parent has and has had sole responsibility for the applicant's upbringing, or
  - (iii) 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, or
  - (iv) One parent is, at the same time, being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant, and the applicant was granted leave as the child of a Relevant Points Based System Migrant under the Rules in place before 9 July 2012.
- (f) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.
- (g) If the applicant is a child born in the UK to a Relevant Points Based System migrant or Appendix W Worker and their partner, the applicant must provide a full UK birth certificate showing the names of both parents.
- (h) All arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations.

- (i) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

Please note in the printed version of CM5829 these points appear in error numbered as an alternative version of 316D (iii) and (iv).

## **Other family members of persons with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

### **Requirements for leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

319L. The requirements to be met by a person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that:

- (i) (a) the applicant is married to or the civil partner of a person who has limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection granted such status under the immigration rules and the parties are married or have formed a civil partnership after the person granted asylum or humanitarian protection left the country of his former habitual residence in order to seek asylum or humanitarian protection; and
- (b) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:
  - (i) the applicant is aged 65 or over at the date he makes his application; or
  - (ii) the Secretary of State or Entry Clearance Officer considers that the applicant has a physical or mental condition that would prevent him from meeting the requirement; or

(iii) the Secretary of State or entry Clearance officer considers there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(iv) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; USA; Malta; or

(v) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; Malta; and provides the specified documents; or

(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the degree was taught or researched in English, or

(vii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English; and

(ii) the parties to the marriage or civil partnership have met; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

319M. Leave to enter the United Kingdom as the spouse or civil partner of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements of paragraph 319I (i) - (vi) are met.

319N. Leave to enter the United Kingdom as the spouse or civil partner of a refugee or beneficiary of humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 319L(i) - (vi) are met.

### Requirements for leave to enter the United Kingdom as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.

319O. The requirements to be met by a person seeking leave to enter the United Kingdom as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that:

(i)

(a) the applicant is the unmarried or same-sex partner of a person who has limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection granted such status under the immigration rules, and the parties have been living together in a relationship akin to either a marriage or civil partnership subsisting for two years or more after the person granted asylum or humanitarian protection left the country of his former habitual residence in order to seek asylum or humanitarian protection; and

(b) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:



- (i) the applicant is aged 65 or over at the time he makes his application;
- (ii) the Secretary of State or entry Clearance officer considers that the applicant has a physical or mental condition that would prevent him from meeting the requirement;
- (iii) the Secretary of State or Entry Clearance Officer considers there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;
- (iv) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; USA; Malta;
- (v) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; Malta; and provides the specified documents; or
- (vi) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and
  - (1) provides the specified evidence to show he has the qualification, and
  - (2) UK NARIC has confirmed that the degree was taught or researched in English, or
- (vii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English; and

- (ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the parties intend to live together permanently; and
- (vii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

319P. Leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements of paragraph 319O (i) - (vii) are met.

319Q. Leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 319O (i) - (vii) are met.

### Requirements for leave to enter the United Kingdom as the child of a parent or parents given limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection

319R. The requirements to be met by a person seeking leave to enter the United Kingdom as the child of a parent or parents given limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that the applicant:

- (i) is the child of a parent or parents granted limited leave to enter or remain as a refugee or beneficiary of humanitarian protection granted as such under the immigration rules; and
- (ii) is under the age of 18, and

(iii) is not leading an independent life, is unmarried, is not in a civil partnership, and has not formed an independent family unit; and

(iv) was conceived after the person granted asylum or humanitarian protection left the country of his habitual residence in order to seek asylum in the UK; and

(v) can, and will, be accommodated adequately by the parent or parents the child is seeking to join without recourse to public funds in accommodation which the parent or parents the child is seeking to join, own or occupy exclusively; and

(vi) can, and will, be maintained adequately by the parent or parents the child is seeking to join, without recourse to public funds; and

(vii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

319S. limited leave to enter the United Kingdom as the child of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements in paragraph 319R (i)-(vii) are met.

319T. Limited leave to enter the United Kingdom as the child of a refugee or beneficiary humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements in paragraph 319R (i) - (vii) are met.

### Requirements for indefinite leave to remain in the United Kingdom as the spouse or civil partner, unmarried or same - sex partner or child of a refugee or beneficiary of humanitarian protection present and settled in the United Kingdom

319U. To qualify for indefinite leave to remain in the UK, an applicant must meet the requirements set out in paragraph 287 if the applicant is a spouse or civil partner, paragraph 295G if they are an unmarried or same-sex partner, or 298 if the applicant is a child and the sponsor must be present and settled in the United Kingdom at the time the application is made. if an applicant meets the requirements as set out in the relevant paragraphs, indefinite leave to remain will be granted. if the applicant does not meet these requirements, the application will be refused.

## **Parents, grandparents and other dependent relatives of persons with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection**

### **Requirements for leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection**

319V. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection are that the person:

- (i) is related to a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom in one of the following ways:
  - (a) parent or grandparent who is divorced, widowed, single or separated aged 65 years or over; or
  - (b) parents or grandparents travelling together of whom at least one is aged 65 or over; or
  - (c) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person with limited leave to enter or remain in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or civil partner or child of the second relationship who would be admissible as a dependant; or
  - (d) a parent or grandparent under the age of 65 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; or
  - (e) parents or grandparents travelling together who are both under the age of 65 if living in the most exceptional compassionate circumstances; or

- (f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; and
- (ii) is joining a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and
- (iii) is financially wholly or mainly dependent on the relative who has limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom; and
- (iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
- (v) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
- (vi) has no other close relatives in his own country to whom he could turn for financial support; and
- (vii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity, or, if seeking leave to remain, holds valid leave to remain in another capacity.

319VA. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted for 5 years provided on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319V (i)-(vii) is met.

319VB. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319V (i)-(vii) is met.

Requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom or of a former refugee or beneficiary humanitarian protection, who is now a British Citizen.

319W. The requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is now present and settled in the United Kingdom or who is now a British Citizen are that:

- (i) the applicant has limited leave to enter or remain in the United Kingdom in accordance with paragraph 319V as a dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and
- (ii) the sponsor the applicant was admitted to join is now present and settled in the United Kingdom, or is now a British Citizen; and
- (iii) the applicant is financially wholly or mainly dependent on the relative who is present and settled in the United Kingdom; and
- (iv) the applicant can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
- (v) the applicant can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
- (vi) the applicant has no other close relatives in their country of former habitual residence to whom he could turn for financial support; and
- (vii) does not fall for refusal under the general grounds for refusals.

319WA. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom, or who is now a British Citizen may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

319WB. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

### Requirements for leave to enter or remain in the United Kingdom as the child of a relative with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.

319X. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom are that:

- (i) the applicant is seeking leave to enter or remain to join a relative with limited leave to enter or remain as a refugee or person with humanitarian protection; and
- (ii) the relative has limited leave in the United Kingdom as a refugee or beneficiary of humanitarian protection and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (iii) the relative is not the parent of the child who is seeking leave to enter or remain in the United Kingdom; and
- (iv) the applicant is under the age of 18; and
- (v) the applicant is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (vi) the applicant can, and will, be accommodated adequately by the relative the child is seeking to join without recourse to public funds in accommodation which the relative in the United Kingdom owns or occupies exclusively; and
- (vii) the applicant can, and will, be maintained adequately by the relative in the United Kingdom without recourse to public funds; and

(viii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, holds valid leave to remain in this or another capacity.

319XA. Limited leave to enter the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom may be granted for 5 years provided on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319X (i)-(viii) is met.

319XB. Limited leave to enter the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the child of a relative with limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319X (i)-(viii) is met.

### Requirements for indefinite leave to remain in the United Kingdom as the child of a relative who is present and settled in the United Kingdom or as a former refugee or beneficiary of humanitarian protection who is now a British Citizen

319Y. To qualify for indefinite leave to remain as the child of a relative who is present and settled in the United Kingdom, an applicant must meet the requirements set out in paragraph 298.

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# Immigration Rules

## Part 9

Grounds for refusal.

Suitability requirements apply to all routes and must be met in addition to validity and eligibility requirements.

Where this Part applies a person will not meet the suitability requirements if they fall for refusal under this Part.

A person may also have their entry clearance or permission cancelled on suitability grounds.

More than one grounds for refusal or cancellation may apply, for example, the presence of a foreign criminal in the UK may not be conducive to the public good.

The Immigration Act 1971, section 76 of the Nationality, Immigration and Asylum Act 2002 (revocation of indefinite leave), the Immigration (Leave to Enter and Remain) Order 2000 and Schedule 2 of the Immigration Act 1971 set out the powers to cancel entry clearance or permission. These rules set out how those powers are to be exercised.

Decisions on suitability are either mandatory (must) or discretionary (may) and must be compatible with the UK obligations under the Refugee Convention and the European Convention on Human Rights, which are mainly provided for under other provisions in these Rules.

Some routes have their own, or additional, suitability requirements.

This Part is in 5 sections.

1. Application of this Part;
2. Grounds for refusal, or cancellation of, entry clearance, permission to enter and permission to stay;
3. Additional grounds for refusal of entry, or cancellation of entry clearance or permission, on arrival in the UK;

4. Additional grounds for refusal, or cancellation, of permission to stay;

Additional grounds for cancellation of entry clearance, permission to enter and permission to stay which apply to specified routes

**Section 1: Application of this Part**

9.1.1. Part 9 does not apply to the following:

- (a) Appendix FM, except paragraphs 9.2.2, 9.3.2, 9.4.5, 9.9.2, 9.15.1, 9.15.2, 9.15.3, 9.16.2, 9.19.2, 9.20.1, 9.23.1 and 9.24.1. apply, and paragraph 9.7.3 applies to permission to stay; and paragraph 9.8.2 (a) and (c). applies where the application is for entry clearance; and
- (b) an application on grounds of private life under paragraphs 276ADE to 276DH, except paragraph 9.13.1; and
- (c) Appendix Armed Forces, except paragraphs 9.2.2, 9.3.2, 9.4.5, 9.7.3, 9.8.1. to 9.8.8, 9.9.2, 9.15.1. to 9.15.3, 9.16.2, 9.19.2, 9.20.1, 9.23.1. and 9.24.1. apply; and paragraph 9.10.2. applies where the application is under Part 9, 9A or 10 of Appendix Armed Forces; and
- (d) Appendix EU; and
- (e) Appendix EU (Family Permit); and
- (f) Paragraph 159I in Part 5, except paragraphs 9.2.1(c), 9.2.2, 9.3.1, 9.3.2, 9.4.1(b), 9.4.1(c), 9.4.2, 9.4.5, 9.7.1, 9.7.2, 9.7.3, 9.9.1, 9.9.2, 9.16.2, 9.20.1, 9.23.1, 9.24.1; and
- (g) Part 11 (Asylum), except Part 9 does apply to paragraphs 352ZH to 352ZS, and 352I to 352X and 352A to 352JF; and
- (h) applications for entry clearance or permission to stay granted by virtue of the ECAA Association Agreement, except that in relation to permission granted under the Agreement paragraphs 9.2.2, 9.3.2, 9.4.2, 9.4.5, 9.6.2, 9.7.3 and 9.21.2 apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020; and
- (i) applications for permission to stay under Appendix ECAA Extension of Stay, except paragraphs 9.2.1, 9.3.1, 9.4.1, 9.4.3, 9.6.1, 9.7.1, 9.7.2, 9.11.1, 9.12.1 and 9.21.1, and in relation to such permission paragraphs 9.2.2, 9.3.2, 9.4.2, 9.4.5, 9.6.2, 9.7.3 and 9.21.2 apply where the criminal offence or adverse conduct occurred after 11pm on 31 December 2020; and
- (j) Appendix S2 Healthcare Visitor; and
- (k) Appendix Service Providers from Switzerland.

**Section 2: Grounds for refusal, or cancellation, of entry clearance, permission to enter and permission to stay**

**Exclusion or deportation order grounds**

9.2.1. An application for entry clearance, permission to enter or permission to stay must be refused where:

- (a) the Secretary of State has personally directed that the applicant be excluded from the UK; or
- (b) the applicant is the subject of an exclusion order; or.

(c) the applicant is the subject of a deportation order, or a decision to make a deportation order.

9.2.2. Entry clearance or permission held by a person must be cancelled where the Secretary of State has personally directed that the person be excluded from the UK.

### **Non-conductive grounds**

9.3.1. An application for entry clearance, permission to enter or permission to stay must be refused where the applicant's presence in the UK is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds).

9.3.2. Entry clearance or permission held by a person must be cancelled where the person's presence in the UK is not conducive to the public good.

### **Criminality grounds**

9.4.1. An application for entry clearance, permission to enter or permission to stay must be refused where the applicant:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more; or
- (b) is a persistent offender who shows a particular disregard for the law; or
- (c) has committed a criminal offence, or offences, which caused serious harm.

9.4.2. Entry clearance or permission held by a person must be cancelled where the person:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more; or
- (b) is a persistent offender who shows a particular disregard for the law; or
- (c) has committed a criminal offence, or offences, which caused serious harm.

9.4.3. An application for entry clearance, permission to enter or permission to stay may be refused (where paragraph 9.4.2. and 9.4.4. do not apply) where the applicant:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months; or
- (b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record.

9.4.4. An application for entry clearance or permission to enter under Appendix V: Visitor, or where a person is seeking entry on arrival in the UK for a stay for less than 6 months, must be refused where the applicant:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months, unless more than 12 months have passed since the end of the custodial sentence; or
- (b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record, unless more than 12 months have passed since the date of conviction.

9.4.5. Entry clearance or permission held by a person may be cancelled (where paragraph 9.4.2. does not apply) where the person:

- (a) has been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of less than 12 months; or
- (b) has been convicted of a criminal offence in the UK or overseas for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record.

#### **Exclusion from asylum or humanitarian protection grounds**

9.5.1. An application for entry clearance, permission to enter or permission to stay may be refused where the Secretary of State:

- (a) has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant; or
- (b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

9.5.2. Entry clearance or permission held by a person may be cancelled where the Secretary of State:

- (a) has at any time decided that paragraph 339AA (exclusion from Refugee Convention), 339AC (danger to the UK), 339D (exclusion from a grant of humanitarian protection) or 339GB (revocation of humanitarian protection on grounds of exclusion) of these rules applies to the applicant; or
- (b) has decided that paragraph 339AA, 339AC, 339D or 339GB of these rules would apply, but for the fact that the person has not made a protection claim in the UK, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs 339AA, 339AC, 339D or 339GB.

#### **Involvement in a sham marriage or sham civil partnership grounds**

9.6.1. An application for entry clearance, permission to enter or permission to stay may be refused where the decision maker is satisfied that it is more likely than not that the applicant is, or has been, involved in a sham marriage or sham civil partnership.

9.6.2. Entry clearance or permission held by a person may be cancelled where the decision maker is satisfied that it is more likely than not the person is, or has been, involved in a sham marriage or sham civil partnership.

### **False representations, etc. grounds**

9.7.1. An application for entry clearance, permission to enter or permission to stay may be refused where, in relation to the application, or in order to obtain documents from the Secretary of State or a third party provided in support of the application:

- (a) false representations are made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
- (b) relevant facts are not disclosed.

9.7.2. An application for entry clearance, permission to enter or permission to stay must be refused where the decision maker can prove that it is more likely than not the applicant used deception in the application.

9.7.3. Entry clearance or permission held by a person may be cancelled where, in relation an application, or in order to obtain documents from the Secretary of State or a third party provided in support of the application:

- (a) false representations were made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
- (b) relevant facts were not disclosed.

9.7.4. Permission extended under section 3C of the Immigration Act 1971 may be cancelled where the decision maker can prove that it is more likely than not the applicant used deception in the application for permission to stay.

### **Previous breach of immigration laws grounds**

9.8.1. An application for entry clearance or permission to enter must be refused if:

- (a) the applicant has previously breached immigration laws; and
- (b) the application is for entry clearance or permission to enter and it was made within the relevant time period in paragraph 9.8.7.

9.8.2. An application for entry clearance or permission to enter may be refused where:

- (a) the applicant has previously breached immigration laws; and
- (b) the application was made outside the relevant time period in paragraph 9.8.7; and
- (c) the applicant has previously contrived in a significant way to frustrate the intention of the rules, or there are other aggravating circumstances (in addition to the immigration breach), such as a failure to cooperate with the redocumentation process, such as using a false identity, or a failure to comply with enforcement processes, such as failing to report, or absconding.

9.8.3. An application for permission to stay may be refused where a person has previously failed to comply with the conditions of their permission, unless permission has been granted in the knowledge of the previous breach.

9.8.4. In paragraphs 9.8.1. and 9.8.2, a person will only be treated as having previously breached immigration laws if, when they were aged 18 or over, they:

- (a) overstayed their permission and neither paragraph 9.8.5. nor paragraph 9.8.6. apply; or
- (b) breached a condition attached to their permission and entry clearance or further permission was not subsequently granted in the knowledge of the breach; or
- (c) were (or still are) an illegal entrant; or
- (d) used deception in relation to an application (whether or not successfully).

9.8.5. A period of overstaying will be disregarded for the purpose of paragraph 9.8.4. (a) where the person left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State, and:

- (a) the person overstayed for 90 days or less, where the overstaying began before 6 April 2017; or
- (b) the person overstayed for 30 days or less, where the overstaying began on or after 6 April 2017; or
- (c) paragraph 39E applied to the period of overstaying.

9.8.6. A period of overstaying will be disregarded for the purpose of paragraph 9.8.4.(a) where the overstaying arose from a decision to refuse an application, or cancellation of permission, which was subsequently withdrawn, or quashed, or reconsidered by direction of a court or tribunal, unless the legal challenge which led to the reconsideration was brought more than 3 months after the date of the decision to refuse or cancel.

9.8.7. The relevant time period under paragraphs 9.8.1. and 9.8.2. is as set out in the following table (and where the person previously breached more than one immigration law, only the breach which leads to the longest period of absence from the UK will be taken into account):

Time from date the person left the UK (or date of refusal of the application under row (f))	This applies where the applicant	And the applicant left the UK	And the applicant left the UK
(a) 12 months	left voluntarily	at their own expense	N/A
(b) 2 years	left voluntarily	at public expense	Within 6 months of being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.
(c) 5 years	left voluntarily	at public expense	more than 6 months after being given notice of liability for removal or when they no longer had a pending appeal or administrative review, whichever is later.
(d) 5 years	left or was removed from the UK	as a condition of a caution issued in accordance with section 22 of the Criminal Justice Act 2003 (and providing that any	-

		condition prohibiting their return to the UK has itself expired)	
(e) 10 years	was deported or removed from the UK	at public expense	-
(f) 10 years	Used deception in an application (for visits this applies to applications for entry clearance only)	-	-

9.8.8. Permission (including permission extended under section 3C of the Immigration Act 1971) may be cancelled where the person has failed to comply with the conditions of their permission.

**Failure to provide required information, etc grounds**

9.9.1. An application for entry clearance, permission to enter or permission to stay may be refused where a person fails without reasonable excuse to comply with a reasonable requirement to:

- (a) attend an interview; or
- (b) provide information; or
- (c) provide biometrics (whether or not requested as part of an application); or
- (d) undergo a medical examination; or
- (e) provide a medical report.

9.9.2. Any entry clearance or permission held by a person may be cancelled where the person fails without reasonable excuse to comply with a reasonable requirement to:

- (a) attend an interview; or
- (b) provide information; or



- (c) provide biometrics; or
- (d) undergo a medical examination; or
- (e) provide a medical report.

#### **Admissibility to the Common Travel Area or other countries grounds**

9.10.1. An application for entry clearance or permission to enter must be refused where a person is seeking entry to the UK with the intention of entering another part of the Common Travel Area and fails to satisfy the decision maker that they are acceptable to the immigration authorities there.

9.10.2. An application for entry clearance, permission to enter or permission to stay may be refused where a person seeking entry fails to satisfy the decision maker that they will be admitted to another country after a stay in the UK.

#### **Debt to the NHS grounds**

9.11.1. An application for entry clearance, permission to enter or permission to stay may be refused where a relevant NHS body has notified the Secretary of State that the applicant has failed to pay charges under relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

#### **Unpaid litigation costs grounds**

9.12.1. An application for entry clearance, permission to enter or permission to stay may be refused where a person has failed to pay litigation costs awarded to the Home Office.

#### **Purpose not covered by the Immigration Rules grounds**

9.13.1. An application for entry clearance, permission to enter or permission to stay may be refused where a person is seeking to come to or stay in the UK for a purpose not covered by these rules.

### **Section 3: Additional grounds for refusal of entry on arrival in the UK**

#### **No entry clearance grounds**

9.14.1. Permission to enter must be refused if the person seeking entry is required under these rules to hold on arrival entry clearance for the purpose for which entry is sought, or the person is a visa national, and the person does not hold the required entry clearance.

#### **Failure to produce recognised passport or travel document grounds**

9.15.1. Permission to enter must be refused if the person seeking entry fails to produce a passport or other travel document that satisfies the decision maker as to their identity and nationality, unless the person holds a travel document issued by the national authority of a state of which the person is not a national and the person's statelessness or other status prevents the person from obtaining a document satisfactorily establishing their identity and nationality.

9.15.2. Permission to enter may be refused if the person seeking entry produces a passport or other travel document which:

- (a) was issued by a territorial entity or authority which is not recognised by Her Majesty's Government as a state, or is not dealt with as a government by them; or
- (b) was issued by a territorial entity or authority which does not accept valid UK passports for the purpose of its own immigration controls; or
- (c) does not comply with international passport practice.

9.15.3. Entry clearance or permission held by a person may be cancelled where on arrival a person fails to produce a passport or other travel document that meets the requirements in paragraph 9.15.1. or 9.15.2.

### **Medical grounds**

9.16.1. Permission to enter must be refused where a medical inspector advises that for medical reasons it is undesirable to grant entry to the person, unless the decision maker is satisfied that there are strong compassionate reasons justifying admission.

9.16.2. Entry clearance or permission held by a person may be cancelled where a medical inspector advises that for medical reasons it is undesirable to grant entry to the person.

### **Consent for a child to travel grounds**

9.17.1. A child may be refused permission to enter if they are not travelling with their parent or legal guardian and, if required to do so, the child's parent or legal guardian fails to provide the decision maker with written consent to the child seeking entry to the UK.

### **Returning residents grounds**

9.18.1. A person seeking entry as a returning resident under paragraph 18 of these rules may be refused permission to enter if they fail to satisfy the decision maker that they meet the requirements of that paragraph, or that they are seeking entry for the same purpose as that for which their previous permission was granted.

### **Customs breaches grounds**

9.19.1. Permission to enter may be refused where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued.

9.19.2. Where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued, any entry clearance or permission held by the person may be cancelled.

#### **Change of circumstances or purpose grounds**

9.20.1. Entry clearance or permission held by a person may be cancelled where there has been such a change in circumstances since the entry clearance or permission was granted that it should be cancelled.

9.20.2. Entry clearance or permission to enter held by a person on arrival in the UK may be cancelled where the person's purpose in seeking entry is different from the purpose specified in their entry clearance.

#### **Section 4: Additional grounds for refusal of permission to stay**

##### **Rough sleeping in the UK**

9.21.1. Permission to stay may be refused where the decision maker is satisfied that a person has been rough sleeping in the UK.

9.21.2. Where the decision maker is satisfied that a person has been rough sleeping in the UK any permission held by the person may be cancelled.

##### **Crew members**

9.22.1. Where a person has permission to enter as a crew member an application for permission to stay may be refused, unless permission to stay is granted to fulfil the purpose for which the person has permission to enter.

#### **Section 5: Additional grounds for cancellation of entry clearance, permission to enter and permission to stay**

##### **Ceasing to meet requirement of rules**

9.23.1. A person's entry clearance or permission may be cancelled if they cease to meet the requirements of the rules under which the entry clearance or permission was granted.

##### **Dependent grounds**

9.24.1. A person's entry clearance or permission may be cancelled where they are the dependent of another person whose permission is, or has been, cancelled.

**Withdrawal of sponsorship or endorsement grounds**

9.25.1. A person's entry clearance or permission may be cancelled where their sponsorship or endorsement has been withdrawn and they have entry clearance or permission on one of the following routes:

- (a) Student; or
- (b) Child Student; or
- (c) Skilled Worker; or
- (d) Intra-Company Transfer; or
- (e) Intra-Company Graduate Trainee; or
- (f) Representative of an Overseas Business; or
- (g) T2 Minister of Religion; or
- (h) T2 Sportsperson; or
- (i) T5 (Temporary Worker); or
- (j) Start-up; or
- (k) Innovator; or
- (l) Global Talent.

9.25.2 A Student's permission may be cancelled where the sponsor withdraws their sponsorship of the Student because, having completed a pre- sessional course, the student does not have a knowledge of English equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening).

**Student does not start course or ceases to study**

9.26.1. The entry clearance or permission of a Student or Child Student may be cancelled if:

- (a) they do not start their studies with their sponsor; or
- (b) they or their sponsor confirm that their course of study has ceased, or will cease before the end date recorded on the Certificate of Acceptance for Studies; or
- (c) the start date for the course is delayed for more than 28 days; or
- (d) they cease to study with their sponsor.

**Worker does not start work or ceases their employment**

9.27.1. The entry clearance or permission of a Skilled Worker, person on the Intra-Company routes, Representative of an Overseas Business, T2 Minister of Religion, T2 Sportsperson or T5 (Temporary Worker), may be cancelled if:

- (a) they do not start working for their sponsor; or
- (b) they or their sponsor confirm that their employment, volunteering, training or job shadowing has ceased or will cease before the end date recorded on the Certificate of Sponsorship; or
- (c) the start date for the job, as recorded in the Certificate of Sponsorship, is delayed by more than 28 days; or
- (d) they cease to work for their sponsor.

### **Sponsor loses licence or transfers business**

9.28.1. Where a person has entry clearance or permission as a Student, Child Student, Skilled Worker, person on the Intra-Company Routes, T2 Minister of Religion, T2 Sportsperson, or Tier 5 (Temporary Worker), their entry clearance or permission may be cancelled if:

- (a) their sponsor does not have a sponsor licence; or
- (b) their sponsor transfers the business for which the person works, or at which they study, to another business or institution, and that business or institution:
  - (i) fails to apply for a sponsor licence; or
  - (ii) fails to apply for a sponsor licence within 28 days of the date of a transfer of their business or institution; or
  - (iii) applies for a sponsor licence but is refused; or
  - (iv) makes a successful application for a sponsor licence, but the sponsor licence granted is not in a category that would allow the sponsor to issue a Certificate of Sponsorship or Confirmation of Acceptance for Studies to the person.

### **Change of employer**

9.29.1. Where a person has permission as a Skilled Worker, person on the Intra-Company routes, T2 Minister of Religion, T2 Sportsperson, or T5 (Temporary Worker), their permission may be cancelled where they have changed their employer, unless any of the following exceptions apply:

- (a) they are a T5 (Temporary Worker) on the Government Authorised Exchange Worker or Seasonal Worker routes and the change of employer is authorised by the sponsor; or
- (b) they are working for a different sponsor unless the change of sponsor does not result in a change of employer, or the change in employer is covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006, equivalent statutory transfer schemes, or the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector; or
- (c) they have permission as a T2 Sportsperson or a T5 (Temporary Worker): Creative or Sporting Worker, and all of the following apply:
  - (i) they are sponsored by a sports club; and

- (ii) they are sponsored as a player and are being temporarily loaned to another sports club; and
- (iii) player loans are specifically permitted in rules set down by the relevant sports governing body; and
- (iv) their sponsor has made arrangements with the loan club to enable to the sponsor to continue to meet its sponsor duties;  
and
- (v) the player will return to working for the sponsor at the end of the loan.

### **Absence from employment**

9.30.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, T2 Minister of Religion, T2 Sportsperson or T5 (Temporary Worker) routes who has been absent from work without pay, or on reduced pay, for more than 4 weeks during any calendar year may have their permission cancelled unless the reason for absence is one of the following:

- (a) statutory maternity leave, paternity leave or parental leave; or
- (b) statutory adoption leave; or
- (c) sick leave; or
- (d) assisting with a national or international humanitarian or environmental crisis, providing their sponsor agreed to the absence for that purpose; or
- (e) taking part in legally organised industrial action.

### **Change of job or lower salary rate**

9.31.1. A person on the Skilled Worker, Intra-Company, Representative of an Overseas Business, T2 Minister of Religion or T5 (Temporary Worker) routes may have their permission cancelled where they have changed jobs or they receive a lower salary rate (unless any of paragraphs 9.31.2. to 9.31.3. apply) if:

- (a) they are on an Intra-Company route or are a Skilled Worker and have changed to a different job in the same occupation code but the salary rate for the new job is lower than the salary rate for the old job as set out in the Appendix Skilled Occupations.
- (b) they are a Skilled Worker and scored points for a job in a Shortage Occupation and the new job does not appear in Appendix Shortage Occupation List.
- (c) they have changed jobs and the new job has a different occupation code to that recorded by the Certificate of Sponsorship (unless paragraph 9.31.2. applies); or
- (d) the person no longer meets the salary requirement or going rate requirement for the job.

9.31.2. The following exception applies to paragraph 9.31.1.(c):

- (a) the person is sponsored to undertake a graduate training programme covering multiple roles within the organisation; and
- (b) the person is changing to a job with a different occupation code either as a part of that programme or when appointed to a permanent role with the sponsor at the end of that programme; and

(c) their sponsor has notified the Home Office of the change of job and any change in salary.

9.31.3. The following exceptions apply to reduction in salary under paragraph 9.31.1:

- (a) a reduction in salary coincides with an absence from employment permitted under paragraph 9.30.1; or
- (b) the person is on an Intra-Company route and a reduction in salary coincides with working for the sponsor group while the person is not physically present in the UK; or
- (c) the person is a Skilled Worker and would score at least 70 points after the change to the job.

**Endorsing body no longer approved**

9.32.1. Where a person has entry clearance or permission on the Global Talent, Start-up or Innovator route their entry clearance or permission may be cancelled if their endorsing body ceases to hold that status for the route in which they were endorsed.

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# Immigration Rules

## Part 10

### Registration with the police

325. For the purposes of paragraph 326, a "relevant foreign national" is a person aged 16 or over who is:

- (i) a national or citizen of a country or territory listed in Appendix 2 to these Rules;
- (ii) a stateless person; or
- (iii) a person holding a non-national travel document.

326. (1) Subject to sub-paragraph (2) below, a condition requiring registration with the police should normally be imposed on any relevant foreign national who is:

- (i) given limited leave to enter the United Kingdom for longer than six months; or
- (ii) given limited leave to remain which has the effect of allowing him to remain in the United Kingdom for longer than six months, reckoned from the date of his arrival (whether or not such a condition was imposed when he arrived).

(2) Such a condition should not normally be imposed where the leave is given:

- (i) as a seasonal agricultural worker;
- (ii) as a Tier 5 (Temporary Worker) Migrant, provided the Certificate of Sponsorship Checking System reference for which points were awarded records that the applicant is being sponsored as an overseas government employee or a private servant is a diplomatic household;



(iii) as a Tier 2 (Minister of Religion) Migrant;

(iv) on the basis of marriage to or civil partnership with a person settled in the United Kingdom or as the unmarried or same-sex partner of a person settled in the United Kingdom

(v) as a person exercising access rights to a child resident in the United Kingdom;

(vi) as the Parent of a Child Student; or

(vii) following the grant of asylum.

(3) Such a condition should also be imposed on any foreign national given limited leave to enter the United Kingdom where, exceptionally, the Immigration Officer considers it necessary to ensure that he complies with the terms of the leave.

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# Immigration Rules

## Part 11

### Asylum

#### 326A. Procedure

The procedures set out in these Rules shall apply to the consideration of admissible applications for asylum and humanitarian protection.

326B. Where the Secretary of State is considering a claim for asylum or humanitarian protection under this Part, she will consider any Article 8 elements of that claim in line with the provisions of Appendix FM (family life) and in line with paragraphs 276ADE(1) to 276DH (private life) of these Rules which are relevant to those elements unless the person is someone to whom Part 13 of these Rules applies.

#### Definition of EU asylum applicant

326C. Under this Part an EU asylum applicant is a national of a Member State of the European Union who either;

(a) makes a request to be recognised a refugee under the Refugee Convention on the basis that it would be contrary to the United Kingdom's obligations under the Refugee Convention for them to be removed from or required to leave the United Kingdom, or

(b) otherwise makes a request for international protection. "EU asylum application" shall be construed accordingly.

326D. 'Member State' has the same meaning as in Schedule 1 to the European Communities Act 1972".

## Inadmissibility of EU asylum applications

326E. An EU asylum application will be declared inadmissible and will not be considered unless the requirement in paragraph 326F is met.

326F. An EU asylum application will only be admissible if the applicant satisfies the Secretary of State that there are exceptional circumstances which require the application to be admitted for full consideration. Exceptional circumstances may include in particular:

- (a) the Member State of which the applicant is a national has derogated from the European Convention on Human Rights in accordance with Article 15 of that Convention;
- (b) the procedure detailed in Article 7(1) of the Treaty on European Union has been initiated, and the Council or, where appropriate, the European Council, has yet to make a decision as required in respect of the Member State of which the applicant is a national; or
- (c) the Council has adopted a decision in accordance with Article 7(1) of the Treaty on European Union in respect of the Member State of which the applicant is a national, or the European Council has adopted a decision in accordance with Article 7(2) of that Treaty in respect of the Member State of which the applicant is a national.

## Definition of asylum applicant

327. Under the Rules, an asylum applicant is a person who, in person and at a designated place of asylum claim, either;

- (a) makes a request to be recognised as a refugee under the Refugee Convention on the basis that it would be contrary to the United Kingdom's obligations under the Refugee Convention for them to be removed from or required to leave the United Kingdom, or
- (b) otherwise makes a request for international protection. "Application for asylum" shall be construed accordingly.

327A. Every person has the right to make an application for asylum on their own behalf.

327B. A designated place of asylum claim is:

- (i) an asylum intake unit;
- (ii) an immigration removal centre;
- (iii) a port or airport;
- (iv) a location to which the person has been directed by the Secretary of State to make a claim for asylum; or
- (v) any other location where an officer authorised to accept an asylum application is present and capable of receiving the claim.

327C. If the officer is not capable of receiving the claim, they will direct the applicant to a designated place of asylum claim.

327D. An officer is not capable of receiving the claim in the territorial waters of the United Kingdom

## Applications for asylum

328. All asylum applications will be determined by the Secretary of State in accordance with the Refugee Convention. Every asylum application made by a person at a port or airport in the United Kingdom will be referred by the Immigration Officer for determination by the Secretary of State in accordance with these Rules.

328A. The Secretary of State shall ensure that authorities which are likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where such an application may be made.

329. Until an asylum application has been determined by the Secretary of State or the Secretary of State has issued a certificate under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 no action will be taken to require the departure of the asylum applicant or their dependants from the United Kingdom.

330. If the Secretary of State decides to grant refugee status and the person has not yet been given leave to enter, the Immigration Officer will grant limited leave to enter.

331. If a person seeking leave to enter is refused asylum or their application for asylum is withdrawn or treated as withdrawn under paragraph 333C of these Rules, the Immigration Officer will consider whether or not they are in a position to decide to give or refuse leave to enter without interviewing the person further. If the Immigration Officer decides that a further interview is not required they may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, they will then resume their examination to determine whether or not to grant the person leave to enter under any other provision of these Rules. If the person fails at any time to comply with a requirement to report to an Immigration Officer for examination, the Immigration Officer may direct that the person's examination shall be treated as concluded at that time. The Immigration Officer will then consider any outstanding applications for entry on the basis of any evidence before them.

332. If a person who has been refused leave to enter makes an application for asylum and that application is refused or withdrawn or treated as withdrawn under paragraph 333C of these Rules, leave to enter will again be refused unless the applicant qualifies for admission under any other provision of these Rules.

333. Written notice of decisions on applications for asylum shall be given in reasonable time. Where the applicant is legally represented, notice may instead be given to the representative. Where the applicant has no legal representative and free legal assistance is not available, they shall be informed of the decision on the application for asylum and, if the application is rejected, how to challenge the decision, in a language that they may reasonably be supposed to understand.

333A. The Secretary of State shall ensure that a decision is taken on each application for asylum as soon as possible, without prejudice to an adequate and complete examination.

Where a decision on an application for asylum cannot be taken within six months of the date it was recorded, the Secretary of State shall either:

(a) inform the applicant of the delay; or

(b) if the applicant has made a specific written request for it, provide information on the timeframe within which the decision on their application is to be expected. The provision of such information shall not oblige the Secretary of State to take a decision within the stipulated time-frame.

333B. Applicants for asylum shall be allowed an effective opportunity to consult, at their own expense or at public expense in accordance with provision made for this by the Legal Aid Agency or otherwise, a person who is authorised under Part V of the Immigration and Asylum Act 1999 to give immigration advice. This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status in accordance with these Rules.

## Withdrawal of applications

333C. If an application for asylum is withdrawn either explicitly or implicitly, consideration of it may be discontinued. An application will be treated as explicitly withdrawn if the applicant signs the relevant form provided by the Secretary of State. An application may be treated as impliedly withdrawn if an applicant leaves the United Kingdom without authorisation at any time prior to the conclusion of their asylum claim, or fails to complete an asylum questionnaire as requested by the Secretary of State, or fails to attend the personal interview as provided in paragraph 339NA of these Rules unless the applicant demonstrates within a reasonable time that that failure was due to circumstances beyond their control. The Secretary of State will indicate on the applicant's asylum file that the application for asylum has been withdrawn and consideration of it has been discontinued.

## Grant of refugee status

334. An asylum applicant will be granted refugee status in the United Kingdom if the Secretary of State is satisfied that:

- (i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom;
- (ii) they are a refugee, as defined in regulation 2 of The Refugee or Person in Need of International Protection (Qualification) Regulations 2006;
- (iii) there are no reasonable grounds for regarding them as a danger to the security of the United Kingdom;

(iv) having been convicted by a final judgment of a particularly serious crime, they do not constitute a danger to the community of the United Kingdom; and

(v) refusing their application would result in them being required to go (whether immediately or after the time limited by any existing leave to enter or remain) in breach of the Refugee Convention, to a country in which their life or freedom would be threatened on account of their race, religion, nationality, political opinion or membership of a particular social group.

335. If the Secretary of State decides to grant refugee status to a person who has previously been given leave to enter (whether or not the leave has expired) or to a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain.

## Refusal of asylum

336. An application which does not meet the criteria set out in paragraph 334 will be refused. Where an application for asylum is refused, the reasons in fact and law shall be stated in the decision and information provided in writing on how to challenge the decision.

337. DELETED

338. DELETED

339. DELETED

## Revocation or refusal to renew a grant of refugee status

338A. A person's grant of refugee status under paragraph 334 shall be revoked or not renewed if any of paragraphs 339A to 339AB apply. A person's grant of refugee status under paragraph 334 may be revoked or not renewed if paragraph 339AC applies.

## Refugee Convention ceases to apply (cessation)

339A. This paragraph applies when the Secretary of State is satisfied that one or more of the following applies:

- (i) they have voluntarily re-availed themselves of the protection of the country of nationality;
- (ii) having lost their nationality, they have voluntarily re-acquired it;
- (iii) they have acquired a new nationality, and enjoy the protection of the country of their new nationality;
- (iv) they have voluntarily re-established themselves in the country which they left or outside which they remained owing to a fear of persecution;
- (v) they can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of nationality;
- (vi) being a stateless person with no nationality, they are able, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to return to the country of former habitual residence;

In considering (v) and (vi), the Secretary of State shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

## Exclusion from the Refugee Convention

339AA. This paragraph applies where the Secretary of State is satisfied that the person should have been or is excluded from being a refugee in accordance with regulation 7 of The Refugee or Person in Need of International Protection (Qualification) Regulations 2006.

As regards the application of Article 1F of the Refugee Convention, this paragraph also applies where the Secretary of State is satisfied that the person has instigated or otherwise participated in the crimes or acts mentioned therein.

## Misrepresentation

339AB. This paragraph applies where the Secretary of State is satisfied that the person's misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of refugee status.



## Danger to the United Kingdom

339AC. This paragraph applies where the Secretary of State is satisfied that:

- (i) there are reasonable grounds for regarding the person as a danger to the security of the United Kingdom; or
- (ii) having been convicted by a final judgment of a particularly serious crime, the person constitutes a danger to the community of the United Kingdom.

339B. When a person's grant of refugee status is revoked or not renewed any limited or indefinite leave which they have may be curtailed or cancelled.

339BA. Where the Secretary of State is considering revoking refugee status in accordance with these Rules, the following procedure will apply. The person concerned shall be informed in writing that the Secretary of State is reconsidering their qualification for refugee status and the reasons for the reconsideration. That person shall be given the opportunity to submit, in a personal interview or in a written statement, reasons as to why their refugee status should not be revoked. If there is a personal interview, it shall be subject to the safeguards set out in these Rules.

339BB. The procedure in paragraph 339BA is subject to the following exceptions:

- (i) where a person acquires British citizenship status, their refugee status is automatically revoked in accordance with paragraph 339A (iii) upon acquisition of that status without the need to follow the procedure.
- (ii) where refugee status is revoked under paragraph 339A, or if the person has unequivocally renounced their recognition as a refugee, refugee status may be considered to have lapsed by law without the need to follow the procedure.

339BC. If the person leaves the United Kingdom, the procedure set out in paragraph 339BA may be initiated, and completed, while the person is outside the United Kingdom.

## Grant of humanitarian protection

339C. A person will be granted humanitarian protection in the United Kingdom if the Secretary of State is satisfied that:

- (i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom;
- (ii) they do not qualify as a refugee as defined in regulation 2 of The Refugee or Person in Need of International Protection (Qualification) Regulations 2006;
- (iii) substantial grounds have been shown for believing that the person concerned, if returned to the country of return, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail themselves of the protection of that country; and
- (iv) they are not excluded from a grant of humanitarian protection.

339CA. For the purposes of paragraph 339C, serious harm consists of:

- (i) the death penalty or execution;
- (ii) unlawful killing;
- (iii) torture or inhuman or degrading treatment or punishment of a person in the country of return; or
- (iv) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

### Exclusion from humanitarian protection

339D. A person is excluded from a grant of humanitarian protection for the purposes of paragraph 339C (iv) where the Secretary of State is satisfied that:

- (i) there are serious reasons for considering that they have committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;

(ii) there are serious reasons for considering that they are guilty of acts contrary to the purposes and principles of the United Nations or have committed, prepared or instigated

such acts or encouraged or induced others to commit, prepare or instigate such acts;

(iii) there are serious reasons for considering that they constitute a danger to the community or to the security of the United Kingdom; or

(iv) there are serious reasons for considering that they have committed a

serious crime; or

(v) prior to their admission to the United Kingdom the person committed a crime outside the scope of (i) and (iv) that would be punishable by imprisonment were it committed in the United Kingdom and the person left their country of origin solely in order to avoid sanctions resulting from the crime.

339E. If the Secretary of State decides to grant humanitarian protection and the person has not yet been given leave to enter, the Secretary of State or an Immigration Officer will grant limited leave to enter. If the Secretary of State decides to grant humanitarian protection to a person who has been given limited leave to enter (whether or not that leave has expired) or a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain.

## Refusal of humanitarian protection

339F. Where the criteria set out in paragraph 339C is not met humanitarian protection will be refused.

## Revocation of, ending of or refusal to renew humanitarian protection

339G. A person's humanitarian protection granted under paragraph 339C will be revoked or not renewed if any of paragraphs 339GA to 339GB apply. A person's humanitarian protection granted under paragraph 339C may be revoked or not renewed if any of paragraphs 339GC to paragraph 339GD apply.

## Humanitarian protection ceases to apply

339GA. This paragraph applies where the Secretary of State is satisfied that the circumstances which led to the grant of humanitarian protection have ceased to exist or have changed to such a degree that such protection is no longer required.

In applying this paragraph the Secretary of State shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the person no longer faces a real risk of serious harm.

## Revocation of humanitarian protection on the grounds of exclusion

339GB. This paragraph applies where the Secretary of State is satisfied that:

- (i) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that they have committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (ii) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that they are guilty of acts contrary to the purposes and principles of the United Nations or have committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts; or
- (iii) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that they constitute a danger to the community or to the security of the United Kingdom;
- (iv) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that they have committed a serious crime; or

(v) the person granted humanitarian protection should have been or is excluded from humanitarian protection because prior to their admission to the United Kingdom the person committed a crime outside the scope of paragraph 339GB (i) and (iv) that would be punishable by imprisonment had it been committed in the United Kingdom and the person left their country of origin solely in order to avoid sanctions resulting from the crime.

339GC. DELETED

### Revocation of humanitarian protection on the basis of misrepresentation

339GD. This paragraph shall apply where the Secretary of State is satisfied that the person granted humanitarian protection misrepresented or omitted facts, including the use of false documents, which were decisive to the grant of humanitarian protection.

339H. When a person's humanitarian protection is revoked or not renewed any limited or indefinite leave which they have may be curtailed or cancelled.

### Consideration of applications

339HA. The Secretary of State shall ensure that the personnel examining applications for asylum and taking decisions on the Secretary of State's behalf have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law.

339I. When the Secretary of State considers a person's asylum claim, eligibility for a grant of humanitarian protection or human rights claim it is the duty of the person to submit to the Secretary of State as soon as possible all material factors needed to substantiate the asylum claim or establish that they are a person eligible for humanitarian protection or substantiate the human rights claim, which the Secretary of State shall assess in cooperation with the person.

The material factors include:

- (i) the person's statement on the reasons for making an asylum claim or on eligibility for a grant of humanitarian protection or for making a human rights claim;
- (ii) all documentation at the person's disposal regarding the person's age, background (including background details of relevant relatives), identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes; and
- (iii) identity and travel documents.

339IA. For the purposes of examining individual applications for asylum

- (i) information provided in support of an application and the fact that an application has been made shall not be disclosed to the alleged actor(s) of persecution of the applicant, and
- (ii) information shall not be obtained from the alleged actor(s) of persecution that would result in their being directly informed that an application for asylum has been made by the applicant in question and would jeopardise the physical integrity of the applicant and their dependants, or the liberty and security of their family members still living in the country of origin.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status in accordance with these Rules.

339J. The assessment by the Secretary of State of an asylum claim, eligibility for a grant of humanitarian protection or a human rights claim will be carried out on an individual, objective and impartial basis. This will include taking into account in particular:

- (i) all relevant facts as they relate to the country of origin or country of return at the time of taking a decision on the grant; including laws and regulations of the country of origin or country of return and the manner in which they are applied;
- (ii) relevant statements and documentation presented by the person including information on whether the person has been or may be subject to persecution or serious harm;

- (iii) the individual position and personal circumstances of the person, including factors such as background, gender and age, so as to assess whether, on the basis of the person's personal circumstances, the acts to which the person has been or could be exposed would amount to persecution or serious harm;
- (iv) whether the person's activities since leaving the country of origin or country of return were engaged in for the sole or main purpose of creating the necessary conditions for making an asylum claim or establishing that they are a person eligible for humanitarian protection or a human rights claim, so as to assess whether these activities will expose the person to persecution or serious harm if returned to that country; and
- (v) whether the person could reasonably be expected to avail themselves of the protection of another country where they could assert citizenship.

339JA. Reliable and up-to-date information shall be obtained from various sources as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited. Such information shall be made available to the personnel responsible for examining applications and taking decisions and may be provided to them in the form of a consolidated country information report.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status in accordance with these Rules.

339K. The fact that a person has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, will be regarded as a serious indication of the person's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

339L. It is the duty of the person to substantiate the asylum claim or establish that they are a person eligible for humanitarian protection or substantiate their human rights claim. Where aspects of the person's statements are not supported by documentary or other evidence, those aspects will not need confirmation when all of the following conditions are met:

- (i) the person has made a genuine effort to substantiate his asylum claim or establish that they are a person eligible for humanitarian protection or substantiate their human rights claim;
- (ii) all material factors at the person's disposal have been submitted, and a satisfactory explanation regarding any lack of other relevant material has been given;
- (iii) the person's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the person's case;
- (iv) the person has made an asylum claim or sought to establish that they are a person eligible for humanitarian protection or made a human rights claim at the earliest possible time, unless the person can demonstrate good reason for not having done so; and
- (v) the general credibility of the person has been established.

339M. The Secretary of State may consider that a person has not substantiated their asylum claim or established that they are a person eligible for humanitarian protection or substantiated their human rights claim, and thereby reject their application for asylum, determine that they are not eligible for humanitarian protection or reject their human rights claim, if they fail, without reasonable explanation, to make a prompt and full disclosure of material facts, either orally or in writing, or otherwise to assist the Secretary of State in establishing the facts of the case; this includes, for example, failure to report to a designated place to be fingerprinted, failure to complete an asylum questionnaire or failure to comply with a requirement to report to an immigration officer for examination.

339MA. Applications for asylum shall be neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible.

339N. In determining whether the general credibility of the person has been established the Secretary of State will apply the provisions in s.8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

## Personal interview



339NA. Before a decision is taken on the application for asylum, the applicant shall be given the opportunity of a personal interview on their application for asylum with a representative of the Secretary of State who is legally competent to conduct such an interview.

The personal interview may be omitted where:

- (i) the Secretary of State is able to take a positive decision on the basis of evidence available;
- (ii) the Secretary of State has already had a meeting with the applicant for the purpose of assisting them with completing their application and submitting the essential information regarding the application;
- (iii) the applicant, in submitting their application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether they are a refugee, as defined in regulation 2 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006;
- (iv) the applicant has made inconsistent, contradictory, improbable or insufficient representations which make their claim clearly unconvincing in relation to having been the object of persecution;
- (v) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to their particular circumstances or to the situation in their country of origin;
- (vi) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in their removal;
- (vii) it is not reasonably practicable, in particular where the Secretary of State is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond their control; or
- (viii) the applicant is an EU national whose claim the Secretary of State has nevertheless decided to consider substantively in accordance with paragraph 326F above.

The omission of a personal interview shall not prevent the Secretary of State from taking a decision on the application.

Where the personal interview is omitted, the applicant and dependants shall be given a reasonable opportunity to submit further information.

339NB. (i) The personal interview mentioned in paragraph 339NA above shall normally take place without the presence of the applicant's family members unless the Secretary of State considers it necessary for an appropriate examination to have other family members present.

(ii) The personal interview shall take place under conditions which ensure appropriate confidentiality.

339NC (i) A written report shall be made of every personal interview containing at least the essential information regarding the asylum application as presented by the applicant in accordance with paragraph 339I of these Rules.

(ii) The Secretary of State shall ensure that the applicant has timely access to the report of the personal interview and that access is possible as soon as necessary for allowing an appeal to be prepared and lodged in due time.

339ND The Secretary of State shall provide at public expense an interpreter for the purpose of allowing the applicant to submit their case, wherever necessary. The Secretary of State shall select an interpreter who can ensure appropriate communication between the applicant and the representative of the Secretary of State who conducts the interview.

339NE The Secretary of State may require an audio recording to be made of the personal interview referred to in paragraph 339NA. Where an audio recording is considered necessary for the processing of a claim for asylum, the Secretary of State shall inform the applicant in advance that the interview will be recorded.

## Internal relocation

339O (i) The Secretary of State will not make:

- (a) a grant of refugee status if in part of the country of origin a person would not have a well founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country;

or

(b) a grant of humanitarian protection if in part of the country of return a person would not face a real risk of suffering serious harm, and the person can reasonably be expected to stay in that part of the country.

(ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) the Secretary of State, when making a decision on whether to grant asylum or humanitarian protection, will have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.

(iii) (i) applies notwithstanding technical obstacles to return to the country of origin or country of return

## Sur place claims

339P. A person may have a well-founded fear of being persecuted or a real risk of suffering serious harm based on events which have taken place since the person left the country of origin or country of return and/or activities which have been engaged in by a person since they left the country of origin or country of return, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin or country of return.

## Residence Permits

339Q(i) The Secretary of State will issue to a person granted refugee status in the United Kingdom a residence permit as soon as possible after the grant of refugee status. The residence permit may be valid for five years and renewable, unless compelling reasons of national security or public order otherwise require or where there are reasonable grounds for considering that the applicant is a danger to the security of the United Kingdom or having been convicted by a final judgment of a particularly serious crime, the applicant constitutes a danger to the community of the United Kingdom or the person's character, conduct or associations otherwise require.

(ii) The Secretary of State will issue to a person granted humanitarian protection in the United Kingdom a residence permit as soon as possible after the grant of humanitarian protection. The residence permit may be valid for five years and renewable, unless compelling reasons of national security or public order otherwise require or where there are reasonable grounds for considering that the person granted humanitarian protection is a danger to the security of the United Kingdom or having been convicted by a final judgment of a serious crime, this person constitutes a danger to the community of the United Kingdom or the person's character, conduct or associations otherwise require.

(iii) The Secretary of State will issue a residence permit to a family member of a person granted refugee status or humanitarian protection where the family member does not qualify for such status. A residence permit may be granted for a period of five years. The residence permit is renewable on the terms set out in (i) and (ii) respectively. "Family member" for the purposes of this sub-paragraph refers only to those who are treated as dependants for the purposes of paragraph 349.

(iv) The Secretary of State may revoke or refuse to renew a person's residence permit where their grant of refugee status or humanitarian protection is revoked under the provisions in the immigration rules.

## Requirements for indefinite leave to remain for persons granted refugee status or humanitarian protection

339R. The requirements for indefinite leave to remain for a person granted refugee status or humanitarian protection, or their dependants granted refugee status or humanitarian protection in line with the main applicant or any dependant granted leave to enter or remain in accordance with the requirements of paragraphs 352A to 352FJ of these Rules (Family Reunion), are that:

- (i) the applicant has held a residence permit issued under paragraph 339Q for a continuous period of five years in the UK; and
- (ii) the applicant's residence permit has not been revoked or not renewed under paragraphs 339A or 339G of the immigration rules; and
- (iii) the applicant has not:
  - a. been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or
  - b. been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or
  - c. been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or
  - d. within the 24 months prior to the date on which the application has been decided, been convicted of or admitted an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
  - e. in the view of the Secretary of State caused serious harm by their offending or persistently offended and shown a particular disregard for the law; *or*

f. in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

## Indefinite leave to remain for a person granted refugee status or humanitarian protection

339S. Indefinite leave to remain for a person granted refugee status or humanitarian protection will be granted where each of the requirements in paragraph 339R is met.

## Refusal of indefinite leave to remain for a person granted refugee status or humanitarian protection

339T. (i) Indefinite leave to remain for a person granted refugee status or humanitarian protection is to be refused if any of the requirements of paragraph 339R is not met.

(ii) An applicant refused indefinite leave to remain under paragraph 339T(i) may apply to have their residence permit extended in accordance with paragraph 339Q to 339QD.

## Consideration of asylum applications and human rights claims

340. DELETED

341. DELETED

342. DELETED

343. DELETED

344. DELETED

## Travel documents

344A(i). After having received a complete application for a travel document, the Secretary of State will issue to a person granted refugee status in the United Kingdom and their family members travel documents, in the form set out in the Schedule to the Refugee Convention, for the purpose of travel outside the United Kingdom, unless compelling reasons of national security or public order otherwise require.

(ii) After having received a complete application for a travel document, the Secretary of State will issue to a person granted humanitarian protection in the United Kingdom and their family members a travel document where that person is unable to obtain a national passport or other identity documents which enable that person to travel, unless compelling reasons of national security or public order otherwise require.

(iii) Where the person referred to in (ii) can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document where that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are serious humanitarian reasons for travel.

(iv) For the purposes of paragraph 344A, a ‘family member’ refers only to a person who has been treated as a dependant under paragraph 349 of these Rules or a person who has been granted leave to enter or remain in accordance with paragraphs 352A-352FJ of these Rules.

## Access to Employment

344B. The Secretary of State will not impose conditions restricting the employment or occupation in the United Kingdom of a person granted refugee status or humanitarian protection.

## Information

344C. A person who is granted refugee status or humanitarian protection will be provided with access to information in a language that they may reasonably be supposed to understand which sets out the rights and obligations relating to that status. The Secretary of State will provide the information as soon as possible after the grant of refugee status or humanitarian protection.

## Third country cases

345. DELETED

345(2A). DELETED

## Inadmissibility of non-EU applications for asylum

- 345A. An asylum application may be treated as inadmissible and not substantively considered if the Secretary of State determines that:
- (i) the applicant has been recognised as a refugee in a safe third country and they can still avail themselves of that protection; or
  - (ii) the applicant otherwise enjoys sufficient protection in a safe third country, including benefiting from the principle of non-refoulement; or
  - (iii) the applicant could enjoy sufficient protection in a safe third country, including benefiting from the principle of non-refoulement because:
    - (a) they have already made an application for protection to that country; or
    - (b) they could have made an application for protection to that country but did not do so and there were no exceptional circumstances preventing such an application being made, or
    - (c) they have a connection to that country, such that it would be reasonable for them to go there to obtain protection.

## Safe Third Country of Asylum

345B. A country is a safe third country for a particular applicant, if:

- (i) the applicant's life and liberty will not be threatened on account of race, religion, nationality, membership of a particular social group or political opinion in that country;
- (ii) the principle of non-refoulement will be respected in that country in accordance with the Refugee Convention;
- (iii) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected in that country; and
- (iv) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Refugee Convention in that country."

345C. When an application is treated as inadmissible, the Secretary of State will attempt to remove the applicant to the safe third country in which they were previously present or to which they have a connection, or to any other safe third country which may agree to their entry.”

### Exceptions for admission of inadmissible claims to UK asylum process

345D. When an application has been treated as inadmissible and either

- (i) removal to a safe third country within a reasonable period of time is unlikely; or
- (ii) upon consideration of a claimant’s particular circumstances the Secretary of State determines that removal to a safe third country is inappropriate

the Secretary of State will admit the applicant for consideration of the claim in the UK.

### Dublin Transfers

345E. DELETED.

### Previously rejected applications

346. DELETED

347. DELETED

### Rights of appeal

348. DELETED

### Dependants

349. A spouse, civil partner, unmarried partner, or minor child accompanying a principal applicant may be included in the application for asylum as a dependant, provided, in the case of an adult dependant with legal capacity, the dependant consents to being treated as such at the time the application is lodged. A spouse, civil partner, unmarried partner or minor child may also claim asylum in their own



right. If the principal applicant is granted refugee status or humanitarian protection and leave to enter or remain any spouse, civil partner, unmarried partner or minor child will be granted leave to enter or remain for the same duration. The case of any dependant who claims asylum in their own right will be also considered individually in accordance with paragraph 334 above. An applicant under this paragraph, including an accompanied child, may be interviewed where they make a claim as a dependant or in their own right. If the spouse, civil partner, unmarried partner, or minor child in question has a claim in their own right, that claim should be made at the earliest opportunity. Any failure to do so will be taken into account and may damage credibility if no reasonable explanation for it is given. Where an asylum or humanitarian protection application is unsuccessful, at the same time that asylum or humanitarian protection is refused the applicant may be notified of removal directions or served with a notice of the Secretary of State's intention to deport them, as appropriate. In this paragraph and paragraphs 350-352 a child means a person who is under 18 years of age or who, in the absence of documentary evidence establishing age, appears to be under that age. An unmarried partner for the purposes of this paragraph, is a person who has been living together with the principal applicant in a subsisting relationship akin to marriage or a civil partnership for two years or more.

## Unaccompanied children

350. Unaccompanied children may also apply for asylum and, in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases.

351. A person of any age may qualify for refugee status under the Convention and the criteria in paragraph 334 apply to all cases. However, account should be taken of the applicant's maturity and in assessing the claim of a child more weight should be given to objective indications of risk than to the child's state of mind and understanding of their situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand their situation or to have formed a well founded fear of persecution. Close attention should be given to the welfare of the child at all times.

352. Any child over the age of 12 who has claimed asylum in their own right shall be interviewed about the substance of their claim unless the child is unfit or unable to be interviewed. When an interview takes place it shall be conducted in the presence of a parent, guardian, representative or another adult independent of the Secretary of State who has responsibility for the child. The interviewer shall have specialist training in the interviewing of children and have particular regard to the possibility that a child will feel inhibited or alarmed. The child shall be allowed to express themselves in their own way and at their own speed. If they appear tired or distressed, the interview will be suspended. The interviewer should then consider whether it would be appropriate for the interview to be resumed the same day or on another day.

352ZA. The Secretary of State shall as soon as possible after an unaccompanied child makes an application for asylum take measures to ensure that a representative represents and/or assists the unaccompanied child with respect to the examination of the application and ensure that the representative is given the opportunity to inform the unaccompanied child about the meaning and possible consequences of the interview and, where appropriate, how to prepare themselves for the interview. The representative shall have the right to be present at the interview and ask questions and make comments in the interview, within the framework set by the interviewer.

352ZB. The decision on the application for asylum shall be taken by a person who is trained to deal with asylum claims from children.

### Requirements for limited leave to remain as an unaccompanied asylum seeking child.

352ZC The requirements to be met in order for a grant of limited leave to remain to be made in relation to an unaccompanied asylum seeking child under paragraph 352ZE are:

- a) the applicant is an unaccompanied asylum seeking child under the age of 17 ½ years throughout the duration of leave to be granted in this capacity;
- b) the applicant must have applied for asylum and been granted neither refugee status nor Humanitarian Protection;
- c) there are no adequate reception arrangements in the country to which they would be returned if leave to remain was not granted;
- d) the applicant must not be excluded from being a refugee under Regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 or excluded from a grant of Humanitarian Protection under paragraph 339D or both;
- e) there are no reasonable grounds for regarding the applicant as a danger to the security of the United Kingdom;
- f) the applicant has not been convicted by a final judgment of a particularly serious crime, and the applicant does not constitute a danger to the community of the United Kingdom; and
- g) the applicant is not, at the date of their application, the subject of a deportation order or a decision to make a deportation order.

352ZD An unaccompanied asylum seeking child is a person who:

- a) is under 18 years of age when the asylum application is submitted.
- b) is applying for asylum in their own right; and
- c) is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

352ZE. Limited leave to remain should be granted for a period of 30 months or until the child is 17 ½ years of age whichever is shorter, provided that the Secretary of State is satisfied that the requirements in paragraph 352ZC are met.

352ZF. Limited leave granted under this provision will cease if

- a) any one or more of the requirements listed in paragraph 352ZC cease to be met, or
- b) a misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of leave under 352ZE.

### **Section 67 of the Immigration Act 2016 leave**

352ZG. Paragraphs 352ZH to 352ZS only apply where a person has been transferred to the United Kingdom under Section 67 of the Immigration Act 2016.

### **Grant of Section 67 of the Immigration Act 2016 leave**

352ZH. The person described in paragraph 352ZG will be granted Section 67 of the Immigration Act 2016 leave to remain in the United Kingdom (“Section 67 leave”) if the Secretary of State is satisfied that:

- (i) the person is not excluded from being a refugee under regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;

- (ii) where the person has made an application for refugee status or humanitarian protection, that application has been refused;
- (iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;
- (iv) the person has not been convicted by a final judgment of a particularly serious crime, and does not constitute a danger to the community of the United Kingdom; and
- (v) must not fall for refusal under paragraphs 9.2.1 (c), 9.3.1, 9.4.1, 9.4.3, 9.5.1, 9.7.1, 9.7.2, 9.8.1. to 9.8.4, 9.9.1, 9.11.1, 9.12.1 or 9.13.1 of Part 9 Grounds for refusal.

352ZHA. For persons arriving in the United Kingdom after 1 October 2019, the grant of Section 67 leave will be made upon their arrival in the United Kingdom.

### **Residence Permits**

352ZI. The Secretary of State will issue to a person granted Section 67 leave a residence permit as soon as possible after the grant of Section 67 leave. The residence permit will be valid for five years.

352ZJ. The Secretary of State will issue a residence permit to a dependant of a person granted Section 67 leave in accordance with paragraph 352ZO.

352ZK. The Secretary of State may revoke a person's residence permit where their grant of Section 67 leave is revoked under the provisions in these Rules.

### **Requirements for indefinite leave to remain for a person granted Section 67 leave**

352ZL. A person may apply for indefinite leave to remain under paragraph 352ZN where:

- (i) they have been granted Section 67 leave; or
- (ii) they transferred to the UK under Section 67 of the Immigration Act 2016 and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review.

352ZM. The requirements for indefinite leave to remain for a person described in paragraph 352ZL are that:

- (i) each of the requirements of paragraph 352ZH continue to be met;
- (ii) the person has held a residence permit issued under paragraph 352ZI, 352ZJ or 339Q for a continuous period of five years in the UK;
- (iii) the person's residence permit has not been revoked; and
- (iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

### **Indefinite leave to remain for a person granted Section 67 leave**

352ZN. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352ZL where each of the requirements in paragraph 352ZM is met.

### **Dependants of a person transferred to the UK under Section 67 of the Immigration Act 2016**

352ZO. The dependent child of a person granted leave to remain under paragraph 352ZH or 352ZN, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352ZH (except for (ii)); and 352ZM (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

### **Curtailed and Revocation of Section 67 leave**

352ZP. A person's grant of leave under paragraph 352ZH or 352ZN may be curtailed or revoked if any of the grounds in paragraph 9.3.2, 9.4.2 (b), 9.4.2(c), 9.4.5, 9.7.3, 9.8.8 and 9.9.2 of Part 9 Grounds for refusal apply.

352ZQ. Any curtailment or revocation of a person's leave under paragraph 352ZP shall also apply to any leave in line granted to a dependent child of that person.

### **Travel documents**

352ZR. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Section 67 leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to travel.

352ZS. Where the person referred to in paragraph 352ZR can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.

### **Family Reunion Requirements for leave to enter or remain as the partner of a refugee**

352A. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the partner of a person granted refugee status are that:

- (i) the applicant is the partner of a person who currently has refugee status granted under the Immigration Rules in the United Kingdom; and
- (ii) the marriage or civil partnership did not take place after the person granted refugee status left the country of their former habitual residence in order to seek asylum or the parties have been living together in a relationship akin to marriage or a civil partnership which has subsisted for two years or more before the person granted refugee status left the country of their former habitual residence in order to seek asylum; and
- (iii) the relationship existed before the person granted refugee status left the country of their former habitual residence in order to seek asylum; and
- (iv) the applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these Rules or Article 1F of the Refugee Convention if they were to seek asylum in their own right; and
- (v) each of the parties intends to live permanently with the other as their partner and the relationship is genuine subsisting;
- (vi) the applicant and their partner must not be within the prohibited degree of relationship; and
- (vii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352AA. DELETED

### **Granting family reunion to the partner of a refugee**

352B. Limited leave to enter the United Kingdom as the partner of a person who currently has refugee status may be granted provided on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the partner of a person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352A (i) to (vi) are met.

352BA Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person who currently has refugee status may be granted provided on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the unmarried or same sex partner of a person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352AA (i) - (vii) are met.

### **Refusing family reunion to the partner of a refugee**

352C. Limited leave to enter the United Kingdom as the partner of a person who currently has refugee status is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain as the partner of a person who currently has refugee status is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352A (i) to (vi) are met.

352CA. DELETED

### **Requirements for leave to enter or remain as the child of a refugee**

352D. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with the parent who currently has refugee status are that the applicant:

- (i) is the child of a parent who currently has refugee status granted under the immigration rules in the United Kingdom; and
- (ii) is under the age of 18; and

- (iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) was part of the family unit of the person granted asylum at the time that the person granted asylum left the country of their habitual residence in order to seek asylum; and
- (v) the applicant would not be excluded from protection by virtue of paragraph 334(iii) or (iv) of these Rules or Article 1F of the Refugee Convention if they were to seek asylum in their own right; and
- (vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

#### **Granting family reunion to the child of a refugee**

352E. Limited leave to enter the United Kingdom as the child of a person who currently has refugee status may be granted provided, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the child of a person who currently has refugee status may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352D (i) - (v) are met.

#### **Refusing family reunion to the child of a refugee**

352F. Limited leave to enter the United Kingdom as the child of a person who currently has refugee status is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain as the child of a person who currently has refugee status is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352D (i) to (v) are met.

#### **Requirements for leave to enter or remain as the partner of a person with humanitarian protection**

352FA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the partner of a person who currently has humanitarian protection and was granted that status on or after 30 August 2005 are that:

- (i) the applicant is the partner of a person who currently has humanitarian protection granted under the Immigration Rules in the United Kingdom and was granted that status on or after 30 August 2005; and



- (ii) the marriage or civil partnership did not take place after the person granted humanitarian protection left the country of their former habitual residence in order to seek asylum in the United Kingdom or the parties have been living together in a relationship akin to marriage or a civil partnership which has subsisted for two years or more before the person granted humanitarian protection left the country of their former habitual residence in order to seek asylum; and
- (iii) the relationship existed before the person granted humanitarian protection left the country of their former habitual residence in order to seek asylum; and
- (iv) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and
- (v) each of the parties intends to live permanently with the other as their partner and the relationship is genuine and subsisting;
- (vi) the applicant and their partner must not be within the prohibited degree of relationship; and
- (vii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

#### **Granting family reunion to the partner of a person with humanitarian protection**

352FB. Limited leave to enter the United Kingdom as the spouse or civil partner of a person who currently has humanitarian protection may be granted provided, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the spouse or civil partner of a person who currently has humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FA(i) to (iv) are met.

#### **Refusing family reunion to the partner of a person with humanitarian protection**

352FC. Limited leave to enter the United Kingdom as the partner of a person who currently has humanitarian protection is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain as the partner of a person who currently has humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FA (i) to (vi) are met.

352FD. DELETED

352FE. DELETED

352FF. DELETED

### **Requirements for leave to enter or remain as the child of a person with humanitarian protection**

352FG. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom in order to join or remain with their parent who currently has humanitarian protection and was granted that status on or after 30 August 2005 are that the applicant:

- (i) is the child of a parent who currently has humanitarian protection and was granted that status on or after 30 August 2005 under the Immigration Rules in the United Kingdom; and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried or is not in a civil partnership, and has not formed an independent family unit; and
- (iv) was part of the family unit of the person granted humanitarian protection at the time that the person granted humanitarian protection left the country of their habitual residence in order to seek asylum in the United Kingdom; and
- (v) would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and
- (vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

### **Granting family reunion to the child of a person with humanitarian protection**

352FH. Limited leave to enter the United Kingdom as the child of a person who currently has humanitarian protection may be granted provided on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the child of a person who currently has humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FG (i) to (v) are met.

### **Refusing family reunion to the child of a person with humanitarian protection**

352FI. Limited leave to enter the United Kingdom as the child of a person who currently has humanitarian protection is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain as the child of a person who currently has humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FG (i) -(v) are met.

### **Refusing family reunion where the sponsor is a British Citizen**

352FJ. Nothing in paragraphs 352A to 352FI shall allow a person to be granted leave to enter or remain in the United Kingdom as the partner or child of a person who has been granted refugee status, or granted humanitarian protection under the immigration rules in the United Kingdom on or after 30 August 2005, if the person granted refugee status or granted humanitarian protection, is a British Citizen.

### **Interpretation**

352G. For the purposes of this Part:

- (a) DELETED
- (b) "Country of return" means a country or territory listed in paragraph 8(c) of Schedule 2 of the Immigration Act 1971;
- (c) "Country of origin" means the country or countries of nationality or, for a stateless person, or former habitual residence.
- (d) "Partner" means the applicant's spouse, civil partner, or a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application;
- (e) "Dublin Regulation" means Regulation (EU) No. 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

### **Restriction on study**

352H. Where a person is granted leave in accordance with the provisions set out in Part 11 of the Immigration Rules that leave will, in addition to any other conditions which may apply, be granted subject to the condition in Appendix ATAS of these Rules.

### **Calais leave to remain in the United Kingdom**

352I. Paragraphs 352I to 352X only apply to a person who was transferred to the United Kingdom:

- (i) from 17 October 2016 to 13 July 2017 inclusive; and
- (ii) in connection with the clearing of the Calais migrant camp; and
- (iii) for the purpose of being reunited with family in the United Kingdom,

and either:

- (a) as part of the expedited process operated by the Secretary of State;
- (b) pursuant to an order of the Tribunal; or
- (c) under the Dublin III Regulation.

### **Grant of Calais leave**

352J. The person described in paragraph 325I will be granted Calais leave to remain in the United Kingdom (“Calais leave”) for a period of five years if the Secretary of State is satisfied that:

- (i) the person is not excluded from being a refugee under regulation 7 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 or excluded from a grant of humanitarian protection under paragraph 339D of these Rules;
- (ii) the person’s application for refugee status or humanitarian protection has been refused;
- (iii) there are no reasonable grounds for regarding the person as a danger to the security of the United Kingdom;
- (iv) the person has not been convicted by a final judgment of a particularly serious crime, and does not constitute a danger to the community of the United Kingdom; and

(v) must not fall for refusal under paragraphs 9.2.1 (c), 9.3.1, 9.4.1, 9.4.3, 9.5.1, 9.7.1, 9.7.2, 9.8.1 to 9.8.4, 9.9.1, 9.11.1, 9.12.1 or 9.13.1 of Part 9: grounds for refusal.

352K. At the end of the five-year period, if each of the requirements of paragraph 352J continue to be met, the person will be granted Calais leave for a further period of five years.

### **Persons previously granted a form of protection**

352L. Where a person was transferred to the UK in accordance with paragraph 352I and, having been granted refugee status or humanitarian protection, that person has had their status ended or refused under either paragraph 339A or paragraph 339G of the Immigration Rules following a review, that person will be entitled to a grant of Calais leave providing that the requirements of paragraph 352J (except sub-paragraph (ii)) are met.

### **Residence Permits**

352M. The Secretary of State will issue to a person granted Calais leave a residence permit as soon as possible after the grant of Calais leave. The residence permit will be valid for five years.

352N. The Secretary of State will issue a residence permit to a dependant of a person granted Calais leave in accordance with paragraph 352T.

352O. The Secretary of State may revoke or refuse to renew a person's residence permit where their grant of Calais leave is revoked under the provisions in these Rules.

352P. At the end of the five-year period, if the person's Calais leave has been renewed, they will be issued with another residence permit, valid for a further period of five years.

### **Requirements for indefinite leave to remain for a person granted Calais leave**

352Q. A person may apply for indefinite leave to remain under paragraph 352S where:

(i) they have been granted Calais leave for a continuous period of ten years; or

(ii) having been granted Calais leave under paragraph 352L, they have been granted leave to remain in the UK for a continuous period of ten years.

352R. The requirements for indefinite leave to remain for a person described in paragraph 352Q are that:

(i) each of the requirements of paragraph 352J continue to be met;

(ii) the person has held residence permits issued under paragraph 352M, 352N or 352P, and, in the case of a person to whom paragraph 352L applies, paragraph 339Q(i)-(iii), for a continuous period of ten years in the UK;

(iii) the person's residence permit has not been revoked; and (iv) the person has not in the view of the Secretary of State, at the date on which the application has been decided, demonstrated the undesirability of granting settlement in the United Kingdom in light of his or her conduct (including convictions which do not fall within paragraphs 339R(iii)(a-e)), character or associations or the fact that he or she represents a threat to national security.

### **Indefinite leave to remain for a person granted Calais leave**

352S. Indefinite leave to remain will, on application, be granted to a person described in paragraph 352Q where each of the requirements in paragraph 352R is met.

### **Dependants of a person granted Calais leave**

352T. The dependent child of a person granted leave to remain under paragraph 352J or 352S, will be granted leave to enter or remain for the same duration as that person ("leave in line") provided that the requirements of paragraph 352J (except for (ii)); and 352R (iv) are met. For the purposes of this paragraph, a dependent child means a child who is under 18 years of age and for whom the person has parental responsibility.

### **Curtailment and Revocation of Calais leave**

352U. A person's grant of leave under paragraph 352J or 352S may be curtailed or revoked if any of the grounds in paragraph 9.3.2, 9.4.2 (b), 9.4.2(c), 9.4.5, 9.7.3, 9.8.8. and 9.9.2. of Part 9 Grounds for refusal apply.

352V. Any curtailment or revocation of a person's leave under paragraph 352U shall also apply to any leave in line granted to a dependent child of that person.

### **Travel documents**

352W. Following receipt of a completed application for a travel document, the Secretary of State will issue to a person granted Calais leave, unless compelling reasons of national security or public order otherwise require, a travel document if that person can demonstrate they are unable to obtain a national passport or other identity documents which enable that person to travel.

352X. Where the person referred to in paragraph 352W can obtain a national passport or identity documents but has not done so, the Secretary of State will issue that person with a travel document if that person can show that they have made reasonable attempts to obtain a national passport or identity document and there are compelling reasons for travel.

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# Immigration Rules

## Part 11A

### Temporary Protection

#### Definition of Temporary Protection Directive

354. For the purposes of paragraphs 355 to 356B, "Temporary Protection Directive" means Council Directive 2001/55/EC of 20 July 2001 regarding the giving of temporary protection by Member States in the event of a mass influx of displaced persons.

#### Grant of temporary protection

355. An applicant for temporary protection will be granted temporary protection if the Secretary of State is satisfied that:

- (i) the applicant is in the United Kingdom or has arrived at a port of entry in the United Kingdom; and
- (ii) the applicant is a person entitled to temporary protection as defined by, and in accordance with, the Temporary Protection Directive; and
- (iii) the applicant does not hold an extant grant of temporary protection entitling him to reside in another Member State of the European Union. This requirement is subject to the provisions relating to dependants set out in paragraphs 356 to 356B and to any agreement to the contrary with the Member State in question; and
- (iv) the applicant is not excluded from temporary protection under the provisions in paragraph 355A.



355A. An applicant or a dependant may be excluded from temporary protection if:

(i) there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside the United Kingdom prior to his application for temporary protection; or

(c) he has committed acts contrary to the purposes and principles of the United Nations, or

(ii) there are reasonable grounds for regarding the applicant as a danger to the security of the United Kingdom or, having been convicted by a final judgment of a particularly serious crime, to be a danger to the community of the United Kingdom.

Consideration under this paragraph shall be based solely on the personal conduct of the applicant concerned. Exclusion decisions or measures shall be based on the principle of proportionality.

355B. If temporary protection is granted to a person who has been given leave to enter or remain (whether or not the leave has expired) or to a person who has entered without leave, the Secretary of State will vary the existing leave or grant limited leave to remain.

355C. A person to whom temporary protection is granted will be granted limited leave to enter or remain, which is not to be subject to a condition prohibiting employment, for a period not exceeding 12 months. On the expiry of this period, he will be entitled to apply for an extension of this limited leave for successive periods of 6 months thereafter.

355D. A person to whom temporary protection is granted will be permitted to return to the United Kingdom from another Member State of the European Union during the period of a mass influx of displaced persons as established by the Council of the European Union pursuant to Article 5 of the Temporary Protection Directive.

355E. A person to whom temporary protection is granted will be provided with a document in a language likely to be understood by him in which the provisions relating to temporary protection and which are relevant to him are set out. A person with temporary protection will also be provided with a document setting out his temporary protection status.

355F. The Secretary of State will establish and maintain a register of those granted temporary protection. The register will record the name, nationality, date and place of birth and marital status of those granted temporary protection and their family relationship to any other person who has been granted temporary protection.

355G. If a person who makes an asylum application is also eligible for temporary protection, the Secretary of State may decide not to consider the asylum application until the applicant ceases to be entitled to temporary protection.

## Dependants

356. In this part:

"dependant" means a family member or a close relative.

"family member" means:

- (i) the spouse or civil partner of an applicant for, or a person who has been granted, temporary protection; or
- (ii) the unmarried or same-sex partner of an applicant for, or a person who has been granted, temporary protection where the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; or
- (iii) the minor child (who is unmarried and not a civil partner); of an applicant for, or a person who has been granted, temporary protection or his spouse,

who lived with the principal applicant as part of the family unit in the country of origin immediately prior to the mass influx.

"close relative" means:

- (i) the adult child (who is unmarried and not a civil partner), parent or grandparent of an applicant for, or person who has been granted, temporary protection; or

(ii) sibling (who is unmarried and not a civil partner or the uncle or aunt of an applicant for, or person who has been granted, temporary protection, who lived with the principal applicant as part of the family unit in the country of origin immediately prior to the mass influx and was wholly or mainly dependent upon the principal applicant at that time, and would face extreme hardship if reunification with the principal applicant did not take place.

356A. A dependant may apply for temporary protection. Where the dependant falls within paragraph 356 and does not fall to be excluded under paragraph 355A, he will be granted temporary protection for the same duration and under the same conditions as the principal applicant.

356B. When considering any application by a dependant child, the Secretary of State shall take into consideration the best interests of that child.

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# Immigration Rules

## Part 11B

### Asylum

#### Reception Conditions for non-EU asylum applicants

357. Part 11B only applies to asylum applicants (within the meaning of these Rules) who are not nationals of a member State.

#### Information to be provided to asylum applicants

357A. The Secretary of State shall inform asylum applicants in a language they may reasonably be supposed to understand and within a reasonable time after their claim for asylum has been recorded of the procedure to be followed, their rights and obligations during the procedure, and the possible consequences of non-compliance and non-co-operation. They shall be informed of the likely timeframe for consideration of the application and the means at their disposal for submitting all relevant information.

358. The Secretary of State shall inform asylum applicants within a reasonable time not exceeding fifteen days after their claim for asylum has been recorded of the benefits and services that they may be eligible to receive and of the rules and procedures with which they must comply relating to them. The Secretary of State shall also provide information on non-governmental organisations and persons that provide legal assistance to asylum applicants and which may be able to help asylum applicants or provide information on available benefits and services.

358A The Secretary of State shall ensure that the information referred to in paragraph 358 is available in writing and, to the extent possible, will provide the information in a language that asylum applicants may reasonably be supposed to understand. Where appropriate, the Secretary of State may also arrange for this information to be supplied orally.

## Information to be provided by asylum applicants

358B An asylum applicant must notify the Secretary of State of his current address and of any change to his address or residential status. If not notified beforehand, any change must be notified to the Secretary of State without delay after it occurs.

The United Nations High Commissioner for Refugees

358C. A representative of the United Nations High Commissioner for Refugees (UNHCR) or an organisation working in the United Kingdom on behalf of the UNHCR pursuant to an agreement with the government shall:

- (a) have access to applicants for asylum, including those in detention;
- (b) have access to information on individual applications for asylum, on the course of the procedure and on the decisions taken on applications for asylum, provided that the applicant for asylum agrees thereto;
- (c) be entitled to present his views, in the exercise of his supervisory responsibilities under Article 35 of the Geneva Convention, to the Secretary of State regarding individual applications for asylum at any stage of the procedure.

This paragraph shall also apply where the Secretary of State is considering revoking a person's refugee status in accordance with these Rules.

## Documentation

359 The Secretary of State shall ensure that, within three working days of recording an asylum application, a document is made available to that asylum applicant, issued in his own name, certifying his status as an asylum applicant or testifying that he is allowed to remain in the United Kingdom while his asylum application is pending. For the avoidance of doubt, in cases where the Secretary of State declines to examine an application it will no longer be pending for the purposes of this rule.

359A The obligation in paragraph 359 above shall not apply where the asylum applicant is detained under the Immigration Acts, the Immigration and Asylum Act 1999 or the Nationality, Immigration and Asylum Act 2002.

359B A document issued to an asylum applicant under paragraph 359 does not constitute evidence of the asylum applicant's identity.

359C In specific cases the Secretary of State or an Immigration Officer may provide an asylum applicant with evidence equivalent to that provided under rule 359. This might be, for example, in circumstances in which it is only possible or desirable to issue a time-limited document.

## Right to request permission to take up employment

360 An asylum applicant may apply to the Secretary of State for permission to take up employment if a decision at first instance has not been taken on the applicant's asylum application within one year of the date on which it was recorded. The Secretary of State shall only consider such an application if, in the Secretary of State's opinion, any delay in reaching a decision at first instance cannot be attributed to the applicant.

360A If permission to take up employment is granted under paragraph 360, that permission will be subject to the following restrictions:

- (i) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included on the list of shortage occupations published by the United Kingdom Border Agency (as that list is amended from time to time);
- (ii) no work in a self-employed capacity; and

(iii) no engagement in setting up a business.

360B If an asylum applicant is granted permission to take up employment under paragraph 360 this shall only be until such time as his asylum application has been finally determined.

360C Where an individual makes further submissions which raise asylum grounds and which fall to be considered under paragraph 353 of these Rules, that individual may apply to the Secretary of State for permission to take up employment if a decision pursuant to paragraph 353 of these Rules has not been taken on the further submissions within one year of the date on which they were recorded. The Secretary of State shall only consider such an application if, in the Secretary of State's opinion, any delay in reaching a decision pursuant to paragraph 353 of these Rules cannot be attributed to the individual.

360D If permission to take up employment is granted under paragraph 360C, that permission will be subject to the following restrictions:

- (i) employment may only be taken up in a post which is, at the time an offer of employment is accepted, included on the list of shortage occupations published by the United Kingdom Border Agency (as that list is amended from time to time);
- (ii) no work in a self-employed capacity; and
- (iii) no engagement in setting up a business.

360E Where permission to take up employment is granted pursuant to paragraph 360C, this shall only be until such time as:

- (i) a decision has been taken pursuant to paragraph 353 that the further submissions do not amount to a fresh claim; or
- (ii) where the further submissions are considered to amount to a fresh claim for asylum pursuant to paragraph 353, all rights of appeal from the immigration decision made in consequence of the rejection of the further submissions have been exhausted.

## Interpretation

361 For the purposes of this Part -

- (a) 'working day' means any day other than a Saturday or Sunday, a bank holiday, Christmas day or Good Friday;
- (b) 'member State' has the same meaning as in Schedule 1 to the European Communities Act 1972.

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# Immigration Rules

## Part 12

Procedure and rights of appeal

### Fresh Claims

353. When a human rights or protection claim has been refused or withdrawn or treated as withdrawn under paragraph 333C of these Rules and any appeal relating to that claim is no longer pending, the decision maker will consider any further submissions and, if rejected, will then determine whether they amount to a fresh claim. The submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will only be significantly different if the content:

- (i) had not already been considered; and
- (ii) taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection.

This paragraph does not apply to claims made overseas.

353A. Consideration of further submissions shall be subject to the procedures set out in these Rules. An applicant who has made further submissions shall not be removed before the Secretary of State has considered the submissions under paragraph 353 or otherwise.

### Exceptional Circumstances

353B. Where further submissions have been made and the decision maker has established whether or not they amount to a fresh claim under paragraph 353 of these Rules, or in cases with no outstanding further submissions whose appeal rights have been exhausted and which are subject to a review, the decision maker will also have regard to the migrant's:

- (i) character, conduct and associations including any criminal record and the nature of any offence of which the migrant concerned has been convicted;
- (ii) compliance with any conditions attached to any previous grant of leave to enter or remain and compliance with any conditions of temporary admission or immigration bail where applicable;
- (iii) length of time spent in the United Kingdom spent for reasons beyond the migrant's control after the human rights or asylum claim has been submitted or refused;

in deciding whether there are exceptional circumstances which mean that removal from the United Kingdom is no longer appropriate.

This paragraph does not apply to submissions made overseas.

This paragraph does not apply where the person is liable to deportation.

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# Immigration Rules

## Part 13

### Deportation

#### A deportation order

A362. Where Article 8 is raised in the context of deportation under Part 13 of these Rules, the claim under Article 8 will only succeed where the requirements of these rules as at 28 July 2014 are met, regardless of when the notice of intention to deport or the deportation order, as appropriate, was served.

362. A deportation order requires the subject to leave the United Kingdom and authorises his detention until he is removed. It also prohibits him from re-entering the country for as long as it is in force and invalidates any leave to enter or remain in the United Kingdom given him before the Order is made or while it is in force.

363. The circumstances in which a person is liable to deportation include:

- (i) where the Secretary of State deems the person's deportation to be conducive to the public good;
- (ii) where the person is the spouse or civil partner or child under 18 of a person ordered to be deported; and
- (iii) where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.

363A. Prior to 2 October 2000, a person would have been liable to deportation in certain circumstances in which he is now liable to administrative removal. However, such a person remains liable to deportation, rather than administrative removal where:

- (i) a decision to make a deportation order against him was taken before 2 October 2000; or
- (ii) the person has made a valid application under the Immigration (Regularisation Period for Overstayers) Regulations 2000.

## Deportation of family members

364. DELETED

364A. DELETED

365. Section 5 of the Immigration Act 1971 gives the Secretary of State power in certain circumstances to make a deportation order against the spouse, civil partner or child of a person against whom a deportation order has been made. The Secretary of State will not normally decide to deport the spouse or civil partner of a deportee under section 5 of the Immigration Act 1971 where:

- (i) he has qualified for settlement in his own right; or
- (ii) he has been living apart from the deportee.

366. The Secretary of State will not normally decide to deport the child of a deportee “under section 5 of the Immigration Act 1971 where:

- (i) he and his mother or father are living apart from the deportee; or
- (ii) he has left home and established himself on an independent basis; or
- (iii) he married or formed a civil partnership before deportation came into prospect.

367. DELETED

368. DELETED

## Right of appeal against destination

369. DELETED

## Restricted right of appeal against deportation in cases of breach of limited leave

370. DELETED

## Exemption to the restricted right of appeal

371. DELETED

372. DELETED

## A deportation order made on the recommendation of a Court

373. DELETED

## Where deportation is deemed to be conducive to the public good

374. DELETED

375. DELETED

## Hearing of appeals

376. DELETED

377. DELETED

378. DELETED

## Persons who have claimed asylum

379. DELETED

379A. DELETED

380. DELETED

## Procedure

381. When a decision to make a deportation order has been taken (otherwise than on the recommendation of a court) a notice will be given to the person concerned informing him of the decision.

382. Following the issue of such a notice the Secretary of State may authorise detention or make an order restricting a person as to residence, employment or occupation and requiring him to report to the police, pending the making of a deportation order.

383. DELETED

384. DELETED

### Arrangements for removal

385. A person against whom a deportation order has been made will normally be removed from the United Kingdom. The power is to be exercised so as to secure the person's return to the country of which he is a national, or which has most recently provided him with a travel document, unless he can show that another country will receive him. In considering any departure from the normal arrangements, regard will be had to the public interest generally, and to any additional expense that may fall on public funds.

386. DELETED

### Supervised departure

387. DELETED

### Returned deportees

388. Where a person returns to the UK when a deportation order is in force against him, he may be deported under the original order. The Secretary of State will consider every such case in the light of all the relevant circumstances before deciding whether to enforce the order.

## Returned family members

389. Persons deported in the circumstances set out in paragraphs 365-368 above (deportation of family members) may be able to seek re-admission to the United Kingdom under the Immigration Rules where:

- (i) a child reaches 18 (when he ceases to be subject to the deportation order); or
- (ii) in the case of a spouse or civil partner, the marriage or civil partnership comes to an end.

## Revocation of deportation order

390. An application for revocation of a deportation order will be considered in the light of all the circumstances including the following:

- (i) the grounds on which the order was made;
- (ii) any representations made in support of revocation;
- (iii) the interests of the community, including the maintenance of an effective immigration control;
- (iv) the interests of the applicant, including any compassionate circumstances.

390A. Where paragraph 398 applies the Secretary of State will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public interest in maintaining the deportation order will be outweighed by other factors.



391. In the case of a person who has been deported following conviction for a criminal offence, the continuation of a deportation order against that person will be the proper course:

(a) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of less than 4 years, unless 10 years have elapsed since the making of the deportation order when, if an application for revocation is received, consideration will be given on a case by case basis to whether the deportation order should be maintained, or

(b) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of at least 4 years, at any time,

Unless, in either case, the continuation would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, or there are other exceptional circumstances that mean the continuation is outweighed by compelling factors.

391A. In other cases, revocation of the order will not normally be authorised unless the situation has been materially altered, either by a change of circumstances since the order was made, or by fresh information coming to light which was not before the appellate authorities or the Secretary of State. The passage of time since the person was deported may also in itself amount to such a change of circumstances as to warrant revocation of the order.

392. Revocation of a deportation order does not entitle the person concerned to re-enter the United Kingdom; it renders him eligible to apply for admission under the Immigration Rules. Application for revocation of the order may be made to the Entry Clearance Officer or direct to the Home Office.

## Rights of appeal in relation to a decision not to revoke a deportation order

393. DELETED

394. DELETED

395. DELETED

396. Where a person is liable to deportation the presumption shall be that the public interest requires deportation. It is in the public interest to deport where the Secretary of State must make a deportation order in accordance with section 32 of the UK Borders Act 2007.

397. A deportation order will not be made if the person's removal pursuant to the order would be contrary to the UK's obligations under the Refugee Convention or the Human Rights Convention. Where deportation would not be contrary to these obligations, it will only be in exceptional circumstances that the public interest in deportation is outweighed.

## Deportation and Article 8

A398. These rules apply where:

- (a) a foreign criminal liable to deportation claims that his deportation would be contrary to the United Kingdom's obligations under Article 8 of the Human Rights Convention;
- (b) a foreign criminal applies for a deportation order made against him to be revoked.

398. Where a person claims that their deportation would be contrary to the UK's obligations under Article 8 of the Human Rights Convention, and

- (a) the deportation of the person from the UK is conducive to the public good and in the public interest because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years;
- (b) the deportation of the person from the UK is conducive to the public good and in the public interest because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 4 years but at least 12 months; or
- (c) the deportation of the person from the UK is conducive to the public good and in the public interest because, in the view of the

Secretary of State, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law,

the Secretary of State in assessing that claim will consider whether paragraph 399 or 399A applies and, if it does not, the public interest in deportation will only be outweighed by other factors where there are very compelling circumstances over and above those described in paragraphs 399 and 399A.

399. This paragraph applies where paragraph 398 (b) or (c) applies if –

- (a) the person has a genuine and subsisting parental relationship with a child under the age of 18 years who is in the UK, and
  - (i) the child is a British Citizen; or
  - (ii) the child has lived in the UK continuously for at least the 7 years immediately preceding the date of the immigration decision; and in either case
    - (a) it would be unduly harsh for the child to live in the country to which the person is to be deported; and
    - (b) it would be unduly harsh for the child to remain in the UK without the person who is to be deported; or
  
- (b) the person has a genuine and subsisting relationship with a partner who is in the UK and is a British Citizen or settled in the UK, and
  - (i) the relationship was formed at a time when the person (deportee) was in the UK lawfully and their immigration status was not precarious; and
  - (ii) it would be unduly harsh for that partner to live in the country to which the person is to be deported, because of compelling circumstances over and above those described in paragraph EX.2. of Appendix FM; and
  - (iii) it would be unduly harsh for that partner to remain in the UK without the person who is to be deported.

399A. This paragraph applies where paragraph 398(b) or (c) applies if –

- (a) the person has been lawfully resident in the UK for most of his life; and

(b) he is socially and culturally integrated in the UK; and

(c) there would be very significant obstacles to his integration into the country to which it is proposed he is deported.

399B. Where an Article 8 claim from a foreign criminal is successful:

(a) in the case of a person who is in the UK unlawfully or whose leave to enter or remain has been cancelled by a deportation order, limited leave may be granted for periods not exceeding 30 months and subject to such conditions as the Secretary of State considers appropriate;

(b) in the case of a person who has not been served with a deportation order, any limited leave to enter or remain may be curtailed to a period not exceeding 30 months and conditions may be varied to such conditions as the Secretary of State considers appropriate;

(c) indefinite leave to enter or remain may be revoked under section 76 of the 2002 Act and limited leave to enter or remain granted for a period not exceeding 30 months subject to such conditions as the Secretary of State considers appropriate;

(d) revocation of a deportation order does not confer entry clearance or leave to enter or remain or re-instate any previous leave.

399C. Where a foreign criminal who has previously been granted a period of limited leave under this Part applies for further limited leave or indefinite leave to remain his deportation remains conducive to the public good and in the public interest notwithstanding the previous grant of leave.

399D. Where a foreign criminal has been deported and enters the United Kingdom in breach of a deportation order enforcement of the deportation order is in the public interest and will be implemented unless there are very exceptional circumstances.

400. Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, section 10 of the Immigration and Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 would be contrary to the UK's obligations under Article 8 of the Human Rights Convention, the Secretary of State may require an application under paragraph 276ADE(1) (private life) or under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules. Where an application is not required, in assessing that claim the Secretary of State or an immigration officer will, subject to

paragraph 353, consider that claim against the requirements to be met (except the requirement to make a valid application) under paragraph 276ADE(1) (private life) or paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules as appropriate and if appropriate the removal decision will be cancelled.

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# Immigration Rules

## Part 14

Stateless persons

### Definition of a stateless person

401. For the purposes of this Part a stateless person is a person who:

- (a) satisfies the requirements of Article 1(1) of the 1954 United Nations Convention relating to the Status of Stateless Persons, as a person who is not considered as a national by any State under the operation of its law;
- (b) is in the United Kingdom; and
- (c) is not excluded from recognition as a Stateless person under paragraph 402.

### Exclusion from recognition as a stateless person

402. A person is excluded from recognition as a stateless person if there are serious reasons for considering that they:

- (a) are at present receiving from organs or agencies of the United Nations, other than the United Nations High Commissioner for Refugees, protection or assistance, so long as they are receiving such protection or assistance;
- (b) are recognised by the competent authorities of the country of their former habitual residence as having the rights and obligations which are attached to the possession of the nationality of that country;

- (c) have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
- (d) have committed a serious non-political crime outside the UK prior to their arrival in the UK;
- (e) have been guilty of acts contrary to the purposes and principles of the United Nations.

## Requirements for limited leave to remain as a stateless person

403. The requirements for leave to remain in the United Kingdom as a stateless person are that the applicant:

- (a) has made a valid application to the Secretary of State for limited leave to remain as a stateless person;
- (b) is recognised as a stateless person by the Secretary of State in accordance with paragraph 401;
- (c) has taken reasonable steps to facilitate admission to their country of former habitual residence or any other country but has been unable to secure the right of admission; and
- (d) has obtained and submitted all reasonably available evidence to enable the Secretary of State to determine whether they are stateless or whether they are admissible to another country under the meaning of paragraph 403(c);
- (e) has sought and failed to obtain or re-establish their nationality with the appropriate authorities of the relevant country;
- (f) if, in the case of a child born in the UK, has provided evidence that they have attempted to register their birth with the relevant authorities but have been refused.

## Refusal of limited leave to remain as a stateless person

404. An applicant will be refused leave to remain in the United Kingdom as stateless person if:

- (a) they do not meet the requirements of paragraph 403;
- (b) there are reasonable grounds for considering that they are:
  - (i) a danger to the security of the United Kingdom;
  - (ii) a danger to the public order of the United Kingdom; or
- (c) their application would fall to be refused under any of the grounds set out in Part 9 of these Rules.

### Grant of limited leave to remain to a stateless person

405. Where an applicant meets the requirements of paragraph 403 they may be granted limited leave to remain in the United Kingdom for a period not exceeding five years.

### Curtailement of limited leave to remain as a stateless person

406. Limited leave to remain as a stateless person under paragraph 405 may be curtailed where the stateless person is a danger to the security or public order of the United Kingdom or where leave would be cancelled under Part 9 of these Rules.

### Requirements for indefinite leave to remain as a stateless person

407. The requirements for indefinite leave to remain as a stateless person are that the applicant:

- (a) has made a valid application to the Secretary of State for indefinite leave to remain as a stateless person;



(b) was last granted limited leave to remain as a stateless person in accordance with paragraph 405;

(c) has spent a continuous period of five years in the United Kingdom with stateless leave granted under Rule 405, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied;

(d) continues to meet the requirements of paragraph 403.

## Grant of indefinite leave remain as a stateless person

408. Where an applicant meets the requirements of paragraph 407 they may be granted indefinite leave to remain.

## Refusal of indefinite leave to remain as a stateless person

409. An applicant will be refused indefinite leave to remain if:

(a) the applicant does not meet the requirements of paragraph 407;

(b) there are reasonable grounds for considering that the applicant is:

(i) a danger to the security of the United Kingdom;

(ii) a danger to the public order of the United Kingdom; or

(c) the application would fall to be refused under Part 9 of these Rules.

## Requirements for limited leave to enter or remain as the family member of a stateless person

410. For the purposes of this Part a family member of a stateless person means their:

- (a) spouse;
- (b) civil partner;
- (c) unmarried partner with whom they have lived together in a subsisting relationship akin to marriage or a civil partnership for two years or more;
- (d) child under 18 years of age who:
  - (i) is not leading an independent life;
  - (ii) is not married, in a civil partnership or has an unmarried partner with whom they have lived together in a subsisting relationship akin to marriage or a civil partnership for two years or more; and
  - (iii) has not formed an independent family unit.

411. The requirements for leave to enter or remain in the United Kingdom as the family member of a stateless person are that the applicant:

- (a) has made a valid application to the Secretary of State for leave to enter or remain as the family member of a stateless person;
- (b) is the family member of a person granted leave to remain under paragraphs 405 or 408;
- (c) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

## Refusal of leave to enter or remain as the family member of a stateless person

412. A family member will be refused leave to enter or remain if:

- (a) they do not meet the requirements of paragraph 411;
- (b) there are reasonable grounds for considering that:
  - (i) they are a danger to the security of the United Kingdom;
  - (ii) they are a danger to the public order of the United Kingdom; or
- (c) their application would fall to be refused under Part 9 of these Rules.

### Grant of leave to enter or remain as the family member of a stateless person

413. A person who meets the requirements of paragraph 411 may be granted leave to enter or remain for a period not exceeding five years.

### Curtailment of limited leave to enter or remain as the family member of a stateless person

414. Limited leave to remain as the family member of a stateless person under paragraph 413 may be curtailed where the family member is a danger to the security or public order of the United Kingdom or where leave would be cancelled under Part 9 of these Rules.

### Requirements for indefinite leave to remain as the family member of a stateless person

415. The requirements for indefinite leave to remain as the family member of a stateless person are that the applicant:

- (a) has made a valid application to the Secretary of State for indefinite leave to remain as the family member of a stateless person;
- (b) was last granted limited leave to remain as a family member of a stateless person in accordance with paragraph 413; and
  - (i) is still a family member of a stateless person; or
  - (ii) is over 18 and was last granted leave as the family member of a stateless person; and
- (c) has spent a continuous period of five years with stateless leave granted under Rule 413 in the United Kingdom, except that any, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

## Refusal of indefinite leave to remain as the family member of a stateless person

416. An applicant will be refused indefinite leave to remain as a family member of a stateless person if:

- (a) they do not meet the requirements of paragraph 415;
- (b) there are reasonable grounds for considering that:
  - (i) they are a danger to the security of the United Kingdom;
  - (ii) they are a danger to the public order of the United Kingdom; or
- (c) the application would fall to be refused under Part 9 of these Rules.

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# Immigration Rules

## Appendix 2

Countries or territories whose nationals or citizens are relevant foreign nationals for the purposes of Part 10 of these Rules

### Registration with the police

- Afghanistan
- Algeria
- Argentina
- Armenia
- Azerbaijan
- Bahrain
- Belarus
- Bolivia
- Brazil
- China
- Colombia
- Cuba
- Egypt
- Georgia
- Iran
- Iraq
- Israel
- Jordan
- Kazakhstan
- Kuwait
- Kyrgyzstan

- Lebanon
- Libya
- Moldova
- Morocco
- North Korea
- Oman
- Palestine
- Peru
- Qatar
- Russia
- Saudi Arabia
- Sudan
- Syria
- Tajikistan
- Tunisia
- Turkey
- Turkmenistan
- United Arab Emirates
- Ukraine
- Uzbekistan
- Yemen

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# Immigration Rules

## Appendix 7

### Overseas Domestic Worker

#### Employment contract

Two copies of this form must be completed and signed by the employer and the overseas domestic worker and signed copies must be submitted with the entry clearance application or with the leave to remain application as required by paragraphs 159A(v), 159D(iv), 159EA(iii), 245ZO(f)(ii), and 245ZQ(e)(ii) of the Immigration Rules.

<b>1. Name &amp; address of Employee</b>
[insert details]
<b>2. Name &amp; address of Employer</b>
[insert details]
<b>3. Commencement of Employment &amp; Termination</b>
<p>1. <b>[If for an indefinite term]</b></p> <p>[The Employee's employment with the Employer commence[s <b>OR</b> d] on [insert date], and will continue unless or until terminated in accordance with the provisions of this agreement.]</p>



***[If for a fixed term]***

[The Employee's employment with the Employer shall [commence **OR** be deemed to have commenced] on *[insert date]* and shall continue, subject to the remaining terms of this agreement, until it terminates on *[insert date]* without the need for notice unless previously terminated by either party giving the other not less than *[insert number\*]* weeks/months' notice in writing.]

**\* Note: the notice to be given by the Employer must not be less than the statutory minimum period of notice to be given by employers, which is as follows:**

- *during the first two years' continuous employment, one week's notice; and*
  - *after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.*
2. No employment with a previous employer counts as part of a period of continuous employment. **OR** The Employee's employment with *[insert name of previous employer]* forms part of a continuous period of employment which began on *[insert date]*.

**4. Job Title**

The Employee is employed as *[insert job title]* and his/her duties are set out below:

*[insert Employee's duties]*

## 5. Employee's Place of Work

The Employee's place of work is *[insert location]*.

***[If this is where the Employer resides, then the following information should be provided]:***

- Total number of rooms;
- Total number of bedrooms;
- The names and ages of all household members and domestic staff (adults and minors) residing in the house.

***[If the Employee's place of work is different to the Employer's residence, the Employer is to provide an explanation, including details of where the Employee will be working and who lives at that address]***

## 6. Employee's Hours of Work

1. The Employee's normal hours of work are *[insert number]* hours per week, to be worked during the hours of *[insert time]* to *[insert time]* on *[insert days]* with a daily [paid **OR** unpaid] lunch break of *[insert amount]*.
2. [The Employee is not required to work overtime]

**OR**

[The Employee is required to be available to work overtime, whenever needed by the Employer at weekends, on public holidays or at other times outside his/her normal hours of work.]

**OR**

[The Employee may, if he/she wishes, make himself/herself available to work overtime outside his/her normal hours of work.]

**OR**

[The Employee may be required to work overtime if and when the Employer deems it to be necessary.]

***[If the Employee works overtime, then complete the following paragraph]***

3. [The Employee's entitlement to pay for working overtime is as follows:

*[insert details of overtime pay]*

## **7. Pay**

The Employee's [salary is **OR** wages are] £[*enter figure*] per [hour **OR** week **OR** month **OR** year] payable to the Employee at [weekly **OR** monthly] intervals in arrears on[or about] the [*insert day i.e. Friday OR last working day OR insert date i.e. 25th*] of each [week **OR** month].

The Employer agrees that the salary **OR** wages meet the requirements of the National Minimum Wage Act 1998 and any Regulations made under it, and that they will continue to meet such requirements throughout the period of employment.

## 8. Holiday

1. The Employee will be entitled to [*enter number –under the Working Time Regulations 1998, this must be at least 20 days for full – time employees, pro rata for part – time employees*] days' paid holiday in each holiday year, which runs from [*enter date, e.g. 1 January*] to [*enter date, e.g. 31 December*], in addition to bank and public holidays. If the Employee's employment starts or finishes part way through the holiday year, his/her holiday entitlement during that year shall be calculated on a pro-rata basis.
2. The Employee must take all of his/her entitlement in the holiday year in which it accrues and carrying forward holiday is not permitted unless[ either agreed in advance by the Employer or where] the law allows holiday to be carried forward.
3. On the termination of the Employee's employment, he/she will be paid in lieu of accrued but untaken holiday entitlement. The Employee will be required to pay the Employer for holiday taken in excess of his/her accrued entitlement on termination.

## 9. Sickness

1. If the Employee is absent from work for any reason, he/she, or someone on his/her behalf, must inform the Employer by no later than [*insert time*] on the first day of absence. On the Employee's return to work, he/she will be required to complete a self-certification form, which he/she should complete, sign and return within [*insert number e.g. two days*] of his/her return to work. If the Employee's absence from work is due to sickness or injury and continues for a period exceeding seven consecutive days, he/she should provide the Employer with a Statement of Fitness for Work ('fit note') from his/her doctor as soon as possible after the seventh day of absence and weekly after that.
2. **[[IF SICK PAY: ]** In the event of absence from work due to illness or injury, the Employee will be eligible to receive an amount equivalent to his/her salary **OR** wages for the first [*insert number*] weeks of absence. Such payments will include any entitlement to any statutory sick pay due in accordance with applicable legislation in force at the time of the absence.

**OR**

**[[IF STATUTORY SICK PAY ONLY: ]**There is no pay for any absence due to illness or injury, other than statutory sick pay if the Employee is eligible. For the purpose of statutory sick pay, the Employee's 'qualifying days' are [*insert the [Employee's normal working days]*]

#### **10. Recruitment, transportation, and other fees**

The Employer shall not recoup from the Employee, through payroll deductions or any other means, the fees they have paid to a third party recruiter or recruitment

agency, or their authorised representative(s) for services related to hiring and retaining the Employee.

The Employer agrees to pay the Employee's transportation costs for the journey from his/her place of current residence to the place of work in the United Kingdom, namely from \_\_\_\_\_(country of current residence) to \_\_\_\_\_(place of work in United Kingdom) as well as the return journey from \_\_\_\_\_(place of work in United Kingdom) to \_\_\_\_\_(country of current residence).

The Employer agrees to pay in advance on behalf of the Employee any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK.

It is the Employer's obligation and responsibility to pay for the transportation costs, any visa application fees and any other fees (including any immigration health surcharge) that may be payable by the Employee in order to obtain a visa to travel to the United Kingdom with their Employer or to join the Employer in the UK, and such costs and fees cannot be passed on to the Employee through payroll deductions or any other means (for example, the Employee must not pay the transportation or the visa fees on behalf of the Employer to be reimbursed at a later date). Under no circumstances are transportation costs or the fees described above recoverable by the Employer from the Employee.

## **11. Accommodation**

1. The Employer shall provide the Employee with suitable furnished accommodation for their exclusive use. Suitable accommodation is housing or a hotel room that meets UK building requirements and health and safety standards. This includes a private unit or a room with a lock and which therein provides living and sleeping facilities intended for human habitation with no visible or structural repairs required.

2. The Employer agrees to provide the Employee with [meals] [delete if not applicable], [and] an adequate, properly heated, and ventilated room with natural light. The door of the room shall be equipped with a lock and a safety bolt from within the room and the Employee will be provided with the corresponding key.

3. The Employer shall provide the Employee with independent access to the residence (for example, house keys, security code) where the Employee resides.

4. The Employer agrees to provide the Employee with (check if

applicable): Private bathroom

Telephone (charge of £\_\_\_\_\_ per month or no charge\_\_\_ except for long-distance calls)

Radio (in his/her room)

Television (in his/her room)

Internet access (charge of £\_\_\_ per month or \_\_\_no charge)

Other, specify:

*[Description of Employee's room and furnishings]*

## **12. Healthcare**

### **Either:**

“1. The Employer agrees to provide comprehensive sickness insurance cover for the Employee in the United Kingdom at no cost to the Employee.

2. The Employer agrees not to deduct money from the Employee's salary **OR** wages for this purpose.

3. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.”



**or, if the Employee has remained (or will remain as a result of his/her application for entry clearance, leave to enter or leave to remain being granted) in the UK as either a domestic worker in a private household or a private servant in a diplomatic household for a period exceeding 6 months:**

“1. The Employer agrees not to deduct money from the Employee’s salary **OR** wages for the purpose of meeting the cost of comprehensive sickness insurance cover.

2. The Employer undertakes to ensure that the Employee has free access to medical treatment as the Employee requires.

### **13. Passport**

The Employer agrees that the Employee will retain custody of his/her passport at all times other than when it is required by a third party for official purposes such as applying for a visa.

### **14. Termination and Notice Period**

***[To only be used when the employment is for an indefinite term]***

The prior written notice required by the Employee to terminate his/her employment shall be as follows:

*[insert details]*

The prior written notice required by the Employer to terminate the Employee’s employment shall be as follows:

*[insert details]*

**Note: this must not be less than the statutory minimum period of notice to be given by employers, which is as follows:**

- *during the first two years' continuous employment, one week's notice; and*
- *after that, one additional week for each year of service, up to a maximum of twelve weeks' notice.*

### **15. Grievances and Disciplinary Rules and Procedure**

1. If the Employee has a grievance regarding his/her employment, he/she should in the first instance speak to his/her *Employer*. If the grievance is not then resolved to the Employee's satisfaction, the Employee should refer to the grievance procedure, which may be obtained from the Employer.
2. The disciplinary rules and procedure applicable to the Employee are [attached **OR** to be found in [*specify place*]]. If the Employee is dissatisfied with any disciplinary decision taken in relation to him/her, he/she should refer to the disciplinary procedure, which may be obtained from the Employer.

**Note: the Employer's grievance procedure and disciplinary rules and procedure must comply with the ACAS statutory Code of Practice on discipline and grievance.**

### **16. Pensions**

1. [The Employee is entitled to become a member of the *[insert name]* Pension Scheme, or such other registered pension scheme as has been set up by the Employer, subject to satisfying certain eligibility criteria and subject to the rules of such scheme as amended from time to time. Full details of the scheme are available from the Employer.

OR

[There is no pension scheme in force in relation to the Employee's employment.]

2. A contracting-out certificate is [not] in force in respect of the Employee's employment.

## **17. Governing Law & Jurisdiction**

1. This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
2. Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this agreement or its subject matter or formation (including non-contractual disputes or claims).

**Signature of Employer**

I accept the terms and conditions of this employment contract.

**Given name as stated on passport (print):**

**Surname as stated on passport (print):**

**EMPLOYER'S Signature:**

**Date (DD/MM/YYYY):**

**Signature of Employee**

I accept the terms and conditions of this employment contract.

**Given name as stated on passport (print):**

**Surname as stated on passport (print):**

**EMPLOYEE'S Signature:**

**Date (DD/MM/YYYY)**

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# Immigration Rules

## Appendix A

### Attributes

This is a consolidated version of the current Immigration Rules

### Attributes for Tier 1 (Exceptional Talent) Migrants

1. DELETED.
2. DELETED.
3. DELETED.

### Table 1 - DELETED

### Tier 1 (Exceptional Talent) Limit

4. DELETED
5. DELETED
6. DELETED

## Money earned in the UK

6A. DELETED.

## Attributes for Tier 1 (General) Migrants

7. DELETED

8. DELETED

9. DELETED

10. DELETED

11. DELETED

Table 2 - DELETED

Table 3 - DELETED

12. DELETED

13. DELETED

14. DELETED

14-SD. DELETED

15. DELETED

16. DELETED

17. DELETED

18. DELETED

19. DELETED

19-SD. DELETED

20. DELETED

21. DELETED

21-SD. DELETED

22. if the applicant has not indicated a period for assessment of earnings, or has indicated a period which does not meet the conditions in paragraph 21 above, their earnings will be assessed against the 12-month period immediately preceding their application, assuming the specified documents in paragraph 19-SD above have been provided. Where the specified documents in paragraph 19-SD above have not been provided, points will not be awarded for previous earnings.

23. DELETED

24. DELETED

25. DELETED

26. DELETED

27. DELETED

28. DELETED

29. DELETED

30. DELETED

31. DELETED

32. DELETED

33. DELETED

34. DELETED

34-SD. DELETED

### Attributes for Tier 1 (Entrepreneur) Migrants

35. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant must score 75 points for attributes.

36. Available points are shown in Table 4 for initial applications for applicants who have entry clearance, leave to enter or leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant or a Start-up migrant, or have had such leave in the 12 months immediately before the date of application.

37. Available points are shown in Table 5 for extension applications for applicants who have entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, or have had such leave in the 12 months immediately before the date of application.

38. Available points for applications for indefinite leave to remain are shown in Table 6.

### Notes

39. (a) In all cases, an applicant cannot score points from any of the following:

- (i) the same money being used to score points for maintenance funds for themselves or their dependants under Appendices C or E,



(ii) money made available from a third party, where the third party is another Tier 1 (Entrepreneur) Migrant, or that migrant's business or close family member,

(iii) money invested in their business more than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application which led to their first grant of leave as a Tier 1 (Entrepreneur) Migrant,

(iv) money invested in the form of a director's loan unless it is unsecured and subordinated to other creditors' loans to the business, or

(v) investment in any residential accommodation, property development or property management, meaning:

(1) any development of property owned by the applicant or their business to increase the value of the property with a view to earning a return either through rent or a future sale or both, or

(2) management of property (whether or not it is owned by the applicant or their business) for the purposes of renting it out or resale.

For the avoidance of doubt, (v) requires that the business income is generated from the supply of goods and/or services, and not derived from the increased value of property or any income generated from property, such as rent.

(b) Points will only be awarded for an applicant's business if it is a UK business.

(c) A business will be considered to be a UK business if the applicant provides the specified evidence in this Appendix to show that:

(i) it is trading within the UK economy,

(ii) it has its registered office in the UK, or, in the case of multinational companies with no UK registered office, its head office in the UK, except where the applicant is registered with HM Revenue & Customs as self-employed and does not have a business office,

- (iii) it has a UK bank account, and
  - (iv) it is subject to UK taxation.
- (d) Points will not be awarded for being the director of a UK business or member of a UK partnership if the applicant is on Companies House's list of disqualified directors.
- (e) Where evidence from an accountant is required, it will only be accepted if the accountant:
- (i) is not the applicant,
  - (ii) has prepared and signed off the accounts in accordance with all relevant statutory requirements,
  - (iii) has a valid licence to practice or practising certificate, and
  - (iv) is a member of at least one of the following:
    - (1) the Institute of Chartered Accountants in England and Wales,
    - (2) the Institute of Chartered Accountants in Scotland,
    - (3) the Institute of Chartered Accountants in Ireland,
    - (4) the Association of Chartered Certified Accountants,
    - (5) the Association of Authorised Public Accountants,
    - (6) the Chartered Institute of Public Finance and Accountancy,
    - (7) the Institute of Financial Accountants,
    - (8) the Chartered Institute of Management Accountants,
    - (9) the Association of International Accountants, or

(10) the Association of Accounting Technicians.

(f) Where personal or business bank statements are required:

(i) The bank or building society must be based in the UK and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA).

(ii) Each statement must be on the institution's official stationery showing the institution's name and logo, and confirm the applicant's name (and, where relevant, the applicant's entrepreneurial team partner's name), the account number and the date of the statement.

(iii) Each statement must have been issued by an authorised official of that institution.

(iv) If the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the institution, on its headed paper, confirming the authenticity of the statements, or bear the official stamp of the institution on each page of the statement.

(g) Further notes to accompany Table 4 appear below Table 4.

(h) Further notes to accompany Tables 5 and 6 appear below Table 6.

Table 4: Initial applications as referred to in paragraph 36

Row	Investment and business activity	Points
1	At least £50,000 is available to the applicant or their business, or has been invested in their business due to their activity.	25

2	The money is held in one or more regulated financial institutions, which are regulated by the appropriate regulatory body for the country in which they operate.	25
3	The money is disposable in the UK If the applicant is applying for leave to remain, the money must be held in the UK.	25

### Available money: notes

40.

- (a) Available money must be cash, not Individual Savings Accounts or other assets such as stocks and shares.
- (b) Where multiple documents are provided, they must show the total amount required is available on the same date.
- (c) The money must either be held in a UK regulated financial institution or be transferable to the UK and convertible to sterling.
- (d) If the money is available to the applicant's business, rather than to the applicant themselves, the business must be a company or partnership and the applicant must be registered as a director, in the case of a company, or member, in the case of a partnership.
- (e) The money must remain available to the applicant or their business until it is spent for the purposes of the applicant's business(es). The Secretary of State reserves the right to request further evidence or otherwise verify that the money will remain available, and to refuse the application if this evidence is not provided or cannot be satisfactorily verified.
- (f) DELETED

(g) Money is disposable in the UK if all of the money is held in a UK based financial institution and free from sanctions or if the money is freely transferable to the UK and convertible to sterling. Funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date of application.

(h) No points will be awarded unless the money is held in a financial institution permitted under Appendix Finance.

### Available money: specified documents

41. (a) If all or part of the money has not yet been invested in the applicant's business, the applicant must provide all of the specified documents set out in the relevant row of Table 4A below. If the applicant is claiming points for available money from more than one source, the applicant must provide the specified documents for each row which applies.

Table 4A: Specified documents showing available money

Row	Available money	Specified documents (see descriptions below table)
1	Money available from a seed funding competition or a UK or Devolved Government Department, as set out in Table 4	(i)
2	Money available from a third party, other than those in row 1 above, where the money is still held by the third party	All of (vi)-(viii)

3	Money held by the applicant for less than 90 consecutive days, ending no earlier than 31 days before the date of application, where the source of that money is other than those in row 1 above.	(vi) and (vii), and either (ix) or (x) as appropriate
4	Money held by the applicant for at least 90 consecutive days, ending no earlier than 31 days before the date of application	Either (ix) or (x) as appropriate

Specified documents:

(i) A letter confirming the amount of money available to the applicant, the entrepreneurial team or the applicant's business from the seed funding competition or a UK or Devolved Government Department. The letter must be from an authorised official of that organisation or, in the case of a UK or Devolved Government Department, a letter from an authorised official of an intermediary public body providing it confirms that it has been authorised to award funds from that Department for the specific purpose of establishing or expanding UK businesses.

(ii) DELETED

(iii) DELETED

(iv) DELETED

(v) DELETED

(vi) A written declaration from each third party that they have made the money available to invest in the applicant's business in the UK, containing:

(1) the names of the third party and the applicant (and their entrepreneurial team partner's name where relevant), or the name of the applicant's business,

(2) the date of the declaration,

(3) the applicant's signature and the signature of the third party (and the signature of the applicant's entrepreneurial team partner where relevant),

(4) the amount of money available in pounds sterling,

(5) the relationship(s) of the third party to the applicant,

(6) if the third party is another business in which the applicant is self-employed or a director, evidence of the applicant's status within that business and that the applicant is the sole controller of that business's finances, or, where the applicant is not the sole controller, the letter must be signed by another authorised official of that business who is not the applicant, and

(7) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant's business.

(vii) A letter (or letters) from one or more legal representatives, who are not the applicant or the third party, which confirm(s) all letters and declarations in (ii)-(vi) and (viii) (where required) contain the genuine signatures of the required signatories. The letter(s) must clearly show the registration or authority of the legal representative to practise legally in the country where the third party or the money is.

(viii) A letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming in each case the amount of money that the third party intends to make available, and that the institution is not aware of the third party having promised to make that money available to any other person available.

(ix) For money held outside the UK, a letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming the minimum balance available from the applicant's own funds held in that institution on the date of the letter and, in the case as described in row 4 of Table 4A, during a consecutive 90-day period of time ending on the date of the letter.

(x) For money held in the UK, recent personal bank or building society statements, with the most recent statement being dated no earlier than 31 days before the date of application, which taken altogether show that the relevant required sum of available

money is held in the account(s) on the date of the most recent statement(s). In the case described in row 4 of Table 4AA, the statements must show the sum has been held for a consecutive 90 day period of time immediately before the date of the statement.

(b) Each letter referred to in (a)(i) and (vii)-(ix) above must:

(1) DELETED

(2) be on the organisation's official headed paper,

(3) be dated no earlier than three months (in the case of (i) and (vii)), or 31 days (in the case of (viii) and (ix)), immediately before the date of application,

(4) state the applicant's name, and their entrepreneurial team partner's name where relevant, or the name of the applicant's business,

(5) include the contact details of the person or (where relevant) an official of the organisation issuing the letter

(6) include (where relevant) the name of the third party providing the money, including their full address, postal code, telephone contact number and any email address,

(7) in the case of (vii), include the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry.

(8) in the case of (viii)-(ix), show the account number,

(9) in the case of (viii)-(ix), confirm that the financial institution is regulated by the appropriate body and, if not regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA), that the money can be transferred into the UK.

42. If the money is available to the applicant's business, rather than to the applicant themselves, the applicant must also provide a Companies House document showing the address of the business's registered office in the UK, or head office in the UK if it has no registered office in the UK, and that the applicant is a director, in the case of a company, or member, in the case of a partnership.



43. If all or part of the money has been invested in the applicant's business, the applicant must provide:

(a) all of the specified documents required in paragraph 45 to show the amount of money invested, and

(b) all of the specified documents required in paragraph 48 to show that the applicant has established a new UK business or joined or taken over an existing UK business, in which the money was invested.

44. DELETED.

Table 5: Extension applications referred to in paragraph 37

Row	Investment, business activity and job creation	Points
1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totalling at least £200,000 (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more UK businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were awarded points under Table 5 in their last grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	20
2	<p>The applicant has:</p> <p>(a) registered with HM revenue and Customs as self-employed, or</p> <p>(b) registered with Companies House as a director of a UK company, or member of a UK partnership.</p>	20

	The applicant must have registered as above within 6 months of entering the UK (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months of the date on which the most recent leave was granted.	
3	<p>Within three months before the date of application, the applicant was:</p> <p>(a) registered with HM Revenue &amp; Customs as self-employed, or</p> <p>(b) registered with Companies House as a director of a UK company or member of a UK partnership.</p>	15
4	<p>The applicant has:</p> <p>(a) established a new business or businesses that has or have created the equivalent of at least two new full time jobs for settled workers, or</p> <p>(b) taken over or invested in an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of at least 2 new full time jobs for settled workers.</p> <p>The jobs must have existed for at least 12 months during the applicant's most recent grant of leave as a Tier 1 (Entrepreneur) Migrant or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of application.</p>	20

Table 6: Applications for indefinite leave to remain as referred to in paragraph 38

Row	Investment and business activity	Points
1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totalling at least £200,000 (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more UK businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	20
2	<p>The applicant was:</p> <ul style="list-style-type: none"> <li>(a) registered with HM Revenue &amp; Customs as self-employed, or</li> <li>(b) registered with Companies House as a director of a UK company or member of a UK partnership.</li> </ul> <p>The above requirement must have been met:</p> <ul style="list-style-type: none"> <li>(i) within 6 months of entering the UK (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months from the date the most recent leave was granted, and</li> <li>(ii) within the three months before the date of application.</li> </ul>	20

	<p>The applicant does not need to provide evidence of (i) if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	
3	<p>The applicant has:</p> <p>(a) established a new UK business or businesses that has or have created the equivalent of at least 2 new full time jobs for settled workers, or</p> <p>(b) taken over or invested in an existing UK business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of at least 2 new full time jobs for settled workers</p> <p>The jobs must have existed for at least 12 months during the applicant's most recent grant of leave or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of application.</p>	20
4	<p>(a) The applicant has spent a continuous period of 5 years lawfully in the UK with leave as a Tier 1 (Entrepreneur) Migrant, or</p> <p>(b) The applicant has spent a continuous period of 3 years lawfully in the UK as a Tier 1 (Entrepreneur) Migrant, and has:</p>	15

	<p>(i) created the equivalent of at least 10 (including the two jobs already relied upon to score points under row 3) new full time jobs which meet the requirements in row 3 above, or</p> <p>(ii) established a new UK business or businesses that has or have had a gross income from business activity of at least £5 million during the 3 year continuous period, or</p> <p>(iii) taken over or invested in an existing UK business or businesses and the applicant's services or investment have resulted in a net increase in gross income from business activity of £5 million during the 3 year continuous period, when compared to the 3 year period immediately before the date the applicant became involved with the business.</p>	
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### Investment: specified documents

45. The applicant must provide their business accounts and accompanying evidence of their investment, which must meet the following requirements:

- (a) if the applicant's business is legally required to produce audited accounts, the audited accounts must be provided;
- (b) if the applicant's business is not legally required to produce audited accounts, unaudited accounts and an accounts compilation report must be provided from an accountant;
- (c) the audited or unaudited accounts must show the investment in money made directly in the business by:
  - (i) the applicant, in their own name,

(ii) one or more seed funding competitions or UK or Devolved Government Departments, as set out in Table 4, and the accounts must be accompanied by a letter from the source, confirming that the investment was made on the applicant's behalf, or

(iii) a third party other than those in (ii), and the accounts must either:

(1) confirm that the investment was made as a result of the applicant's activity, or

(2) be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of the applicant's activity;

(d) if the applicant has made the investment in the form of a director's loan:

(i) it must be shown in the relevant set of accounts provided,

(ii) unless the investment was made on or before 19 November 2015 and the date of application is before 19 November 2021, the investment must be shown through readily identifiable transactions in the applicant's business bank statements, which must clearly show the transfer of this money from the applicant to their business, and

(iii) the applicant must provide a legal agreement, between the applicant (in the name that appears on their application) and the business, showing:

(1) the terms of the loan,

(2) any interest that is payable,

(3) the period of the loan, and

(4) that the loan is unsecured and subordinated to other creditors' loans to the business;

(e) if the applicant has made the investment in the form of share capital, the accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on their application. If the value of the

applicant's share capital is not shown in the accounts, then a printout of the company's register of members from Companies House must be provided;

(f) the accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business;

(g) if the applicant is claiming points for investment from a venture capital firm, they must also provide a dated letter from the venture capital firm, on its headed paper, confirming:

- (i) the applicant's name,
- (ii) the date(s) the money was transferred to the applicant or invested in their business,
- (iii) that the venture capital firm was registered with the Financial Conduct Authority on the date(s) in (ii) above, and
- (iv) confirmation that the venture capital firm will verify the contents of the letter to the Home Office on request.

(h) if the applicant is claiming points for investing £50,000 from one of the following sources, and has not been awarded points for those funds in a previous application, they must also provide the following documents:

(i) if the source is a seed funding competition or a UK or devolved government department, the applicant must provide the specified evidence in Table 4A above as evidence of the source of the funds (except that the letter referred to in paragraph 41(a)(i) does not need to be dated within the three months immediately before the date of the application);

(ii) if the source is a venture capital firm, the applicant must provide:

(1) A letter from a director, partner or fund manager of the venture capital firm, which includes:

(\_a) confirmation of the amount of money that was made available to the applicant, the entrepreneurial team or the applicant's business from the organisation,

(\_b) a statement providing detailed information on the strategy, structure and financial exposure of the fund,

(\_c) a statement detailing the rationale for the investment, providing specific information about the circumstances which led to the investment decision,

(\_d) a statement confirming that the business/proposed business is a genuine and credible proposition, and

(\_e) confirmation that the venture capital firm was, at the time the investment was made, registered with the Financial Conduct Authority (FCA) and its entry in the register included a permission to arrange, deal in or manage investments, or to manage alternative investment funds.

(2) A copy of the completed term sheet for the investment, signed by all parties to the transaction, which must include details of the company valuation, company structure, founder and investor rights, the structure of funding and the type of security being taken.

(3) A breakdown of the technical, legal, commercial and financial due diligence conducted by the venture capital firm in support of the investment.

(4) A letter from an accountant, validating the financial condition of the fund.

(5) A letter from a legal representative, who is not the applicant, which confirms that the letters and declarations in (1)-(4) contain the genuine signatures of the required signatories. The letter must clearly show the registration or authority of the legal representative to practise legally in the UK.

(i) if the applicant has bought property as part of their business investment, the value of any residential accommodation cannot be included. The applicant must provide an estimate of the value of the residential accommodation if it is part of the premises also used for the business. The valuation must be from a surveyor who is a member of the Royal Institution of Chartered Surveyors, and dated within the three months before the date of application.

### Business activity: notes

46. A business will only be considered to be a “new” business for the purposes of paragraph 43 and Tables 5 and 6 if it was established by the applicant no earlier than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate



Entrepreneur) Migrant) before the date of the application which led to the applicant's first grant of leave as a Tier 1 (Entrepreneur) Migrant.

### Business activity: specified documents

47. The applicant must provide the following specified documents, showing that they obtained the necessary business registration within the 6 month period referred to in Table 5 or 6:

- (a) if the applicant was self-employed, evidence of their registration with HM Revenue & Customs;
- (b) if the applicant was a director of a UK company or member of a UK partnership, a printout from Companies House of the company's filing history page and of the applicant's personal appointments history, showing the date of their appointment as a director or member.

48. The applicant must provide the following specified documents to show that they have established a new UK business or joined or taken over an existing business, and that they are engaged in business in the UK when they make their application:

- (a) if the applicant is self-employed, they must provide:
  - (i) evidence of their registration with HM Revenue & Customs to show that their business is based in the UK, and such evidence is dated no earlier than three months before the date of application,
  - (ii) HM Revenue & Customs evidence that the applicant is making tax returns within the self-assessment tax system, and
  - (iii) a personal bank statement showing transactions for their business, or a business bank statement, or a letter from a UK-regulated financial institution, on the institution's headed paper, confirming that the applicant has a business and acts through that bank for the purposes of that business;
- (b) if the applicant is a director of a UK company or member of a UK partnership, they must provide:
  - (i) printouts of Companies House documents, dated no earlier than three months before the date of the application, showing all of the following:

- (1) the address of the registered office in the UK, or head office in the UK if it has no registered office,
- (2) the applicant's name, as a director or member,
- (3) the date of the applicant's appointment as a director or member, and
- (4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),

(ii) evidence from HM Revenue & Customs confirming that the company is registered for corporation tax (if the applicant is a director of a company) or that the applicant is making tax returns within the self-assessment tax system (if the applicant is self-employed), and

(iii) a business bank statement from a UK account which shows business transactions, or a letter from the UK bank in question, on its headed paper, confirming that the company or partnership has a bank account, that the applicant is a signatory of that account, and that the company or partnership uses that account for the purposes of their business.

(c) regardless of whether the applicant is self-employed, a director or member, they must also provide:

- (i) an overview of the business's activity, including an explanation of the goods or services it provides to its customers or clients; and
- (ii) the applicant's job title and job description, setting out their role within the company, how they are implementing their business plan and what their main tasks and responsibilities are in running the business on a day-to-day basis.

### Job creation: notes

49. (a) A full time job is one involving at least 30 hours of paid work per week.

(b) "The equivalent of" a full time job means two or more part time jobs that add up to 30 hours per week, if each of the jobs exist for at least 12 months. However, one full time job of more than 30 hours of work per week will not count as more than one full time job.

- (c) A job may count even if it does not last 12 consecutive months (for example it lasts for 6 months in one year and 6 months the following year) provided that it is the same job.
- (d) The jobs need not exist on the date of application, provided that they existed for at least 12 months as specified in Table 5 (row 4) and Table 6 (row 3).
- (e) Different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month job.
- (f) If jobs are being combined the employees being relied upon must be clearly identified by the applicant in their application.
- (g) The jobs must comply with all relevant UK legislation including, but not limited to, the National Minimum Wage Regulations in effect at the time and the Working Time Regulations 1998.
- (h) A job will be considered one for settled worker if the worker met the definition of settled worker in the Immigration Rules in force at the time they started the job, and they remained employed for the whole claimed 12 month period, even if they ceased to be a settled worker at a later date.

### Job creation: specified documents

50. If the applicant is required to score points for job creation in Table 5 or Table 6, they must provide all of the following specified documents:

- (a) printouts of Real Time Full Payment Submissions showing that the applicant complied with Pay As You Earn (PAYE) reporting requirements to HM Revenue & Customs in respect of each relevant settled worker as legally required, and has done so for the full period of employment used to claim points. These must show every payment made to each settled worker as well as any deductions;
- (b) duplicate payslips or wage slips for each settled worker used to claim points, covering the full period(s) of the employment for which points are being claimed;

- (c) confirmation of the employment start date, job title, job description, hours paid per pay period and the hourly rate for each settled worker relied upon, including any changes to the same and the dates of those changes;
- (d) copies of any of the following documents which demonstrate that each employee has settled status in the UK:
- (i) the biometric data page of a British or EEA passport, showing the photograph and personal details of the employee,
  - (ii) a birth certificate, showing the employee was born in the UK and Colonies before 1 January 1983,
  - (iii) if the employee was born in the UK on or after 1 January 1983, a birth certificate, together with documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born, and additionally, if the parent is the employee's father, a marriage certificate to the mother,
  - (iv) if the employee is an EEA national, a UK registration certificate/permanent residence document,
  - (v) if the employee is the spouse of an EEA national, the biometric data page of their passport, showing their photograph and personal details, or a residence card, and any of the documents in (i) or (iv) above which relate to the EEA national, together with their marriage certificate to the EEA national, or
  - (vi) if the worker is an overseas national with settled status in the UK, the biometric data page of their passport containing their photograph and personal details, and the pages where a UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Home Office which confirms their settled status in the UK;
- (e) if the applicant was self-employed at the time a settled worker was employed by their business, the specified documents in paragraph 48(a) above showing the dates that the applicant became registered with HMRC as self-employed, with the bank statements referred to in 48(a)(iii) showing all the payments made to the settled worker in the full period of employment used to claim points, and the address of the business;
- (f) if the applicant was a director of a UK company or member of a UK partnership at the time the settled worker was employed by their business, a printout from Companies House of the company's filing history page and of the applicant's personal appointments history, showing this;
- (g) if the applicant took over or joined a business, they must provide a signed and dated letter from an accountant, showing:

- (i) the name and contact details of the business,
- (ii) the applicant's status in the business,
- (iii) the number of jobs created in the business and the hours paid in each of the jobs,
- (iv) the start dates and end dates (where applicable) of the jobs relied upon,
- (v) the registration or permission of the accountant to operate in the UK,
- (vi) confirmation that the business did not employ any workers before the applicant took over or joined it, if relevant and
- (vii) confirmation that the accountant will verify the contents of the letter to the Home Office on request;

This applies regardless of how long the business existed for before the applicant took over or joined it;

(h) if the business referred to in (g) employed workers before the applicant took over or joined it, they must also provide the following documents for the year immediately before the applicant joined the business and the years that the jobs were created, showing the net increase in employment and signed and dated by the applicant:

- (i) duplicate Real Time Full Payment Submissions sent to HM Revenue & Customs, or
- (ii) if the business started employing settled workers for whom points are being claimed, before reporting under Real Time, a form P35.

### Settlement on the basis of £5 million business activity: specified documents

51. (a) Where Table 6 applies and the applicant is relying on the business activity of a new UK business or businesses, they must provide audited (if the business is legally required to produce audited accounts) or unaudited accounts which show the gross income resulting from the business' activities and that this reached at least £5 million.

(b) Where Table 6 applies and the applicant is relying on business activity from an existing UK business which they have taken over or invested in, they must provide both of the following:

(i) audited accounts (if the business is legally required to produce audited accounts) or unaudited accounts clearly showing:

(1) the name of the accountant,

(2) the date the accounts were produced,

(3) the gross income from business activity for the 3 year period immediately before the date on which the applicant became involved with the business, and

(4) a net increase of at least £5 million in gross income from business activity during the three year for which the applicant is claiming points under Table 6, row 4;

(ii) a signed and dated accountant's letter, confirming:

(1) the name and contact details of the business,

(2) an explanation of the applicant's status in the business,

(3) the net increase in business activity,

(4) the registration or permission of the accountant to operate in the United Kingdom, and,

(5) that the accountant will verify the content of the letter to the Home Office on request.

### Entrepreneurial teams: notes

52. Two applicants, but no more than two applicants, may claim points for the same investment, available funds, jobs created and business activity in Tables 4, 5 or 6 provided all of the following requirements are met:

(a) The applicants have equal level of control over the funds and (where relevant) equal status as owners, directors and/or members of the business or businesses in question.

(b) The applicants are both shown by name, passport number and (where relevant) Points-Based System reference number in each other's applications and in the specified evidence required in the relevant table.

(c) Neither applicant has previously been granted leave as a Tier 1 (Entrepreneur) Migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other, if the same funds were relied on in a previous application.

53. (a) No points will be awarded for money that is made available to any individual other than the applicant, except:

(i) under the terms of paragraph 52 above; or

(ii) where the money is held in a joint account with the applicant's spouse, civil partner or partner (defined as a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application), and that spouse or partner is not (and is not applying to be) another Tier 1 (Entrepreneur) Migrant.

(b) No points will be awarded for investment, job creation and business activity shared with another Tier 1 (Entrepreneur) applicant, except under the terms of paragraph 52 above.

(c) If the applicant is not the sole member or director in their business, they must provide confirmation of:

(i) the names of the other members or directors,

(ii) whether any of the other members or directors are also Tier 1 (Entrepreneur) Migrants, and

(iii) if so:

(1) the dates they became members or directors,

(2) whether they are applying under the provisions in paragraph 52 above, and

(3) if they have made (or are making at the same time) an application in which they claimed points for creating jobs, the names of the jobholders in question.

### Attributes for Tier 1 (Investor) Migrants

54. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Investor) Migrant must score 75 points for attributes.

55. Except where paragraph 56 applies, available points for applications for entry clearance or leave to remain are shown in Table 7.

56. (a) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant in the 12 months immediately before the date of application, unless Table 8B applies.

(b) Available points for entry clearance or leave to remain are shown in Table 8B where **all** of the following apply:

(i) The applicant has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, in the 12 months immediately before the date of application.

(ii) The applicant's initial grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant was under the Rules in place before 6 November 2014.

(iii) The date of application is before 6 April 2020.

57. (a) Available points for applications for indefinite leave to remain are shown in Table 9A for an applicant who was last granted as a Tier 1 (Investor) Migrant, unless Table 9B applies.

(b) Available points for applications for indefinite leave to remain are shown in Table 9B where the date of application is before 6 April 2022 and the applicant was last granted as a Tier 1 (Investor) Migrant under the Rules in place before 6 November 2014, or was



awarded points as set out in Table 8B of Appendix A in his last grant.<sup>58</sup> Notes to accompany Tables 7 to Table 9B appear below Table 9B.

Table 7: applications for entry clearance or leave to remain referred to in paragraph 55

Assets	Points
<p>The applicant:</p> <ul style="list-style-type: none"> <li>(a) has money of his own under his control held in a regulated financial institution and disposable in the UK amounting to not less than £2 million; and</li> <li>(b) has opened an account with a UK regulated bank for the purposes of investing not less than £2 million in the UK.</li> </ul>	75

Table 8A: Applications for entry clearance or leave to remain referred to in paragraph 56(a)

Money and investment	Points
<p>The applicant has invested not less than £2 million of his own under his control in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below.</p>	75

Where the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, no points will be awarded for investments in UK government bonds.

Where the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is on or after 6 April 2023, no points will be awarded for investments that were held in UK Government bonds on or after 6 April 2023.

The investment referred to above was made:

(1) within 3 months of the applicant's entry to the UK, if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the UK, unless there are exceptionally compelling reasons for the delay in investing, or

(2) where there is no evidence to establish his date of entry in the UK or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing, or

(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application.

Where the applicant was awarded points as set out in Table 8B in their last grant as a Tier 1 (Investor) Migrant, at least £1 million of the above investment must have been made within the timescales in (1) to (3) above. The remaining balance of the £2 million investment must have been made

<p>before the date of application and be shown in the most recent portfolio report referred to in paragraph 65-SD(a) below.</p> <p>In each case the level of investment must have been at least maintained for the whole of the remaining period of that leave.</p> <p>“Compelling reasons for the delay in investing” must be unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.</p>	
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Table 8B: Applications for entry clearance or leave to remain from applicants who initially applied to enter the category before 6 November 2014 as referred to in paragraph 56(b)

<b>Money and investment</b>	<b>Points</b>
<p>The applicant:</p> <p>(a) has money of his own under his control in the UK amounting to not less than £1 million, or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million, and</p> <p>(ii) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution.</p>	30

<p>The applicant has invested not less than £750,000 of his capital in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below and has invested the remaining balance of £1,000,000 in the UK by the purchase of assets or by maintaining the money on deposit in a UK regulated financial institution.</p>	<p>30</p>
<p>(i) The investment referred to above was made:</p> <p>(1) within 3 months of the applicant's entry to the UK, if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the UK, unless there are exceptionally compelling reasons for the delay in investing, or</p> <p>(2) where there is no evidence to establish the date of his entry in the UK or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing, or</p> <p>(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application,</p> <p>and in each case the investment has been at least maintained for the whole of the remaining period of that leave.</p>	<p>15</p>

<p>“Compelling reasons for the delay in investing” must be unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.</p>	
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Table 9A: Applications for indefinite leave to remain referred to in paragraph 57(a)

Row	Money and investment	Points
1	<p>The applicant has invested money of his own under his control amounting to at least:</p> <ul style="list-style-type: none"> <li>(a) £10 million; or</li> <li>(b) £5 million; or</li> <li>(c) £2 million</li> </ul> <p>in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below.</p> <p>Where the applicant’s initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, no points will be awarded for investments in UK Government bonds.</p>	40

	<p>Where the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is on or after 6 April 2025, no points will be awarded for investments that were held in UK Government bonds on or after 6 April 2025.</p>	
2	<p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above;</p> <p>(b) 3 years if the applicant scores points from row 1(b) above; or</p> <p>(c) 5 years if the applicant scores points from row 1(c) above.</p>	20
3	<p>The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.</p> <p>The level of investment has been at least maintained throughout the relevant specified continuous period referred to in row 2, other than in the first 3 months</p>	15

	<p>of that period, and the applicant has provided the specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <p>(a) the date the applicant first entered the UK as a Tier 1 (Investor) Migrant (or the date entry clearance was granted as a Tier 1 (Investor) Migrant), or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man with leave in a category equivalent to Tier 1 (Investor) if this is earlier, or</p> <p>(b) the date 3 months before the full specified amount was invested in the UK, or before the full required amount in an equivalent category was invested in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.</p>	
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Table 9B: Applications for indefinite leave to remain from applicants who initially applied to enter the category before 6 November 2014 as referred to in paragraph 57(b)

Row	Assets and investment	Points
1	<p>The applicant:</p> <p>(a) (i) has money of his own under his control in the UK amounting to not less than £10 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £20 million;</p>	20

	<p>and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £10 million which has been loaned to him by a UK regulated financial institution, or</p> <p>(b) (i) has money of his own under his control in the UK amounting to not less than £5 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £10 million; and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £5 million which has been loaned to him by a UK regulated financial institution; or</p> <p>(c) (i) has money of his own under his control in the UK amounting to not less than £1 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million; and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution.</p>	
2	The applicant has invested not less than 75% of the specified invested amount of his capital in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the	20



	<p>restrictions set out in paragraph 65 below, and has invested the remaining balance of the specified invested amount in the UK by the purchase of assets or by maintaining the money on deposit in a UK regulated financial institution.</p> <p>The specified invested amount is:</p> <p>(a) £10,000,000 if the applicant scores points from row 1(a) above,</p> <p>(b) £5,000,000 if the applicant scores points from row 1(b) above, or</p> <p>(c) £1,000,000 if the applicant scores points from row 1(c) above.</p>	
3	<p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above,</p> <p>(b) 3 years if the applicant scores points from row 1(b) above, or</p> <p>(c) 5 years if the applicant scores points from row 1(c) above.</p>	20

4	<p>The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.</p> <p>The level of investment has been at least maintained throughout the time spent with leave as a Tier 1 (Investor) Migrant in the UK in the relevant specified continuous period referred to in row 3, other than in the first 3 months of that period.</p> <p>In relation to time spent with leave as a Tier 1 (Investor) Migrant in the UK, the applicant has provided specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <p>(a) the date the applicant first entered the UK as a Tier 1 (Investor) Migrant (or the date entry clearance was granted as a Tier 1 (Investor) Migrant), or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man with leave in a category equivalent to Tier 1 (Investor) if this is earlier, or</p> <p>(b) the date 3 months before the full specified amount was invested in the UK, or before the full required amount in an equivalent category was invested in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.</p>	15
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59. In the case of an application where Table 7 applies, in addition to the evidence relating to money to invest, the applicant must provide a letter issued by an authorised official of a UK regulated bank, on the official letter-headed paper of the institution, which:

- (a) is dated within the three months immediately before the date of the application;
- (b) states the applicant's name and account number; and
- (c) confirms that:
  - (i) the applicant has opened an account with that bank for the purposes of investing not less than £2 million in the UK;
  - (ii) the bank is regulated by the Financial Conduct Authority for the purposes of accepting deposits; and
  - (iii) the bank has carried out all required due diligence checks and Know Your Customer enquiries in relation to the applicant.

### Money and assets: notes

60. Money is disposable in the UK if all of the money is held in a UK based financial institution or if the money is freely transferable to the UK and convertible to sterling. funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com)\* on the date on which the application was made.

61. "Money of his own", "personal assets" and 'his capital' include money or assets belonging to the applicant's spouse, civil partner or unmarried or same-sex partner, provided that:

(a) the applicant's spouse, civil partner or unmarried or same-sex partner meets the requirements of paragraphs 319C(c) and (d) of these rules, and the specified documents in paragraph 61-SD are provided, and

(b) specified documents in paragraph 61-SD are provided to show that the money or assets are under the applicant's control and that he is free to invest them.

61A. In Tables 7 to 9B, "money of his own under his control" and "money under his control" exclude money that a loan has been secured against, where another party would have a claim on the money if loan repayments were not met, except where:

- (i) the applicant made an application before 13 December 2012 which led to a grant of entry clearance or leave to remain as a Tier 1 (Investor) migrant,
- (ii) the applicant has not been granted entry clearance, leave to enter or leave to remain in any other category since the grant referred to in (i),
- (iii) the money is under the applicant's control, except for the fact that the loan referred to in paragraph (b) in Table 8B or row 1 of Table 9B has been secured against it, and
- (iv) the date of application is before 6 April 2020.

61-SD. The specified documents in paragraph 61, as evidence of the relationship and to show that the money or assets are under the applicant's control and that he is free to invest them, are as follows:

(a) The applicant must provide:

- (i) The certificate of marriage or civil partnership, to confirm the relationship, which includes the name of the applicant and the husband, wife or civil partner, or
- (ii) At least three of the following types of specified documents to demonstrate a relationship similar in nature to marriage or civil partnership, including unmarried and same-sex relationships, covering a full two-year period immediately before the date of the application:
  - (1) a bank statement or letter from a bank confirming a joint bank account held in both names,
  - (2) an official document such as a mortgage agreement showing a joint mortgage,
  - (3) official documents such as deeds of ownership or a mortgage agreement showing a joint investment, such as in property or business,
  - (4) a joint rent (tenancy) agreement,
  - (5) any other official correspondence linking both partners to the same address, such as example bills for council tax or utilities,
  - (6) a life insurance policy naming the other partner as beneficiary,
  - (7) birth certificates of any children of the relationship, showing both partners as parents, or

(8) any other evidence that adequately demonstrates the couple's long-term commitment to one another.

(b) The applicant must provide a declaration from the applicant's husband, wife, civil partner, or unmarried or same-sex partner that he will permit all joint or personal money used to claim points for the application to be under the control of the applicant in the UK, known as a gift of beneficial ownership of the money while retaining the legal title, which clearly shows:

- (1) the names of husband, wife, civil partner, or unmarried or same-sex partner and the applicant,
- (2) the date of the declaration,
- (3) the signatures of the husband, wife, civil partner, or unmarried or same-sex partner and applicant,
- (4) the amount of money available, and
- (5) a statement that the husband, wife, civil partner, or unmarried or same-sex partner agrees that the applicant has sole control over the money.

(c) The applicant must provide a letter, from a legal adviser who is permitted to practise in the country where the declaration was made, confirming that the declaration is valid and which clearly shows:

- (1) the name of the legal adviser confirming that the declaration is valid,
- (2) the registration or authority of the legal adviser to practise legally in the country in which the document was drawn up,
- (3) the date of the confirmation of the declaration,
- (4) the names of the applicant and husband, wife, civil partner, or unmarried or same-sex partner, and
- (5) that the declaration is signed and valid according to the laws of the country in which it was made.

62. A regulated financial institution is one which is regulated by the appropriate regulatory body for the country in which the financial institution operates.

63. In the case of an application where Table 7 applies, where the money referred to in Table 7 has already been invested in the UK before the date of application, points will only be awarded if it was invested in the UK no more than 12 months before the date of application.

### Source of money: notes

64. In the case of an application where Table 7 applies, points will only be awarded if the applicant:

- (a) has had the money referred to in Table 7 for a consecutive 2-year period of time, ending no earlier than one calendar month before the date of application, and provides the specified documents in paragraph 64-SD; or
- (b) provides the additional specified documents in paragraph 64A-SD of the source of the money.

64-SD. The specified document requirements in paragraph 64(a), as evidence of having held the money for the specified 2-year period, are as follows:

(a) The applicant must provide:

(i) A portfolio report produced by a UK regulated financial institution, or a breakdown of investments in a letter produced by a UK regulated financial institution, on the official letter-headed paper of the institution, issued by an authorised official of that institution. The portfolio report or letter must cover a consecutive 2-year period of time, ending no more than one calendar month before the date of application. The portfolio report or letter must confirm all the following:

- (1) the amount of the money held in the investments,
- (2) the beneficial owner of the funds,
- (3) the date of the investment period covered,
- (4) that the institution is a UK regulated financial institution, with the details of the registration shown on the documentation, and
- (5) that the money can be transferred into the UK should the application be successful, if it is held abroad, or that the money has already been invested in the UK in the form of share capital or loan capital in active and trading UK registered companies, and the dates of these investments;

(ii) If the applicant manages his own investments, or has a portfolio manager who does not operate in the UK and is not therefore regulated by the Financial Conduct Authority (FCA) (and the Prudential Regulation Authority (PRA) where applicable), he must provide one or more of the documents from the list below, as relevant to their type of investments, covering a consecutive 2-year period of time, ending no earlier than one calendar month before the date of application:

- (1) certified copies of bond documents showing the value of the bonds, the date of purchase and the owner;
- (2) share documents showing the value of the shares, the date of purchase and the owner,
- (3) the latest audited annual accounts of the organisation in which the investment has been made, clearly showing the amount of money held in the investments, the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner), and the date of investment, or, if no accounts have been produced, a certificate from an accountant showing the amount of money held in the investments, and
- (4) trust fund documents from a legal adviser showing the amount of money in the fund, the date that the money is available and the beneficial owner, and including the name and contact details of the legal adviser and at least one of the trustees;

(iii) Personal bank statements on the official bank stationery from a bank that is regulated by the official regulatory body for the country in which the institution operates and the funds are located, showing the account number and the amount of money available in the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner), covering a consecutive 2-year period of time, ending no earlier than one calendar month before the date of application. The most recent statement must be no more than one calendar month old at the date of application. Electronic bank statements must be accompanied by a supporting letter from the bank on the institution's official headed paper, issued by an authorising official of that institution, confirming the content and that the document is genuine;

(iv) If the applicant cannot provide bank statements, a letter from a bank that is regulated by the official regulatory body for the country in which the institution operates and the funds are located. The letter must be on the institution's official

headed paper, issued by an authorised official of that institution, and dated no more than one calendar month before the date of application. The letter must confirm:

- (1) the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner), and that the money is available in their name(s),
- (2) the account number,
- (3) that the bank is regulated by the official regulatory body for the country in which the institution operates and the funds are located,
- (4) the dates of the period covered, including both the day the letter was produced and three full consecutive months immediately before the date of the letter, and
- (5) the balance of the account to cover the required amount of money as a minimum credit balance on the date of the letter and throughout the three full consecutive months before the date of the letter;

(b) If the funds are not held in the UK, the applicant must also provide a letter from a bank or financial institution that is regulated by the official regulatory body for the country in which the institution operates and the funds are located, on the institution's official headed paper, issued by an authorised official of that institution, which confirms:

- (1) the name of the beneficial owner, which should be the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner),
- (2) the account number,
- (3) the date of the letter,
- (4) the amount of money to be transferred,
- (5) that the money can be transferred to the UK if the application is successful, and
- (6) that the institution will confirm the content of the letter to the Home Office on request.

If the applicant is providing the letter in (a)(iv) above, this information may be contained in the same letter.



(c) If specified documents are provided from accountants, the accountant must have a valid licence to practise or practising certificate and must:

(i) if based in the UK, be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, or the Association of International Accountants, or

(ii) if not based in the UK, be a member of an equivalent, appropriate supervisory or regulatory body in the country in which they operate.

64A-SD. Where paragraph 64(b) states that specified documents are required as evidence that the money is under the applicant's control and that he is free to invest it, the applicant must provide all the specified documents from the following list, with contact details that enable verification:

(a) Documents in the form of:

(i) Money given to the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) within the 2 years immediately before the application must be shown in an irrevocable memorandum of gift, which clearly shows:

- (1) the name and signature of the person receiving the gift,
- (2) the name and signature of the person giving the gift,
- (3) the date of the memorandum,
- (4) the relationship between the person giving the gift and the person receiving it,
- (5) the amount of money being given,
- (6) a statement that the legal ownership of the gift is transferred and that the document is the memorandum of

transfer,

(7) a clear description of the gift, and

(8) a statement that the gift is irrevocable;

(ii) If a memorandum of gift in (i) is provided, it must be accompanied by a confirmation letter from a legal adviser permitted to practise in the country where the gift was made, which clearly shows:

(1) the name of the legal adviser who is confirming the details,

(2) the registration or authority of the legal adviser to practise legally in the country in which the gift was made,

(3) the date of the confirmation of the memorandum,

(4) the names of the person giving the gift and the person receiving it,

(5) the relationship between the person giving the gift and the person receiving it,

(6) the amount of money given,

(7) the date that the money was transferred to the applicant, or to the husband, wife, civil partner, or unmarried partner or same-sex partner of the applicant,

(8) that the memorandum is signed and valid,

(9) that the gift is irrevocable, and

(10) that the memorandum is binding according to the laws of the country in which it was made;

(iii) Deeds of sale of assets such as business or property, if the applicant has generated these funds within the 2 years immediately before the date of application, which meet the relevant legal requirements of the country of sale and clearly show:

(1) the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner),

(2) the amount of money raised, and

(3) the date of the sale;

(iv) If a deed of sale in (iii) is provided, it must be accompanied by a confirmation letter from a legal adviser permitted to practise in the country where the sale was made, which clearly shows:

- (1) the name of the legal adviser confirming the details,
- (2) the registration or authority of the legal adviser to practise legally in the country in which the sale was made,
- (3) the date of the sale,
- (4) the date of production of the letter confirming the sale,
- (5) the details of what was sold and the amount of money received from the sale,
- (6) the name of the person receiving the money from the sale,
- (7) the date that the money was transferred, and
- (8) that the sale was valid according to the laws of the country in which it was made;

(v) If the funds are currently held in the applicant's business (or the business of the applicant and/or the applicant's husband, wife, civil partner, or unmarried or same-sex partner), the applicant must provide business accounts, which:

- (1) are profit and loss accounts (or income and expenditure accounts if the organisation is not trading for profit),
- (2) are prepared and signed off in accordance with statutory requirements, and
- (3) clearly show the amount of money available for investment;

(vi) If business accounts in (v) are provided, they must be accompanied by a letter from a legal adviser who is permitted to practise in the country where business was operating, confirming that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) can lawfully extract the money from the business, which clearly shows:

- (1) the name of the legal adviser who is confirming the details,
- (2) the registration or authority of the legal adviser to practise legally in the country in which the business is operating,
- (3) the date on which the details are confirmed, and
- (4) that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) can lawfully extract the money from the business in question;

(vii) If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same sex partner) has been the beneficiary of a will within the 2 years before making the application, and has received money as a result, the applicant must provide a notarised copy of the will. If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received possessions or assets, rather than money, then the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) may not use estimates of the value of the items as evidence of funds for investment. The notarised copy of the will must clearly show:

- (1) the date of the will,
- (2) the beneficiary of the will (this should be the applicant or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner),
- (3) the amount of money that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has inherited, and
- (4) the names of any executors, plus any codicils (additions) to the will that affect the amount of money that was received;

(viii) If a notarised copy of a will in (vii) is provided, it must be accompanied by a confirmation letter from a legal adviser who is permitted to practise in the country where will was made, confirming the validity of the will, which clearly shows:

- (1) the name of the legal adviser confirming the details,
- (2) the registration or authority of the legal adviser to practise legally in the country in which the will was made,
- (3) the date of the document produced by the legal adviser confirming the will,
- (4) the date that the applicant received the money as a result of the settlement of the will,
- (5) the names of the person making the will and the beneficiary,
- (6) the relationship between the person making the will and the beneficiary,
- (7) confirmation of the amount of money received by the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner).
- (8) that the will is signed and valid, and
- (9) that the will is valid according to the laws of the country in which it was made;

(ix) If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has obtained money as a result of a divorce settlement within the 2 years immediately before the date of application, the applicant must provide a notarised copy of a financial agreement following a divorce. If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received possessions or assets, rather than money, estimates of the value of the items will not be accepted as evidence of money for investment.

(x) If a divorce settlement in (ix) is provided, it must be accompanied by a confirmation letter from a legal adviser who is permitted to practise in the country where the divorce took place, which clearly shows:

- (1) the name of the legal adviser confirming the details,
- (2) the registration or authority of the legal adviser to practise legally in the country in which the divorce took place,
- (3) the date of the document produced by the legal adviser confirming the divorce settlement,
- (4) the date that the applicant received the money as a result of the settlement,
- (5) the names of the persons who are divorced,

(6) confirmation of the amount of money received by the applicant (or wife, civil partner, or unmarried or same-sex partner, applicant and/or husband,

(7) that the divorce settlement is complete and valid, and

(8) that the divorce settlement is valid according to the laws of the country in which it was made;

(xi) If the applicant is relying on a financial award or winnings as a source of funds, he must provide a letter from the organisation issuing the financial award or winnings, which clearly shows:

(1) the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner),

(2) the date of the award,

(3) the amount of money won,

(4) the winnings are genuine, and

(5) the contact details for the organisation issuing the award or winnings;

(xii) If a letter showing a financial award or winnings in (xi) is provided, it must be accompanied by a confirmation letter from a legal adviser who is permitted to practise in the country where the award was made, which clearly shows:

(1) the name of the legal adviser confirming the details,

(2) the registration or authority of the legal adviser to practise legally in the country in which the award was made,

(3) the date of the letter of confirmation,

(4) the date of the award,

(5) the name of the recipient of the award,

(6) the amount of the winnings,

(7) the source of the winnings, and

(8) the date that the money was transferred to the applicant, or husband, wife, civil partner, or unmarried or same-sex partner;

(xiii) If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received money from a source not listed above, the applicant must provide relevant documentation as evidence of the source of the money, together with independent supporting evidence, which both clearly confirm:

- (1) the amount of money received,
- (2) the date that the money was received,
- (3) the source of the money, and
- (4) that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) was the legal recipient of the money.

### Source of additional money (Table 9A and Table 9B): notes

64B-SD. In the case of an application where Table 9A, row 1 (a) or (b), or Table 9B, row 1 (a)(i) or (b)(i) applies, points will only be awarded if the applicant:

- (a) (i) has had the additional money (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies) that he was not awarded points for in their previous grant for a consecutive 2-year period of time (or a consecutive 90-day period of time if their initial leave as a Tier 1 (Investor) Migrant was granted under the rules in place before 29 March 2019 and the date of application is before 6 April 2025), ending on the date(s) this additional capital was invested (as set out in row 1 of Table 9A or row 2 of Table 9B), and
- (ii) provides the specified documents in paragraph 64-SD (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies), with the following differences:

(1) References to "date of application" in paragraph 64-SD are taken to read "date of investment";

(2) The evidence in paragraph 64-SD(a)(i)(5) may also include evidence that the money has already been invested in the UK in the form of UK Government bonds, if the applicant's initial leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019 and the date of application is before 6 April 2025; or

(b) provides the additional specified documents in paragraph 64A-SD of the source of the additional money (with the difference that references to "date of application" in that paragraph are taken to read "date of investment").

64C-SD. In the case of an application where Table 9B, row 1 (a)(ii) or (b)(ii) applies, points will only be awarded if the applicant provides a letter of confirmation from each UK regulated financial institution the applicant has taken out a loan with to obtain the additional funds that he was not awarded points for in his previous grant of leave. The letter must have been issued by an authorised official, on the official letter-headed paper of the institution(s), and confirm:

(i) the amount of money that the institution(s) has loaned to the applicant,

(ii) the date(s) the loan(s) was taken out by the applicant, which must be no later than the date(s) this additional capital was invested (as set out in Table 9B, row 2),

(iii) that the institution is a UK regulated financial institution for the purpose of granting loans,

(iv) that the applicant has personal assets with a net value of at least £2 million, £10 million or £20 million (as appropriate), and

(v) that the institution(s) will confirm the content of the letter to the Home Office on request.

### Qualifying investments (Table 8A to Table 9B): notes

65. Investment excludes investment by the applicant by way of:



(a) an offshore company or trust, or investments that are held in offshore custody except that investments held in offshore custody will not be excluded where:

- (i) the applicant made an application before 13 December 2012 which led to a grant of entry clearance or leave to remain as a Tier 1 (Investor) migrant,
- (ii) the applicant has not since been granted entry clearance, leave to enter or leave to remain in any other category, and
- (iii) the date of application is before 6 April 2020.

(b) Open-ended investment companies, investment trust companies, investment syndicate companies or pooled investment vehicles, except that investment via pooled investment vehicles is permitted if such vehicles receive funding from a UK or devolved government department or one of its agencies, and the applicant provides a letter from a financial institution regulated by the Financial Conduct Authority to confirm this,

(c) Companies mainly engaged in property investment, property management or property development (meaning in this context any investment or development of property to increase the value of the property with a view to earning a return either through rent or a future sale or both, or management of property for the purposes of renting it out or resale. The principle is that business income must be generated from the supply of goods and/or services and not derived from the increased value of property or any income generated through property, such as rent.),

(d) Deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits,

(e) ISAs, premium bonds and saving certificates issued by National Savings and Investment (NS&I), for an applicant who has, or last had leave as a Tier 1 (Investor) Migrant,

(f) Leveraged investment funds, except where the leverage in question is the security against the loan referred to in paragraph (b) in Table 8B or row 1 of Table 9B (as appropriate), and paragraph 61A(i)-(iii) apply, or

(g) UK government bonds, if:

(i) the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, or

(ii) the investments were held in UK Government bonds on or after 6 April 2023 and the date of application is on or after:

(1) 6 April 2023, if the application is for entry clearance or leave to remain;

(2) 6 April 2025, if the application is for indefinite leave to remain.

65AA. If an applicant invests in an entity which acts as an intermediary vehicle to invest or otherwise channel the funds elsewhere (including to another intermediary vehicle):

(a) Their investment will be considered to be where the funds are finally invested, not in the intermediary vehicle(s) (except in the case of a government-funded pooled investment vehicle permitted under paragraph 65(b) above, where the investment will be considered to be in that vehicle);

(b) The investment in the final destination must itself be a qualifying investment, as set out in these Rules;

(c) Any intermediary vehicle(s) involved must not fall within the exclusions in paragraph 65(a), (b) or (f) above;

(d) Any intermediary vehicle(s) involved must be based in the UK and regulated by the Financial Conduct Authority, if:

(i) the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, or

(ii) the date of application is on or after:

(1) 6 April 2023, if the application is for entry clearance or leave to remain;

(2) 6 April 2025, if the application is for indefinite leave to remain;

(e) The applicant must provide the specified evidence in paragraph 65-SD in relation to the transfer of their funds to and between any intermediary vehicle(s), and from the intermediary vehicle to the final investment destination. This applies regardless of how long any chain of intermediary vehicles is.

65A. (a) "Active and trading UK registered companies" must meet the definition set out in (b) if:

(i) the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place from 29 March 2019, or

(ii) the date of application is on or after:

(1) 6 April 2023, if the application is for entry clearance or leave to remain;

(2) 6 April 2025, if the application is for indefinite leave to remain.

(b) In the applications set out in (a), "active and trading UK registered companies" means companies which:

(i) are registered with Companies House in the UK;

(ii) are registered with HM Revenue and Customs for corporation tax and PAYE;

(iii) have accounts and a UK business bank account, both showing regular trading of its own goods or services;

(iv) have at least two UK-based employees who are not its directors.

(c) "Active and trading UK registered companies" must meet the definition set out in (d) if:

(i) the applicant's initial grant of leave as a Tier 1 (Investor) Migrant was granted under the Rules in place before 29 March 2019, and

(ii) the date of application is before:

(1) 6 April 2023, if the application is for entry clearance or leave to remain;

(2) 6 April 2025, if the application is for indefinite leave to remain.

(d) In the applications set out in (c), "active and trading UK registered companies" means companies which:

(i) have a registered office or head office in the UK;

(ii) have a UK bank account showing current business transactions; and

(iii) are subject to UK taxation.

65B. No points will be awarded where the specified documents show that the funds are held in a financial institution which is not permitted under Appendix Finance.

65C. (a) In the case of an application where Table 8A or Table 9A applies, points for maintaining the level of investment for the specified continuous period of leave will only be awarded:

(i) if the applicant has purchased a portfolio of qualifying investments for a price of at least £2 million (or £5 million or £10 million, as appropriate); and

(ii) where any part of the qualifying investments in the portfolio is sold (whether at a gain or at a loss) during the specified continuous period of leave, their gross proceeds are re-invested in qualifying investments before the end of the next reporting period, or within six months of the date of completion of the sale, whichever is sooner.

(b) In the case of an application where Table 8B or Table 9B applies, points for maintaining the level of investment for the relevant period of leave will only be awarded if:

(i) the applicant has maintained a portfolio of qualifying investments with a market value of at least £750,000 (or £3,750,000 or £7,500,000 as appropriate);

(ii) any fall in the market value of the portfolio below the amount in (i) is corrected before the end of the next reporting period, or within six months of the date of completion of the sale, whichever is sooner, by the purchase of further qualifying investments with a market value equal to the amount of any such fall; and

(iii) the applicant has maintained a total level of investment (including the qualifying investments at (i) and (ii) above) of £1,000,000.

(c) In the case of an application where one of Tables 8A, 8B, 9A or 9B applies:

(i) The applicant may withdraw interest accrued and dividends declared after the date on which the applicant purchased the qualifying investments in the portfolio;

(ii) Fees, for example those charged by institutions for managing the portfolio, and transaction costs and tax incurred through buying and selling investments cannot be paid for from the investment funds for which the applicant scores points; and

(iii) If the applicant has invested more than the required level in qualifying investments, the fees, transaction costs and tax referred to in (ii) above may be paid from the surplus investment, providing the surplus investment was made at the same time or before the fees, transaction costs and tax were incurred (for example, if the applicant scores points for investing £2 million in qualifying investments, but has actually invested £2.1 million in qualifying investments, up to £100,000 in fees, transaction costs and tax may be paid for from the investment funds. The applicant must have invested £2.1 million at or by the time he pays these costs; he cannot pay out of a £2 million investment and invest a further £100,000 at a later date to compensate).

65-SD. The following specified documents must be provided as evidence of investment:

(a) The applicant must provide a series of investment portfolio reports, certified as correct by a UK regulated financial institution, which must:

(i) cover the required period, beginning no later than the end of the 3 month timescale specified in the relevant table;

- (ii) continue to the last reporting date of the most recent reporting period directly before the date of the application;
- (iii) include the price the applicant paid for the investments, which must total at least the amount for which points are being claimed throughout the required period;
- (iv) certify that the total investment was maintained as required by paragraph 65C as applicable;
- (v) show the dates that the investments were made;
- (vi) show the destination of the investments;
- (vii) for investments made as loan funds to companies, be accompanied by audited accounts or unaudited accounts with an accounts compilation report for the investments made, giving the full details of the applicant's investment. The accountant must have a valid licence to practise or practising certificate and must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, or the Association of International Accountants;
- (viii) include the name and contact details of the financial institution that has certified the portfolio as correct and, except for National Savings and Investment (NS&I) portfolio reports, confirmation that this institution is regulated by the Financial Conduct Authority (FCA) (and the Prudential Regulation Authority (PRA) where applicable);
- (ix) confirm that the investments were made in the applicant's name and/or that of his spouse, civil partner, unmarried or same-sex partner and not in the name of an offshore company or trust even if this is wholly owned by the applicant;
- (x) include the date that the portfolio was certified by the financial institution;
- (xi) state that the institution will confirm the content of the reports to the Home Office on request; and
- (xii) confirmation that the portfolio is unencumbered and has no loans secured against it; and

(xiii) confirmation that none of the investments being relied on are prohibited by paragraph 65(a) to (f).

(b) DELETED

(c) Where the applicant is applying under Table 8B or Table 9B and has invested at least 75% of the specified investment amount but less than 100%, he must provide one or more of the following specified documents as evidence of the balance of the funds required to bring his total investment in the UK up to the specified investment amount:

(i) Documents confirming the purchase of assets in the UK, showing the assets purchased, the value of these assets and the dates of purchase. When using property, only the unmortgaged portion of the applicant's own main home, excluding any share owned by any other person in the case of a tenancy in common, will count towards the balance of funds. The valuation of the portion of the property that the applicant may rely on, must be provided in a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors), which is dated not earlier than six months prior to the date of application. The property must be:

- (1) wholly owned by the applicant or
- (2) co-owned by the applicant and their spouse, civil partner, or partner, or
- (3) co-owned by the applicant with one or more persons as tenants in common

(ii) If the applicant maintained money on deposit in the UK, a statement or statements of account on the official stationery of the institution that holds the funds. These statements must be in the name of the applicant (or applicant and/or the husband, wife, civil partner, or unmarried or same-sex partner of the applicant) and confirm the dates and amount of money held. The applicant must ensure that the institution will confirm the content of the statement to the Home Office on request;

(iii) A letter from the financial institution that holds the cash on deposit, on the institution's official headed paper, issued by an authorised official of that institution, which confirms the dates and amount of money held and that the institution will confirm the content of the letter to the Home Office on request.

(d) If the applicant wishes the start of the 3 month timescale specified in Table 8A, Table 8B, Table 9A or Table 9B to be taken as the date he entered the UK, he must provide evidence which proves this date, such as a stamp in the applicant's passport, or an aircraft boarding card.

(e) Evidence of the investment having been maintained, from the date that the funds were invested for the full period of remaining leave, will be determined using the portfolio reports provided in (a).

### **Attributes for Tier 1 (Graduate Entrepreneur) Migrants**

66. The attributes for this category have been deleted as the category is now closed and has been replaced by the Start-up category in Appendix W.

67 – 72. DELETED.

### **Attributes for Tier 2 (Intra-Company Transfer) Migrants**

73. DELETED.

73A. DELETED.

73B. DELETED.

Table 11

DELETED.

Notes



## Certificate of Sponsorship

74. DELETED.

74A. DELETED.

74B. DELETED.

74C. DELETED.

74C-SD DELETED.

74D. DELETED.

74E. DELETED.

74F. DELETED.

74G. DELETED.

74H. DELETED.

74I. DELETED.

## Appropriate salary

75. DELETED.

75A. DELETED.

## Table 11AA

DELETED.

75B. DELETED

75C. DELETED

75D. DELETED.

75E. DELETED.

## Attributes for Tier 2 (General) Migrants

76. DELETED.

76A. DELETED.

76B. DELETED.

## Table 11A

DELETED.

## Notes

### Certificate of Sponsorship

77. DELETED.

77A. DELETED.

77B. DELETED.

77C. DELETED.

77D. DELETED.

77E. DELETED.

77F. DELETED.

77G. DELETED.

77H. DELETED.

77I. DELETED.

77J. DELETED.

77K. DELETED.

Job offer passes Resident Labour Market Test

78. DELETED.

Table 11B: Advertising methods and duration which satisfy the Resident Labour Market Test

DELETED.

Table 11C: Advertising media which satisfy the Resident Labour Market Test

DELETED.

Resident Labour Market Test exemption applies

Shortage occupation

78A. DELETED.

Post-Study Work

78B. DELETED.

Other exemptions

78C. DELETED.

Continuing to work in the same occupation for the same Sponsor

78D. DELETED.

Appropriate salary

79. DELETED.

79A. DELETED.

Table 11CA

DELETED.

79B. DELETED.

79C. DELETED.

79D. DELETED.

## Tier 2 (General) limit

### Overview

80. DELETED.

80A. DELETED.

80B. DELETED.

80C. DELETED.

80D. DELETED.

80E. DELETED.

### Table 11D

Applications for Certificates of Sponsorship under the Tier 2 (General) limit

DELETED.

### Notes

81. DELETED.

81A. DELETED.

81B. DELETED.

81C. DELETED.

81D. DELETED.

81E. DELETED

81F. DELETED.

81G. DELETED

81H. DELETED

81I. DELETED.

### Monthly allocations

82. The Tier 2 (General) limit will be divided into monthly allocations.

82A. DELETED.

### Table 11E

### Provisional monthly allocations under the Tier 2 (General) limit

DELETED.

82B. DELETED.

82C. DELETED.

82D. DELETED.

83. DELETED.

83A. DELETED.

83B. DELETED.

83C. DELETED.

83D. DELETED.

83E. DELETED.

84. DELETED.

84A. DELETED.

## Attributes for Tier 2 (Ministers of Religion) Migrants

85. DELETED.

86. DELETED.

87. DELETED.

## Table 12

DELETED.

## Notes

88. DELETED.

89. DELETED.

90. DELETED.

90A. DELETED.

91. DELETED.

92. DELETED.

92A. DELETED.

### Attributes for Tier 2 (Sportsperson) Migrants

93. DELETED.

94. DELETED.

95. DELETED.

### Notes

96. DELETED.

97. DELETED.

98. DELETED.

98A. DELETED.

99. DELETED.



100. DELETED.

### **Attributes for Tier 5 (Youth Mobility Scheme) Temporary Migrants**

101. DELETED.

102. DELETED.

103. DELETED.

Table 14  
DELETED.

### **Notes**

104. DELETED.

### **Attributes for Tier 5 (Temporary Worker) Migrants**

105. DELETED.

106. DELETED.

107. DELETED.

Table 15

**DELETED.**

**Notes**

108. DELETED.

109. DELETED.

109A. DELETED.

110. DELETED.

111. DELETED.

111-SD DELETED.

112. DELETED.

**Attributes for Tier 4 (General) Students**

113. DELETED.

114. DELETED.

115. DELETED.

**Notes**

115A. DELETED.

115B – 115I DELETED.

116. DELETED.

117. DELETED.

118. DELETED.

119. DELETED.

120. DELETED.

### Specified documents

120-SD. DELETED.

120A. DELETED.

### Attributes for Tier 4 (Child) Students

121. DELETED.

122. DELETED.

123. DELETED.

123A. DELETED.

### Notes

124. DELETED.

125. DELETED.

125A. DELETED.

### Specified documents

125-SD. DELETED.

126. DELETED.

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# Immigration Rules

## Appendix AR

### Administrative Review

#### Introduction

Administrative review is available where an eligible decision has been made. Decisions eligible for administrative review are listed in paragraph AR3.2 of this Appendix.

Administrative review will consider whether an eligible decision is wrong because of a case working error and, if it is considered to be wrong, the decision will be withdrawn or amended as set out in paragraph AR2.2 of this Appendix.

Rules about how to make a valid application for administrative review are set out at paragraphs 34M to 34Y of these Rules.

#### Definitions

AR1.1 For the purpose of this Appendix the following definitions apply:

*Applicant* the individual applying for administrative review.

*Case working error* an error in decision-making listed in paragraph AR3.4 (for administrative review in the UK).

*Valid application* an application for administrative review made in accordance with paragraphs 34M to 34Y of these Rules.

*Pending* as defined in paragraph AR2.9.

*Reviewer* the Home Office case worker or Immigration Officer conducting the administrative review.

*Original decision maker* the Home Office case worker or Immigration Officer who made the *eligible decision*.

## General Principles

### What is administrative review?

AR2.1 Administrative review is the review of an *eligible decision* to decide whether the decision is wrong due to a *case working error*.

### Outcome of administrative review

AR2.2 The outcome of an administrative review will be:

- (a) Administrative review succeeds and the *eligible decision* is withdrawn; or
- (b) Administrative review does not succeed and the *eligible decision* remains in force and all of the reasons given for the decision are maintained; or
- (c) Administrative review does not succeed and the *eligible decision* remains in force but one or more of the reasons given for the decision are withdrawn; or
- (d) Administrative review does not succeed and the *eligible decision* remains in force but with different or additional reasons to those specified in the decision under review.

### What will be considered on administrative review?

AR2.3 The *eligible decision* will be reviewed to establish whether there is a *case working error*, either as identified in the application for administrative review, or identified by the *Reviewer* in the course of conducting the administrative review.

AR2.4 The *Reviewer* will not consider any evidence that was not before the *original decision maker* except where:

- (a) evidence that was not before the *original decision maker* is submitted to demonstrate that a *case working error* as defined in paragraph AR2.11 (a), (b) or (c) has been made; or
- (b) the evidence is submitted to demonstrate that the refusal of an application for permission to stay under paragraphs 9.7.1, 9.7.2 or 9.7.3 of Part 9 of these Rules was a *case working error* and the *applicant* has not previously been served with a decision to:
  - (i) refuse an application for entry clearance, leave to enter or leave to remain;
  - (ii) revoke entry clearance, leave to enter or leave to remain;
  - (iii) cancel leave to enter or leave to remain;
  - (iv) curtail leave to enter or leave to remain; or
  - (v) remove a person from the UK, with the effect of invalidating leave to enter or leave to remain,

which relied on the same findings of facts.

AR2.5 If the *applicant* has identified a *case working error* as defined in paragraph AR2.11 (a), (b) or (c), the *Reviewer* may contact the *applicant* or his representative in writing, and request relevant evidence. The requested evidence must be received at the address specified in the request within 7 working days of the date of the request.

AR2.6 The *Reviewer* will not consider whether the *applicant* is entitled to leave to remain on some other basis and nothing in these rules shall be taken to mean that the *applicant* may make an application for leave or vary an existing application for leave, or make a protection or human rights claim, by seeking administrative review.

## Applying for administrative review

AR2.7 The rules setting out the process to be followed for making an application for administrative review are at 34M to 34Y of these Rules.

## Effect of Pending administrative review on liability for removal

AR2.8 Where administrative review is *pending* the Home Office will not seek to remove the *applicant* from the United Kingdom.

## When is administrative review pending?

AR2.9 Administrative review is *pending* for the purposes of paragraph AR2.8 of this Appendix and sections 3C(2)(d) and 3D(2)(c) of the Immigration Act 1971:

- (a) While an application for administrative review can be made in accordance with 34M to 34Y of these Rules, ignoring any possibility of an administrative review out-of-time under paragraph 34R(3);
- (b) While a further application for administrative review can be made in accordance with paragraph 34M(2) of these Rules following a notice of outcome at AR2.2(d) served in accordance with Appendix SN of these Rules;
- (c) When an application for administrative review has been made until:
  - (i) the application for administrative review is rejected as invalid because it does not meet the requirements of paragraph 34N to 34S of these Rules;
  - (ii) the application for administrative review is withdrawn in accordance with paragraph 34X; or



- (iii) the notice of outcome at AR2.2(a), (b) or (c) is served in accordance with Appendix SN of these Rules.

AR2.10 Administrative review is not *pending* when:

- (a) an administrative review waiver form has been signed by an individual in respect of whom an *eligible decision* has been made. An administrative review waiver form is a form where the person can declare that although they can make an application in accordance with paragraphs 34M to 34Y of these Rules, they will not do so;
- (b) administrative review has previously been *pending* and the individual in respect of whom the *eligible decision* has been made submits a fresh application for entry clearance, leave to enter or leave to remain. In this case the day prior to the day on which the fresh application is submitted is the last day on which administrative review is *pending*.

## What is a case working error?

AR2.11(a) Where the original decision maker's decision to:

- (i) refuse an application on the basis of paragraph 9.7.1, 9.7.2, 9.8.1 or 9.8.2 of Part 9 of these Rules; or
  - (ii) cancel leave to enter or remain which is in force under paragraph 9.7.3 of Part 9 of these Rules; or
  - (iii) refuse an application of the type specified in paragraph AR3.2(d) of these Rules on grounds of deception; or
  - (iv) cancel leave to enter or remain which is in force under paragraph A3.1(c) of Annex 3 to Appendix EU or paragraph A3.1(c) of Annex 3 to Appendix EU (Family Permit) of these Rules; or
  - (v) refuse permission to enter or stay which is in force under paragraph HV11.1(c) of Appendix S2 Healthcare Visitor; or
  - (vi) refuse permission to enter which is in force under paragraph SPS10.1(c) of Appendix Service Providers from Switzerland; is incorrect;
- (b) Where the *original decision maker's* decision to refuse an application on the basis that the date of application was beyond any time limit in these Rules was incorrect;
- (c) Where the *original decision maker's* decision not to request specified documents under paragraph 245AA of these Rules was incorrect;
- (d) Where the *original decision maker* otherwise applied the Immigration Rules incorrectly; or

- (e) Where *the original decision maker* failed to apply the Secretary of State's relevant published policy and guidance in relation to the application.

AR2.12 Additionally, where the eligible decision is one specified in paragraph AR3.2, a *case working error* is also where there has been an error in calculating the correct period or conditions of immigration leave either held or to be granted.

## Administrative Review in the UK

### Decisions eligible for administrative review in the United Kingdom

AR3.1 Administrative review is only available where an *eligible decision* has been made.

AR3.2 An eligible decision is:

- (a) A decision on an application where the application was made on or after 20th October 2014 for leave to remain as:
  - (i) a Tier 4 Migrant under the Points Based System; or
  - (ii) the partner of a Tier 4 Migrant under paragraph 319C of the Immigration Rules; or
  - (iii) the child of a Tier 4 Migrant under paragraph 319H of the Immigration Rules.
- (aa) A decision on an application where the application was made on or after 5 October 2020 at 0900 for permission to stay as:
  - (i) a Student under Appendix ST: Student; or
  - (ii) a Child Student under Appendix CS: Child Student; or
  - (iii) the dependant partner of a Student under Appendix ST: Student; or
  - (iv) the dependant child of a Student under Appendix ST: Student; or
  - (v) the Parent of a Child Student under Part 7.

- (b) A decision on an application where the application was made on or after 2nd March 2015 for leave to remain, as:
  - (i) a Tier 1, 2 or 5 Migrant under the Points Based System; or
  - (ii) the partner of a Tier 1, 2 or 5 Migrant under paragraphs 319C or 319E of the Immigration Rules; or
  - (iii) the child of a Tier 1, 2 or 5 Migrant under paragraphs 319H or 319J of the Immigration Rules.
- (c) A decision made on or after 6th April 2015 on an application for leave to remain made under these Rules unless it is an application as a visitor, or where an application or human rights claim is made under:
  - (i) Paragraph 276B (long residence);
  - (ii) Paragraphs 276ADE(1) or 276DE (private life);
  - (iii) Paragraphs 276U and 276AA (partner or child of a member of HM Forces);
  - (iv) Paragraphs 276AD and 276AG (partner or child of a member of HM Forces) where the sponsor is a foreign or Commonwealth member of HM Forces and has at least 4 years' reckonable service in HM Forces at the date of application;
  - (v) Part 8 of these Rules (family members) where the sponsor is present and settled in the UK (unless the application is made under paragraphs 319AA to 319J of these Rules, or under paragraph 284, 287, 295D or 295G where the sponsor was granted settlement as a Points Based System Migrant) or has refugee or humanitarian protection status in the UK;
  - (vi) Part 11 of these Rules (asylum);
  - (vii) Part 4 or Part 7 of Appendix Armed Forces (partner or child of a member of HM Forces) where the sponsor is a British Citizen or has at least 4 years' reckonable service in HM Forces at the date of application;
  - (viii) Appendix FM (family members), but not where an application is made under section BPILR (bereavement) or section DVILR (domestic violence),

in which case the appropriate remedy is an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 rather than an application for administrative review.

- (d) A decision made on or after 6th April 2015 on an application for leave to remain made by a Turkish national or their family member pursuant to the UK's obligations under Article 41 of the Additional Protocol to the European Community Association Agreement (ECAA) with Turkey, and under Article 6(1) of Decision 1/80 of the Association Council established by that agreement.
- (e) A decision on an application where the application was made on or after 1 December 2020 for permission to stay as:
  - (i) a Student under Appendix Student; or
  - (ii) a Child Student under Appendix Child Student; or
  - (iii) the Parent of a Child Student under Appendix Parent of a Child Student; or
  - (iv) a Skilled Worker under Appendix Skilled Worker; or
  - (v) an Intra-company routes worker under Appendix Intra-Company Routes; or
  - (vi) a Minister of Religion under Appendix T2 Minister of Religion; or
  - (vii) a Sportsperson under Appendix T2 Sportsperson; or
  - (viii) a Representative of an Overseas Business under Appendix Representative of an Overseas Business; or
  - (ix) a person with UK Ancestry under Appendix UK Ancestry; or
  - (x) a person on the Global Talent route under Appendix Global Talent; or
  - (xi) a person on the Start-up route under Appendix Start-up; or
  - (xii) an Innovator under Appendix Innovator; or
  - (xiii) a Seasonal Worker under Appendix T5 (Temporary Worker) Seasonal Worker; or
  - (xiv) a Youth Mobility Worker under Appendix T5 (Temporary Worker) Youth Mobility Scheme; or
  - (xv) a Religious Worker under Appendix T5 (Temporary Worker) Religious Worker; or
  - (xvi) a Charity Worker under Appendix T5 (Temporary Worker) Charity Worker; or
  - (xvii) a Creative or Sporting Worker under Appendix T5 (Temporary Worker) Creative or Sporting Worker; or
  - (xviii) an International Agreement Worker under Appendix T5 (Temporary Worker) International Agreement Worker; or
  - (xix) a Government Authorised Exchange Worker under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route.

- (f) A decision on an application where the application was made on or after 1 December 2020 for permission to stay as the dependent partner or dependent child of:
- (i) a Student under Appendix Student; or
  - (ii) a Skilled Worker under Appendix Skilled Worker; or
  - (iii) an Intra-company routes worker under Appendix Intra-Company Routes; or
  - (iv) a Minister of Religion under Appendix T2 Minister of Religion; or
  - (v) a Sports person under Appendix T2 Sports person; or
  - (vi) a Representative of an Overseas Business under Appendix Representative of an Overseas Business; or
  - (vii) a person with UK Ancestry under Appendix UK Ancestry; or
  - (viii) a person on the Global Talent route under Appendix Global Talent; or
  - (ix) a person on the Start-up route under Appendix Start-up; or
  - (x) an Innovator under Appendix Innovator; or
  - (xi) a Religious Worker under Appendix T5 (Temporary Worker) Religious Worker; or
  - (xii) a Charity Worker under Appendix T5 (Temporary Worker) Charity Worker; or
  - (xiii) a Creative or Sporting Worker under Appendix T5 (Temporary Worker) Creative or Sporting Worker; or
  - (xiv) an International Agreement Worker under Appendix T5 (Temporary Worker) International Agreement Worker; or
  - (xv) a Government Authorised Exchange Worker under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route.
- (g) A decision on an application where the application was made on or after 31 January 2021 for permission to stay as:
- (i) a Hong Kong British National (Overseas) under Appendix Hong Kong British National (Overseas); or
  - (ii) the dependent partner, BN(O) Household Child, BN(O) Household Member, or Adult Dependent Relative of a Hong Kong British National (Overseas) under Appendix Hong Kong British National (Overseas).

AR3.3 An eligible decision in paragraph AR3.2 is either a decision to refuse an application for leave to remain or a decision to grant leave to remain where a review is requested of the period or conditions of leave granted.

## Administrative Review on arrival in the UK

### Decisions eligible for administrative review on arrival in the United Kingdom

AR4.1 Administrative review is only available where an *eligible decision* has been made.

AR4.2 An eligible decision is a decision made on or after 6th April 2015 to cancel leave to enter or remain with the result that the applicant has no leave to enter or remain, where the reason for cancellation is:

- (a) there has been such a change of circumstances in the applicant's case since that leave was given that it should be cancelled;
- (b) the leave was obtained as a result of false information given by the applicant or the applicant's failure to disclose material facts.

AR4.3 Where the *eligible decision* is made in the *Control Zone*, administrative review may not be applied for and will not be considered until after the applicant has left or been removed from the *Control Zone*.

## Administrative Review overseas

### Decisions eligible for administrative review overseas

AR5.1 Administrative review is only available where an *eligible decision* has been made.

AR5.2 (a) An *eligible decision* is a refusal of an application for entry clearance made on or after 6th April 2015 under the Rules unless it is an application under Part 3 of these Rules (short-term students), under Appendix EU (Family Permit) or as a visitor, or where an application or human rights claim is made under:

- (i) Paragraphs 276R and 276X (partner or child of a member of HM Forces);
- (ii) Paragraphs 276AD and 276AG (partner or child of a member of HM Forces) where the sponsor is a foreign or Commonwealth member of HM Forces and has at least 4 years' reckonable service in HM Forces at the date of application;
- (iii) Part 8 of these Rules (family members) where the sponsor is present and settled in the UK (unless the application is made under paragraphs 319AA to 319J of these Rules) or has refugee or humanitarian protection status in the UK;

- (iv) Part 4 or Part 7 of Appendix Armed Forces (partner or child of a member of HM Forces) where the sponsor is a British Citizen or has at least 4 years' reckonable service in HM Forces at the date of application;
- (v) Appendix FM (family members),

in which case the appropriate remedy is an appeal under section 82 of the Nationality, Immigration and Asylum Act 2002 rather than an application for administrative review.

(aa) An eligible decision is also a refusal of an application for entry clearance made on or after 5 October as:

- (i) A Student; or
- (ii) A Child Student; or
- (iii) The Parent of a Child Student; or
- (iv) The dependent partner or dependent child of a Student.

(b) An *eligible decision* is also a refusal of an application for entry clearance made on or after 6th April 2015 by a Turkish national or their family member pursuant to the UK's obligations under Article 41 of the Additional Protocol to the European Community Association Agreement (ECAA) with Turkey.

(c) An eligible decision is also a refusal of an application for entry clearance made on or after 1 December 2020 as:

- (i) a Short-term Student under Appendix Short-term Student (English language); or
- (ii) a Skilled Worker under Appendix Skilled Worker; or
- (iii) an Intra-company Transfer route worker under Appendix Intra-Company Routes; or
- (iv) a Minister of Religion under Appendix T2 Minister of Religion; or
- (v) a Sportsperson under Appendix T2 Sportsperson; or
- (vi) a Representative of an Overseas Business under Appendix Representative of an Overseas Business; or
- (vii) a person with UK Ancestry under Appendix UK Ancestry; or
- (viii) a person on the Global Talent route under Appendix Global Talent; or

- (ix) a person on the Start-up route under Appendix Start-up; or
- (x) an Innovator under Appendix Innovator; or
- (xi) a Seasonal Worker under Appendix T5 (Temporary Worker) Seasonal Worker; or
- (xii) a Youth Mobility Worker under Appendix T5 (Temporary Worker) Youth Mobility Scheme; or
- (xiii) a Religious Worker under Appendix T5 (Temporary Worker) Religious Worker; or
- (xiv) a Charity Worker under Appendix T5 (Temporary Worker) Charity Worker; or
- (xv) a Creative or Sporting Worker under Appendix T5 (Temporary Worker) Creative or Sporting Worker; or
- (xvi) an International Agreement Worker under Appendix T5 (Temporary Worker) International Agreement Worker; or
- (xvii) a Government Authorised Exchange Worker under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route.

(d) An eligible decision is also a refusal of an application for entry clearance made on or after 1 December 2020 as the dependent partner or dependent child of:

- (i) a Skilled Worker under Appendix Skilled Worker; or
- (ii) an Intra-company routes worker under Appendix Intra-Company Routes; or
- (iii) a Minister of Religion under Appendix T2 Minister of Religion; or
- (iv) a Sportsperson under Appendix T2 Sportsperson; or
- (v) a Representative of an Overseas Business under Appendix Representative of an Overseas Business; or
- (vi) a person with UK Ancestry under Appendix UK Ancestry; or
- (vii) a person on the Global Talent route under Appendix Global Talent; or
- (viii) a person on the Start-up route under Appendix Start-up; or
- (ix) an Innovator under Appendix Innovator; or
- (x) a Religious Worker under Appendix T5 (Temporary Worker) Religious Worker; or
- (xi) a Charity Worker under Appendix T5 (Temporary Worker) Charity Worker; or
- (xii) a Creative or Sporting Worker under Appendix T5 (Temporary Worker) Creative or Sporting Worker; or
- (xiii) an International Agreement Worker under Appendix T5 (Temporary Worker) International Agreement Worker; or
- (xiv) a Government Authorised Exchange Worker under Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route.

(e) An eligible decision is also a refusal of an application for entry clearance made on or after 31 January 2021 as:



- (i) a Hong Kong British National (Overseas) under Appendix Hong Kong British National (Overseas); or
- (ii) the dependent partner, BN(O) Household Child, BN(O) Household Member, or Adult Dependent Relative of a Hong Kong British National (Overseas) under Appendix Hong Kong British National (Overseas).

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# Immigration Rules

## Appendix AR(EU)

### Eligible decisions

AR(EU)A1. An application for administrative review of an eligible decision made under Appendix EU, Appendix EU (Family Permit), Appendix S2 Healthcare Visitor or Appendix Service Providers from Switzerland. may only be made in accordance with this Appendix. Appendix AR does not apply to such applications.

AR(EU)1.1. An applicant may only apply for an administrative review where an eligible decision has been made. An eligible decision is a decision to:

- (a) Refuse an application under paragraph EU6 of Appendix EU because the applicant does not meet the eligibility requirements for indefinite leave to enter or remain under paragraph EU11, EU11A or EU12 or for limited leave to enter or remain under paragraph EU14 or EU14A; or
- (b) Grant limited leave to enter or remain under paragraph EU3 of Appendix EU and not indefinite leave to enter or remain under paragraph EU2; or
- (c) Grant limited leave to enter or remain under paragraph EU3A of Appendix EU and not indefinite leave to enter or remain under paragraph EU2A; or
- (d) Cancel leave granted under Appendix EU on the grounds that the person ceases to meet the requirements of that Appendix for that leave; or
- (e) Cancel leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) where since the entry clearance was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled; or
- (f) Refuse an application under paragraph HV9.1 of Appendix S2 Healthcare Visitor because the applicant does not meet the eligibility requirements for permission to enter or remain as an S2 Healthcare Visitor; or
- (g) Refuse permission to enter to a person who holds entry clearance under Appendix S2 Healthcare Visitor, where, since the entry clearance was granted, there has been a change in circumstances which means the person no longer meets the eligibility requirements for permission to enter; or
- (h) Refuse permission to enter to a non-visa national seeking to come to the UK as an S2 Healthcare Visitor for 6 months or less, because they do not meet the eligibility requirements of Appendix S2 Healthcare Visitor; or

- (i) Refuse an application for entry clearance under paragraph SPS7.1 of Appendix Service Providers from Switzerland because the applicant does not meet the eligibility requirements of that Appendix; or
- (j) Refuse permission to enter to a person who holds an entry clearance under Appendix Service Providers from Switzerland, where, since the entry clearance was granted, there has been a change in circumstances which means the person no longer meets the eligibility requirements for permission to enter.

AR(EU)1.1A. DELETED.

AR(EU)1.2. An applicant may not apply for an administrative review where a decision has been made to:

- (a) Refuse an application under paragraph EU6 of Appendix EU on suitability grounds as set out in paragraph EU15 or EU16; or
- (b) Refuse an application under paragraph HV9.1 of Appendix S2 Healthcare Visitor where the suitability requirements are not met; or (c) Refuse permission to enter to a person who holds entry clearance under Appendix S2 Healthcare Visitor, where, since the entry clearance was granted, there has been a change in circumstances which means the person no longer meets the suitability requirements for permission to enter; or
- (d) Refuse an application for entry clearance under paragraph SPS 7.1 of Appendix Service Providers from Switzerland because the applicant does not meet the suitability requirements of that Appendix; or
- (e) Refuse permission to enter to a person who holds an entry clearance under Appendix Service Providers from Switzerland, where, since the entry clearance was granted, there has been a change in circumstances which means the person no longer meets the suitability requirements for permission to enter.

AR(EU)1.3. An applicant may not apply for an administrative review where their application has been rejected as invalid under paragraph EU10(1) of Appendix EU, paragraph HV1.7. of Appendix S2 Healthcare Visitor or paragraph SPS 1.4. of Appendix Service Providers from Switzerland.

### **Consideration**

AR(EU)2.1. The person considering the administrative review on behalf of the Secretary of State (“the reviewer”) will decide whether the decision is incorrect because:

- (a) The decision maker failed to apply, or incorrectly applied, the relevant Immigration Rules;
- (b) The decision maker failed to apply, or incorrectly applied, the published guidance in relation to the application; or

(c) Information or evidence that was not before the decision maker has been provided to the reviewer which shows that the applicant qualifies for:

- (i) a grant, or a different grant, of leave under Appendix EU; or
- (ii) permission to enter or stay in the UK under Appendix S2 Healthcare Visitor; or
- (iii) entry clearance or permission to enter under Appendix Service Providers from Switzerland.

AR(EU)2.2. Where the reviewer considers that the decision is incorrect in accordance with paragraph AR(EU)2.1., the decision will be withdrawn and a new decision made. Otherwise, the decision will be maintained.

AR(EU)2.3. The reviewer will consider any information and evidence submitted with the application for administrative review, including information and evidence that was not before the original decision-maker.

AR(EU)2.4. The reviewer may contact the applicant or their representative to request further information or evidence, to be provided within a reasonable timeframe specified in the request.

AR(EU)2.5. The reviewer will notify the applicant of the outcome of the administrative review by notice under Appendix SN.

### **Applications for administrative review**

AR(EU)3.1. A valid application for administrative review under this Appendix must be made in accordance with paragraphs 34M to 34Y of these Rules.

AR(EU)3.2. An application for administrative review under this Appendix is decided when:

- (a) It is rejected as invalid because it does not meet the requirements of paragraph 34N to 34S of these Rules;
- (b) It is withdrawn in accordance with paragraph 34X of these Rules; or
- (c) The notice of outcome is served in accordance with Appendix SN.

### **Effect of a pending administrative review on liability for removal**

AR(EU)4.1. Where an administrative review under this Appendix is pending the Home Office will not seek to remove the applicant from the United Kingdom.

AR(EU)4.2. For the purposes of paragraph AR(EU)4.1., an administrative review is pending where:

- (a) An application for administrative review can be made in accordance with 34M to 34Y of these Rules, ignoring any possibility of an administrative review out-of-time under paragraph 34R(3);
- (b) A further application for administrative review can be made in accordance with paragraph 34M(2A) of these Rules; or
- (c) An application for administrative review has been made and has not yet been decided.

AR(EU)4.3. However, an administrative review is not pending where the applicant has waived their right to apply for an administrative review of an eligible decision by signing an administrative review waiver form.”.

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# Immigration Rules

## Appendix Armed Forces

### Part 1 General

#### Who these rules apply to

1. The rules contained in this Appendix apply to those seeking to enter or remain in the United Kingdom as:

- (a) a foreign or Commonwealth member of HM Forces (on discharge);
- (b) a partner or child of a member of HM Forces;
- (c) a partner or child of a member of non-HM Forces who is exempt from immigration control by virtue of section 8(4)(b) or (c) of the Immigration Act 1971;
- (d) a member of non-HM Forces who is not exempt from immigration control;
- (e) a partner or child of a member of non-HM Forces who is not exempt from immigration control;
- (f) a Relevant Civilian Employee as defined in paragraph 2(j)(a); and
- (g) a partner or child of a Relevant Civilian Employee.

#### Interpretation and general provisions

2. In this Appendix (including as it applies to applications under Part 7 or 8 of these Rules):

(a) an application for leave to enter or remain includes an application for variation of leave to enter or remain;

(b) a reference to a British Citizen in the United Kingdom includes:

(i) a British Citizen who is coming to the United Kingdom with the applicant as the applicant's partner or parent; and

(ii) a British Citizen who has naturalised having accrued 5 years' reckonable service in HM Forces;

(ba) a reference to a civilian employee of NATO includes an employee of the American National Red Cross working with US Forces in the United Kingdom;

(c) "Gurkha" means a member of HM Forces who is serving or has served in the Brigade of Gurkhas of the British Army under the Brigade of Gurkhas' terms and conditions of service;

(d) "a member of HM Forces" is a person who, subject to sub-paragraphs (e) and (f), is a member of the regular forces within the meaning of the Armed Forces Act 2006;

(e) a person is not to be regarded as a member of HM Forces if the person is treated as a member of a regular force by virtue of:

(i) section 369 of the Armed Forces Act 2006, or

(ii) section 4(3) of the Visiting Forces (British Commonwealth) Act 1933;

(f) a reference to a member of HM Forces includes a person who was a member of HM Forces but was discharged within the period of 2 years prior to the date of the application under these Rules made in relation to that member;

(g) "a member of non-HM Forces" means a member of other armed forces who is:

(i) exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971, or

(ii) not exempt from immigration control;

(h) "partner" means (unless a different meaning of partner applies elsewhere in this Appendix):

(i) the applicant's spouse;

(ii) the applicant's civil partner;

(iii) the applicant's fiancé(e) or proposed civil partner; or

(iv) a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least 2 years prior to the date of the application;

(i) a reference to a person who is present and settled in the UK includes a person who is being admitted for settlement on the same occasion as the applicant;

(j) "reckonable service" is the service which counts towards pension, which starts from the first day of paid service in HM Forces;

(ja) a reference to a Relevant Civilian Employee means a civilian who is being employed to work in the United Kingdom by:

(i) a NATO force;

(ii) a company under contract to a NATO force; or

(iii) the Australian Department of Defence;

(k) "specified" means specified in Appendix FM-SE and Appendix O to these Rules;

(l) where a financial or maintenance requirement applies in this Appendix, paragraphs A. to 21 of Appendix FM-SE to these Rules shall apply as appropriate.

3. If an Entry Clearance Officer, or the Secretary of State, has reasonable cause to doubt the genuineness of any document submitted in support of an application, and having taken reasonable steps to verify the document, is unable to verify that it is genuine, the document will be discounted for the purposes of the application.



4. A reference to an application being considered under this Appendix includes, where relevant, an application considered under Part 7 or 8 of these Rules which requires compliance with this Appendix.

5. Paragraphs 277-280, 289AA, 295AA and 296 of Part 8 of these Rules apply to applications made under this Appendix.

5A. Where a person aged 18 or over is granted entry clearance or limited leave to enter or remain under this Appendix, or where a person granted such entry clearance or limited leave to enter or remain will be aged 18 before that period of limited leave expires, the entry clearance or leave will, in addition to any other conditions which may apply, be granted subject to the conditions in Appendix ATAS of these Rules.

## Leave to enter

6. The requirements to be met by a person seeking leave to enter the United Kingdom under this Appendix are that the person:

(a) must have a valid entry clearance for entry in a route under this Appendix, unless they are:

(i) a non-visa national;

(ii) not seeking entry for a period exceeding 6 months; and

(iii) applying for leave to enter under paragraphs 56, 61B or 64 of this Appendix; and

(b) must produce to the Immigration Officer on arrival a valid national passport or other document satisfactorily establishing their identity and nationality.

7. If a person does not meet the requirements of paragraph 6, entry will be refused.

## Part 2 - Suitability requirements

8. An application under this Appendix will be refused on the grounds of suitability if any of the provisions in this paragraph apply:
- (a) in respect of applications for entry clearance, the Secretary of State has personally directed that the exclusion of the applicant from the United Kingdom is conducive to the public good;
  - (b) the applicant is currently the subject of a deportation order;
  - (c) subject to sub-paragraph (d), permitting the applicant to enter, or remain in, the United Kingdom is not conducive to the public good because he or she has been convicted of an offence for which he or she has been sentenced to a period of imprisonment of:
    - (i) at least 4 years; or
    - (ii) at least 12 months, but less than 4 years, unless: (aa) in respect of applications for entry clearance: a period of 10 years has passed since the end of the sentence; or
    - (bb) in respect of applications for indefinite leave to remain: a period of 15 years has passed since the end of the sentence; or
    - (iii) in respect of applications for entry clearance or indefinite leave to remain, less than 12 months, unless: (aa) in respect of applications for entry clearance: a period of 5 years has passed since the end of the sentence; or (bb) in respect of applications for indefinite leave to remain: a period of 7 years has passed since the end of the sentence;
  - (ca) in respect of applications for limited or indefinite leave to remain, where:
    - (i) the Secretary of State has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or
    - (ii) the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for regarding them as a danger to the security of the United Kingdom; or

(iii) the Secretary of State considers that they are a person to whom sub-paragraph (i) or (ii) would apply except that (a) the person has not made a protection claim, or (b) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or

(iv) the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the United Kingdom.

(e) in respect of applications for limited leave to remain or indefinite leave to remain, in the view of the Secretary of State,

(i) the applicant's offending has caused serious harm; or

(ii) the applicant is a persistent offender who shows a particular disregard for the law;

(f) in respect of applications for indefinite leave to remain, the applicant has, within the 24 months prior to the date on which the application is decided, been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record;

(g) permitting the applicant to enter, or remain in, the UK is not conducive to the public good because, for example, their conduct (including convictions which do not fall within sub-paragraph (c) or (f) as appropriate, character, associations, or other reasons, make it undesirable to grant them entry clearance or allow them to remain in the UK;

(h) in respect of applications for entry clearance, the applicant left or was removed from the United Kingdom pursuant to a condition attached to a conditional caution given under section 22 of the Criminal Justice Act 2003 less than 5 years before the date on which the application is decided;

(i) the applicant has failed without reasonable excuse to comply with a requirement to:

(i) attend an interview;

(ii) provide information;

(iii) provide physical data; or

(iv) undergo a medical examination or provide a medical report; or

(j) it is undesirable to grant entry clearance to the applicant for medical reasons.

9. An application under this Appendix will normally be refused on the grounds of suitability if any of the provisions in this paragraph apply:

(a) whether or not to the applicant's knowledge:

(i) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or

(ii) there has been a failure to disclose material facts in relation to the application;

(b) DELETED

(c) a maintenance and accommodation undertaking has been requested or required under this Appendix or paragraph 35 of these Rules or otherwise and has not been provided;

(d) in respect of applications for entry clearance, the exclusion of the applicant from the United Kingdom is conducive to the public good because:

(i) within the 12 months prior to the date on which the application is decided, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or

(ii) in the view of the Secretary of State: (aa) the person's offending has caused serious harm; or (bb) the person is a persistent offender who shows a particular disregard for the law.

10. In respect of applications for limited leave to remain or indefinite leave to remain, when considering whether the presence of the applicant in the UK is not conducive to the public good any legal or practical reasons why the applicant cannot presently be removed from the United Kingdom must be ignored.

10A. The applicant may be refused on grounds of suitability if the applicant has failed to pay litigation costs awarded to the Home Office.

10B. An application under this Appendix may be refused on the grounds of suitability if one or more relevant NHS bodies has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

## Part 3 - Discharged members of HM Forces

### General eligibility requirements

11. The general eligibility requirements to be met for entry clearance (and limited or indefinite leave to enter) or for limited or indefinite leave to remain as a discharged member of HM Forces are that:

(a) the applicant:

- (i) has completed at least 4 years' reckonable service in HM Forces; or
- (ii) meets the medical discharge criteria in paragraph 12; and

(b) on the date on which the application is made:

- (i) the applicant has been discharged from HM Forces for a period of less than 2 years; or

- (ii) in the case of an applicant who was medically discharged more than 2 years before, new information regarding his or her prognosis is being considered by the Secretary of State; or
  - (iii) the applicant has been granted his or her most recent period of limited leave: (aa) under paragraph 15 or 19 of this Appendix as a foreign or Commonwealth citizen who has been discharged from HM Forces; or (bb) under paragraph 276KA or 276QA of these Rules; or
  - (cc) under the concession which existed outside these Rules, whereby the Secretary of State exercised her discretion to grant leave to enter or remain to members of HM Forces who have been medically discharged; and
- (c) in relation to an application made by a Gurkha, the Gurkha is a citizen or national of Nepal.

## Medical discharge

12. The medical discharge criteria are satisfied where the applicant was medically discharged from HM Forces:

(a) where the cause was attributable to service in HM Forces and it came about owing to deployment in an operational theatre;  
or

(b) where the cause was attributable to service in HM Forces, it did not come about owing to deployment in an operational theatre but it is appropriate to grant leave to enter or remain in the United Kingdom following an assessment of the following factors:

(i) the seriousness of the illness or injury;

(ii) the need for further medical treatment in relation to the illness or injury and the availability of such medical treatment in the applicant's country of origin;

- (iii) the prognosis for recovery, including whether the injury or illness will affect the applicant's ability to support themselves in their country of origin; and
- (iv) the length of reckonable service in HM Forces at the time of the applicant's discharge.

## Indefinite leave to enter

13. Entry clearance and indefinite leave to enter as a foreign or Commonwealth citizen discharged from HM Forces will be granted to an applicant who:

- (a) is outside the United Kingdom;
- (b) has made a valid application for entry clearance and indefinite leave to enter as a foreign or Commonwealth citizen discharged from HM Forces;
- (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (d) meets the general eligibility requirements in paragraph 11.

## Leave to remain

14. Limited leave to remain as a foreign or Commonwealth citizen discharged from HM Forces will be granted to an applicant who:

- (a) is in the United Kingdom;
- (b) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

- (c) has made a valid application for limited leave to remain as a foreign or Commonwealth citizen discharged from HM Forces;
- (d) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (e) meets the general eligibility requirements in paragraph 11.

15. Limited leave to remain granted under paragraph 14 will normally be granted for a period not exceeding 30 months and will be subject to such conditions as the Secretary of State considers appropriate.

### Indefinite leave to remain

16. Indefinite leave to remain as a foreign or Commonwealth citizen discharged from HM Forces will be granted to an applicant who:

- (a) is in the United Kingdom;
- (b) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;
- (c) has made a valid application for indefinite leave to remain as a foreign or Commonwealth citizen discharged from HM Forces;
- (d) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (e) meets the general eligibility requirements in paragraph 11.

### Circumstances in which limited leave to remain may be granted to applicants for indefinite leave to remain under Paragraph 16



17. Limited leave to remain as a foreign or Commonwealth citizen discharged from HM Forces may be granted to a person who fails to meet the requirements for indefinite leave to remain in paragraph 16 of this Appendix by reason only of failing to meet the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave to remain (but not a grant of limited leave to remain).

18. Limited leave to remain as a foreign or Commonwealth citizen discharged from HM Forces may be granted to a person (P) who fails to meet the requirements for indefinite leave to remain in paragraph 16 of this Appendix by reason only of being unable to meet the medical discharge criteria in paragraph 12 , provided that the following conditions are met:

- (a) P has been medically discharged from HM Forces;
- (b) the cause of P's discharge was attributable to service in HM Forces; and
- (c) before P can return to P's country of origin it is appropriate to grant limited leave to remain to facilitate:
  - (i) further medical treatment for P; or
  - (ii) a period of recovery for P.

19. Limited leave to remain granted under paragraph 17 or 18 will normally be granted for a period not exceeding 30 months and will be subject to such conditions as the Secretary of State considers appropriate.

## Part 4 - Partners of members of HM Forces

### General eligibility requirements

20. The general eligibility requirements to be met by the partner (P) of a member of HM Forces are that on the date the application is made:

- (a) P's sponsor is a member of HM Forces (as defined in paragraph 2(d) of this Appendix) who:

(i) is exempt from immigration control; or

(ii) has leave to enter or remain under paragraphs 13-19 of this Appendix or paragraphs 276E-QA of these Rules or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged; or

(iii) is being granted leave to enter or remain under paragraphs 13-19 of this Appendix or paragraphs 276E-QA of these Rules at the same time as P; or

(iv) is a British Citizen;

(b) P and P's sponsor:

(i) are both aged 18 or over;

(ii) must not be within a prohibited degree of relationship;

(iii) must intend to live together permanently; and

(iv) must have met in person;

(c) the relationship between P and P's sponsor is genuine and subsisting; and

(d) any previous relationship of P or P's sponsor must have broken down permanently, unless it is a relationship which falls within paragraph 278(i) of these Rules.

21. If P and P's sponsor are married or in a civil partnership, it must be a valid marriage or civil partnership as specified in Appendix FM-SE.

22. If P is the fiancé(e) or proposed civil partner of P's sponsor, P must be seeking entry to the UK to enable their marriage or civil partnership to take place.

## Leave to enter

23. Entry clearance and leave to enter as the partner of a member of HM Forces will be granted to an applicant who:

- (a) is outside the United Kingdom;
- (b) has made a valid application for entry clearance and leave to enter as the partner of a member of HM Forces;
- (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;
- (d) meets the general eligibility requirements in paragraph 20;
- (e) meets the English language requirement in Part 11 of this Appendix; and
- (f) meets the financial requirements in Part 12 of this Appendix.

24. Entry clearance and leave to enter granted under paragraph 23 will normally be:

- (a) for whichever is the shortest period of:
  - (i) 5 years;
  - (ii) the remaining duration of the applicant's partner's enlistment;
  - (iii) the remaining duration of the applicant's partner's extant leave under paragraph 276KA or 276QA of these Rules or paragraph 15 or 19 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged; or
  - (iv) in the case of a fiancé(e) or proposed civil partner, a period not exceeding 6 months; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) in the case of a fiancé(e) or proposed civil partner, a prohibition on employment.

## Indefinite leave to enter

25. Entry clearance and indefinite leave to enter as the partner of a member of HM Forces will be granted to an applicant who:

(a) is outside the United Kingdom;

(b) has made a valid application for entry clearance and indefinite leave to enter as the partner of a member of HM Forces;

(c) has a partner who:

(i) is a foreign or Commonwealth citizen who is a member of HM Forces with at least 5 years' reckonable service in HM Forces; or

(ii) has been granted indefinite leave to enter or remain under paragraph 13 or 16 of this Appendix or paragraphs 276E-Q of these Rules and is in the United Kingdom; or

(iii) is a British Citizen;

(d) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(e) meets the general eligibility requirements in paragraph 20;

(f) can demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the UK in accordance with the requirements of Appendix KoLL to these Rules;

(g) meets the financial requirements in Part 12 of this Appendix; and

(h) has completed a continuous period of 60 months with leave under this Appendix as the partner of the same member of HM Forces, excluding any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.

26. Entry clearance and limited leave to enter as a partner (excluding as a fiancé(e) or proposed civil partner) of a member of HM Forces for a period of 30 months may be granted:

(a) where an applicant fails to meet the requirements of paragraph 25 by reason only of failing to meet the requirements of paragraph 25(c)(i) or (ii), provided that the applicant's sponsor has been granted leave to enter or remain under paragraph 15 or 19 of this Appendix; or

(b) where an applicant fails to meet the requirements of paragraph 25 by reason only of failing to meet the requirements of paragraph 25(f).

27. Entry clearance and limited leave to enter granted under paragraph 26 will be subject to a condition of no recourse to public funds.

## Leave to remain

28. Limited leave to remain as the partner of a member of HM Forces will be granted to an applicant who:

(a) is in the United Kingdom, but not:

(i) as a visitor;

(ii) with valid leave that was granted for a period of 6 months or less, unless that leave:

(aa) is as a fiancé(e) or proposed civil partner; or

(bb) was granted pending the outcome of family court or divorce proceedings;

(iii) on temporary admission or temporary release; or

(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted;

(b) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

(c) has made a valid application for limited leave to remain as the partner of a member of HM Forces;

(d) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(e) meets the general eligibility requirements in paragraph 20;

(f) is not a fiancé(e) or proposed civil partner of the member of HM Forces, unless:

(i) the applicant is in the United Kingdom with leave as a fiancé(e) or proposed civil partner under paragraph 23 (and that earlier leave was granted in respect of the current sponsor);

(ii) there is good reason why the marriage or civil partnership has not taken place during that period of leave; and

(iii) there is evidence that the marriage or civil partnership will take place within the next 6 months;

(g) meets the English language requirement in Part 11 of this Appendix; and

(h) meets the financial requirements in Part 12 of this Appendix.

29. Limited leave to remain granted under paragraph 28 will normally be granted:

(a) for whichever is the shortest period of:

(i) 5 years;

(ii) the remaining duration of the applicant's partner's enlistment; or

(iii) the remaining duration of the applicant's partner's extant leave under paragraph 276KA or 276QA of these Rules or paragraph 15 or 19 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged; or

(iv) in the case of a fiancé(e) or proposed civil partner, a period not exceeding 6 months; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) in the case of a fiancé(e) or proposed civil partner, a prohibition on employment.

30. An applicant granted limited leave to remain under paragraph 29 will be eligible to apply for settlement after a continuous period of 60 months with such leave under this Appendix as the partner of the same member of HM Forces, excluding any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.

## Indefinite leave to remain

31. Indefinite leave to remain as the partner of a member of HM Forces will be granted to an applicant who:

(a) is in the United Kingdom;

(b) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

(c) has a partner who:

(i) is a foreign or Commonwealth citizen who is a member of HM Forces with at least 5 years' reckonable service in HM Forces; or

(ii) has been granted, or is being granted at the same time as the applicant, indefinite leave to enter or remain under paragraph 13 or 16 of this Appendix or paragraphs 276E-Q of these Rules; or

(iii) is a British Citizen;

(d) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(e) meets the general eligibility requirements in paragraph 20;

(f) can demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the UK in accordance with the requirements of Appendix KoLL to these Rules;

(g) meets the financial requirements in Part 12 of this Appendix; and

(h) has completed a continuous period of 60 months with leave under this Appendix as the partner of the same member of HM Forces, excluding any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.

32. Limited leave to remain as the partner (excluding as a fiancé(e) or proposed civil partner) of a member of HM Forces for a period of 30 months may be granted where the applicant fails to meet the requirements for indefinite leave to remain in paragraph 31:

(a) by reason only of failing to satisfy the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave to remain (but not a grant of limited leave to remain); or

(b) by reason only of failing to meet the requirements of paragraph 31(c)(i) or (ii), provided that the applicant's sponsor has been granted leave to enter or remain under paragraph 15 or 19 of this Appendix; or

(c) by reason only of failing to meet the requirements of paragraph 31(f).

33. Limited leave to remain granted under paragraph 32 will be subject to a condition of no recourse to public funds.

## **Part 5 - Bereaved partners of members of HM Forces**



## General eligibility requirements

34. The general eligibility requirements to be met by a bereaved partner of a member of HM Forces are that:

(a) the applicant's partner at the time of the applicant's last grant of leave as a partner (other than as a fiancé(e) or proposed civil partner) was:

(i) a foreign or Commonwealth citizen who was a serving member of HM Forces; or

(ii) a discharged member of HM Forces who had been granted, or was seeking at the same time as the applicant, leave to enter or remain under paragraphs 13-19 of this Appendix or paragraphs 276E-QA of these Rules; or

(iii) a British Citizen in HM Forces;

(b) the applicant's partner has died;

(c) at the time of the applicant's partner's death the applicant and the partner:

(i) were both aged 18 or over;

(ii) were not within a prohibited degree of relationship; and

(iii) had met in person; and

(d) at the time of the applicant's partner's death the relationship between the applicant and the partner was genuine and subsisting and each of the parties intended to live together permanently.

## Indefinite leave to enter

35. Entry clearance and indefinite leave to enter as a bereaved partner of a member of HM Forces will be granted to an applicant who:
- (a) is outside the United Kingdom as a result of accompanying their sponsor on an overseas posting;
  - (b) has made a valid application for entry clearance and indefinite leave to enter as the bereaved partner of a member of HM Forces;
  - (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
  - (d) meets the general eligibility requirements in paragraph 34.

### Indefinite leave to remain

36. Indefinite leave to remain as a bereaved partner of a member of HM Forces will be granted to an applicant who:
- (a) is in the United Kingdom;
  - (b) has made a valid application for indefinite leave to remain as the bereaved partner of a member of HM Forces;
  - (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
  - (d) meets the general eligibility requirements in paragraph 34.

37. Limited leave to remain as a bereaved partner of a member of HM Forces for a period of 30 months may be granted to a person who fails to meet the requirements for indefinite leave to remain in paragraph 36 by reason only of failing to meet the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave to remain (but not a grant of limited leave to remain).

38. Limited leave to remain granted under paragraph 37 will be subject to a condition of no recourse to public funds.

## Part 6 - Partners of members of HM Forces who are the victim of domestic violence

### General eligibility requirements

39. The general eligibility requirements to be met by the partner of a member of HM Forces who is a victim of domestic violence are that:

(a) the applicant is in the UK and was:

(i) last admitted to the UK under paragraph 276AD of these Rules or paragraph 23, 26, 28 or 32 of this Appendix; or

(ii) last granted leave to enable access to public funds pending an application under this paragraph and the preceding grant of leave was given in accordance with paragraph 276AD of these Rules or paragraph 23, 26, 28 or 32 of this Appendix;

(b) the leave referred to in sub-paragraph (a)(i) or, where applicable, the preceding grant of leave referred to in sub-paragraph (a)(ii) was as the partner (other than a fiancé(e) or proposed civil partner) of a member of HM Forces who is:

(i) a British Citizen; or

(ii) a foreign or Commonwealth citizen with at least 4 years' reckonable service in HM Forces at the date of application under this paragraph;

(c) the applicant does not fall to be refused on grounds of suitability under paragraph 8 or 9;

(d) the applicant has made a valid application for indefinite leave to remain as a victim of domestic violence; and

(e) the applicant must provide evidence that during the last period of limited leave as a partner the applicant's relationship with their partner broke down permanently as a result of domestic violence.

## Indefinite leave to remain

40. Indefinite leave to remain as the partner of a member of HM Forces who is a victim of domestic violence will be granted to an applicant who meets the general eligibility requirements in paragraph 39.

41. Limited leave to remain for a period of 30 months may be granted to a partner of a member of HM Forces who is a victim of domestic violence who fails to meet the requirements for indefinite leave to remain in paragraph 40 by reason only of failing to meet the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave to remain (but not a grant of limited leave to remain). This will be subject to such conditions as the Secretary of State considers appropriate.

## Part 7 - Children of members of HM Forces

### General eligibility requirements

42. The general eligibility requirements to be met by the child of a member of HM Forces are that:

- (a) the applicant is the child of a parent who is:
  - (i) a foreign or Commonwealth citizen who is a serving member of HM Forces; or
  - (ii) a discharged member of HM Forces who has been granted, or who is being granted at the same time as the applicant, leave to enter or remain under paragraphs 13-19 of this Appendix or paragraphs 276E-QA of these Rules or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a member of HM Forces who has been medically discharged; or
  - (iii) a member of HM Forces who is a British Citizen; and

(b) the applicant meets one of the following criteria:

- (i) the applicant's other parent must: (aa) also come within paragraph 42(a); or (bb) have been granted leave to enter or remain under paragraphs 23-33 of this Appendix or paragraph 276S, 276V or 276AE of these Rules; or
- (cc) be being granted leave to enter or remain under paragraphs 23-33 of this Appendix or paragraph 276S, 276V or 276AE of these Rules at the same time as the applicant; or (dd) have died; or
- (ii) the parent under paragraph 42(a) has sole responsibility for the applicant's upbringing; or
- (iii) there are serious and compelling family or other considerations which make the applicant's exclusion from the United Kingdom undesirable and suitable arrangements have been made for their care.

## Leave to enter

43. Entry clearance and leave to enter as the child of a member of HM Forces will be granted to an applicant who:

(a) was either:

- (i) under 18 years of age at the date of application; or
- (ii) aged 18 or over at the date of application; and was last granted leave to remain under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules;

(b) is outside the United Kingdom;

(c) is not married or in a civil partnership;

(d) has not formed an independent family unit;

(e) is not leading an independent life;

- (f) has made a valid application for entry clearance and leave to enter as the child of a member of HM Forces;
- (g) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;
- (h) meets the general eligibility requirements in paragraph 42;
- (i) either:
  - (a) meets the financial requirement in Part 12 of this Appendix; or
  - (b) in a case in which sub-paragraph (b)(i)(aa), (b)(i)(dd) or (b)(ii) of paragraph 42 applies will be:
    - (i) accommodated adequately by the parent or parents the applicant will be joining without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and
    - (ii) maintained adequately by that parent or those parents without recourse to public funds; and
- (j) has not applied and does not qualify for indefinite leave to enter under paragraph 45

44. Entry clearance and leave to enter granted under paragraph 43 will be granted:

- (a) for whichever is the shortest period of:
  - (i) 5 years; or
  - (ii) the remaining duration of the applicant's parent's enlistment; or
  - (iii) the remaining duration of the applicant's parent's leave; and
- (b) subject to a condition of no recourse to public funds.

## Indefinite leave to enter

45. Entry clearance and indefinite leave to enter as the child of a member of HM Forces will be granted to an applicant who:

(a) was either:

(i) under 18 years of age at the date of application; or

(ii) aged 18 or over at the date of application and was last granted leave to remain under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules;

(b) is outside the United Kingdom;

(c) is not married or in a civil partnership;

(d) has not formed an independent family unit;

(e) is not leading an independent life;

(f) has made a valid application for entry clearance and indefinite leave to enter as the child of a member of HM Forces;

(g) is the child of:

(i) a foreign or Commonwealth citizen who is a serving member of HM Forces who has completed at least 5 years' reckonable service; or

(ii) a person who has been granted indefinite leave to enter or remain under paragraph 13 or 16 of this Appendix or paragraphs 276E-Q of these Rules and is in the UK; or

(iii) a member of HM Forces who is a British Citizen;

(h) meets one of the following criteria:

- (i) the applicant's other parent must: (aa) come within paragraph 45(g); or (bb) have been granted indefinite leave to enter or remain under paragraph 25 or 31 of this Appendix or paragraph 276S or 276V of these Rules; or
- (cc) be being granted indefinite leave to enter or remain under paragraph 25 or 31 of this Appendix or paragraph 276S or 276V of these Rules at the same time as the applicant; or (dd) have died; or
- (ii) the parent under paragraph 45(g) has sole responsibility for the applicant's upbringing; or
- (iii) there are serious and compelling family or other considerations which make the applicant's exclusion from the United Kingdom undesirable and suitable arrangements have been made for their care;

(i) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(j) meets the general eligibility requirements in paragraph 42;

(k) where the applicant is aged 18 or over, can demonstrate sufficient knowledge of the English language and about life in the United Kingdom, in accordance with the requirements of Appendix KoLL to these Rules;

(l) will be accommodated adequately by the parent or parents the applicant is seeking to join without recourse to public funds in accommodation which the parent or parents the applicant is seeking to join, own or occupy exclusively; and

(m) will be maintained adequately by the parent or parents the applicant is seeking to join, without recourse to public funds.

46. Entry clearance and limited leave to enter as a child of a member of HM Forces for a period of 30 months may be granted subject to a condition of no recourse to public funds where:

- a) an applicant fails to meet the requirements for indefinite leave to enter in paragraph 45 by reason solely of failing to meet the requirements of paragraph 45(k); or
- b) an applicant fails to meet the requirements of paragraph 45 by reason only of failing to meet the requirements of paragraph 45(g)(i) or (ii), provided that the applicant's sponsor has been granted leave to enter or remain under paragraph 15 or 19 of this Appendix.



## Leave to remain

47. Limited leave to remain as the child of a member of HM Forces will be granted to an applicant who:

(a) was either:

(i) under 18 years of age at the date of application; or

(ii) aged 18 or over at the date of application and who was last granted leave under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules;

(b) is not married or in a civil partnership;

(c) has not formed an independent family unit;

(d) is not leading an independent life;

(e) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

(f) is in the United Kingdom;

(g) has made a valid application for leave to remain as the child of a member of HM Forces;

(h) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(i) meets: (aa) the general eligibility requirements in paragraph 42; or (bb) meets those general eligibility requirements, except that subparagraph (b)(ii) does not apply but the parent of the applicant falls under paragraph 49(h) and the applicant normally lives with this parent and not their other parent; and

(j) either:

(a) meets the financial requirement in Part 12 of this Appendix; or

(b) in a case in which sub-paragraph (b)(i)(aa), (b)(i)(dd) or (b)(ii) of paragraph 42 applies (and including the application of sub-paragraph b(ii) as modified by sub-paragraph (i) above) will be:

(i) accommodated adequately by the parent or parents the applicant is seeking to remain with without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and

(ii) maintained adequately by that parent or those parents without recourse to public funds.

48. Leave to remain granted under paragraph 47 will be:

(a) for whichever is the shortest period of:

(i) 5 years; or

(ii) the remaining duration of the applicant's parent's enlistment; or

(iii) the remaining duration of the applicant's parent's leave; and

(b) subject to a condition of no recourse to public funds.

## Indefinite leave to remain

49. Indefinite leave to remain as the child of a member of HM Forces will be granted to an applicant who has or has had leave to enter or remain under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules and who:

(a) was either:

(i) under 18 years of age at the date of application; or

- (ii) aged 18 or over at the date of application and who was last granted leave under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules;
- (b) is not married or in a civil partnership;
- (c) has not formed an independent family unit;
- (d) is not leading an independent life;
- (e) is in the United Kingdom;
- (f) has made a valid application for indefinite leave to remain as the child of a member of HM Forces;
- (g) is not in breach of immigration laws, except that , where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;
- (h) is the child of:
  - (i) a foreign or Commonwealth citizen who is a serving member of HM Forces who has completed at least 5 years' reckonable service; or
  - (ii) a person who has been granted, or is being granted at the same time as the applicant, indefinite leave to enter or remain under paragraph 13 or 16 of this Appendix or paragraphs 276E-Q of these Rules; or
  - (iii) a member of HM Forces who is a British Citizen;
- (i) meets one of the following criteria:
  - (i) the applicant's other parent must: (aa) also come within paragraph 49(h); or (bb) have been granted indefinite leave to enter or remain under paragraph 25 or 31 of this Appendix or paragraph 276S or 276V of these Rules; or
  - (cc) be being granted indefinite leave to enter or remain under paragraph 25 or 31 of this Appendix or paragraph 276S or 276V of these Rules at the same time as the applicant; or (dd) have died; or

(ii) the parent under paragraph 49(h) has sole responsibility for the applicant's upbringing or the applicant normally lives with this parent and not their other parent; or

(iii) there are serious and compelling family or other considerations which make the applicant's exclusion from the United Kingdom undesirable and suitable arrangements have been made for their care;

(j) does not fall to be refused on the grounds of suitability under paragraph 8 or 9;

(k) meets the general eligibility requirements in paragraph 42;

(l) where the applicant is aged 18 or over, can demonstrate sufficient knowledge of the English language and about life in the United Kingdom, in accordance with the requirements of Appendix KoLL to these Rules;

(m) will be accommodated adequately by the parent or parents the applicant is seeking to remain with without recourse to public funds in accommodation which the parent or parents the applicant is seeking to join own or occupy exclusively; and

(n) will be maintained adequately by the parent or parents the applicant is seeking to join, without recourse to public funds.

50. Limited leave to remain as a child of a member of HM Forces for a period of 30 months and subject to a condition of no recourse to public funds will be granted:

(a) where an applicant fails to meet the requirements for indefinite leave to remain in paragraph 49 by reason only of failing to satisfy the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave to remain (but not a grant of limited leave to remain); or

(b) where an applicant fails to meet the requirements for indefinite leave to remain by reason only of failing to meet the requirements in paragraph 49(l); or c) by reason only of failing to meet the requirements of paragraph 49(h)(i) or (ii), provided that the applicant's sponsor has been granted leave to enter or remain under paragraph 15 or 19 of this Appendix.

## Part 8 - Bereaved children of members of HM Forces

## General eligibility requirements

51. The general eligibility requirements to be met by a bereaved child of a member of HM Forces are that:

(a) one of their parents has died and at the time of their death was:

(i) a foreign or Commonwealth citizen who was a serving member of HM Forces; or

(ii) a discharged member of HM Forces who had been granted, or was seeking at the same time as the applicant, leave to enter or remain under paragraphs 13-19 of this Appendix or paragraphs 276E-QA of these Rules; or

(iii) a British Citizen who was a member of HM Forces; and

(b) they meet one of the following criteria:

(i) their other parent must: (aa) also come within sub-paragraph 51(a); or (bb) have been granted, or be being granted at the same time as the applicant, leave to enter or remain under paragraphs 23-33 or 35-37 of this Appendix, under paragraph 276S, 276V or 276AE of these Rules or under any concession that existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to bereaved partners of foreign or Commonwealth members of HM Forces; or

(cc) have died; or

(ii) the parent referred to in sub-paragraph (a) had sole responsibility for their upbringing; or

(iii) there are serious and compelling family or other considerations which make exclusion of the applicant from the United Kingdom undesirable and suitable arrangements have been made for their care.

## Indefinite leave to enter

52. Entry clearance and indefinite leave to enter as a bereaved child of a member of HM Forces will be granted to an applicant who:

(a) was either:

(i) under 18 years of age at the date of application; or

(ii) aged 18 or over at the date of application and was last granted leave to enter or remain under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules;

(b) is outside the United Kingdom;

(c) is not married or in a civil partnership;

(d) has not formed an independent family unit;

(e) is not leading an independent life;

(f) has made a valid application for entry clearance and indefinite leave to enter as the bereaved child of a member of HM Forces;

(g) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and

(h) meets the general eligibility requirements in paragraph 51.

## Indefinite leave to remain

53. Indefinite leave to remain as a bereaved child of a member of HM Forces will be granted to an applicant who:

(a) is in the United Kingdom;

(b) was either:

- (i) under 18 years of age at the date of application; or
- (ii) aged 18 or over at the date of application and was last granted leave to remain under paragraph 43 or 47 of this Appendix or paragraph 276AH of these Rules; and
- (c) is not married or in a civil partnership;
- (d) has not formed an independent family unit;
- (e) is not leading an independent life;
- (f) has made a valid application for indefinite leave to remain as the bereaved child of a member of HM Forces;
- (g) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (h) meets the general eligibility requirements in paragraph 51.

54. Limited leave to remain as a bereaved child of a member of HM Forces for a period of 30 months will be granted subject to a condition of no recourse to public funds to an applicant who fails to meet the requirements for indefinite leave to remain in paragraph 53 by reason solely of failing to meet the suitability requirements in paragraph 8 or 9 in respect of a grant of indefinite leave (but not a grant of limited leave to remain).

## **Part 9 - Members of Armed Forces who are not exempt from immigration control**

### **General eligibility requirements**

55. The general eligibility requirements for members of armed forces who are not exempt from immigration control are that they:
- (a) are a member of a foreign armed force;
  - (b) have been invited by:

- (i) HM Forces to undergo training in the United Kingdom which HM Forces will provide; or
  - (ii) the Ministry of Defence to study, or become familiarised with military equipment being supplied by a firm in the United Kingdom;
- (c) will leave the United Kingdom after the period of training, study or familiarisation;
- (d) can provide evidence that they are able to maintain themselves and any dependants adequately in the United Kingdom without recourse to public funds;
- (e) can provide evidence that there will be adequate accommodation, without recourse to public funds, for themselves and any dependants in the United Kingdom, including any other dependants who are not included in the application but who will live in the same household in the United Kingdom, which the applicant and their dependants own or occupy exclusively:  
accommodation will not be regarded as adequate if:
- (i) it is, or will be, overcrowded; or
  - (ii) it contravenes public health regulations.

## Leave to enter

56. Entry clearance and/or leave to enter as a member of an armed force not exempt from immigration control will be granted to an applicant who:

- (a) is outside the United Kingdom;
- (b) has made a valid application for entry clearance and leave to enter as a member of an armed force not exempt from immigration control;
- (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and



(d) meets the general eligibility requirements in paragraph 55.

57. Entry clearance and/or leave to enter granted under paragraph 56 will be granted:

(a) for whichever is the shorter period of:

(i) 4 years; and

(ii) the duration of the training, study or familiarisation; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) a prohibition on employment other than that for the purposes for which the applicant was granted leave to enter.

58. Entry clearance and/or leave to enter granted under paragraph 56 may be granted subject to the conditions in paragraph 57(b) for an additional period of 3 months beyond the end of the training, study or familiarisation where:

(a) such leave is required in order to enable the applicant to meet third country transit regulations which require passengers to have 3 months' extant leave in the United Kingdom;

(b) travel to the third country forms part of the training, study or familiarisation; and

(c) the total period of leave granted does not exceed 4 years.

## Leave to remain

59. Limited leave to remain as a member of an armed force not exempt from immigration control will be granted to an applicant who:

(a) is in the United Kingdom;

- (b) was last granted leave to enter or remain under paragraph 56 or 59 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to members of armed forces who are not exempt from immigration control;
- (c) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;
- (d) has made a valid application for leave to remain as a member of an armed force not exempt from immigration control;
- (e) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (f) meets the general eligibility requirements in paragraph 55.

60. Limited leave to remain granted under paragraph 59 will be granted:

- (a) for whichever is the shorter period of:
  - (i) 4 years; or
  - (ii) the duration of the training, study or familiarisation; and provided the total period of leave granted (including any leave granted under paragraph 57 or 59) does not exceed 4 years; and
- (b) subject to the following conditions:
  - (i) no recourse to public funds; and
  - (ii) a prohibition on employment other than that for the purposes for which the applicant was granted leave to remain.

61. Limited leave to remain granted under paragraph 59 may be granted subject to the conditions in paragraph 60(b) for an additional 3 months beyond the end of the training, study or familiarisation where:

- (a) such leave is required in order to enable the applicant to meet third country transit regulations which require passengers to have 3 months' extant leave in the United Kingdom;

(b) travel to the third country forms part of the training, study or familiarisation; and

(c) the total period of leave granted (including any leave granted under paragraph 57 or 59 or the concession which existed outside these Rules) whereby the Secretary of State exercised her discretion to grant leave to enter or remain to members of armed forces who are not exempt from immigration control does not exceed 4 years.

## Part 9A - Relevant Civilian Employees

### General Eligibility Requirements

61A. The general eligibility requirements for Relevant Civilian Employees are that the applicant:

- (a) is a Relevant Civilian Employee;
- (b) will leave the United Kingdom at the end of their period of employment;
- (c) can provide evidence that they are able to maintain themselves and any dependants adequately in the United Kingdom without recourse to public funds; and
- (d) can provide evidence that there will be adequate accommodation, without recourse to public funds, for themselves and any dependants in the United Kingdom, including any other dependants who are not included in the application but who will live in the same household in the United Kingdom, which the applicant and their dependants own or occupy exclusively: accommodation will not be regarded as adequate if:
  - (i) it is, or will be, overcrowded; or
  - (ii) it contravenes public health regulations.

### Leave to enter

61B. Entry clearance and/or leave to enter as a Relevant Civilian Employee will be granted to an applicant who:

- (a) is outside the United Kingdom;

- (b) has made a valid application for entry clearance and/or leave to enter as a Relevant Civilian Employee;
- (c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (d) meets the general eligibility requirements in paragraph 61A.

61C. Entry clearance and/or leave to enter granted under paragraph 61B will be granted:

(a) for

(i) in respect of an application from a civilian employee of a NATO force or the Australian Department of Defence:

(aa) 6 months, where the duration of their period of employment in the United Kingdom does not exceed 6 months;  
or

(bb) five years, where the duration of their period of employment in the United Kingdom exceeds 6 months; or

(ii) in respect of a civilian employee of a company under contract to a NATO force, the duration of their period of employment in the United Kingdom or, if the shorter period, 4 years; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) a prohibition on employment other than for the purposes for which the applicant was last granted leave to enter.

## Leave to remain

61D. Leave to remain as a Relevant Civilian Employee will be granted to an applicant who:

(a) is in the United Kingdom;

(b) was last:

- (i) granted leave to enter or remain under paragraph 61C or 61E of this Appendix or under the concessions which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to Relevant Civilian Employees; or
  - (ii) exempt from control under section 8(4)(b) or (c) of the Immigration Act 1971 and has been offered employment as a Relevant Civilian Employee;
- (c) is not in breach of any immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;
- (d) has made a valid application for leave to remain as a Relevant Civilian Employee;
- (e) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and
- (f) meets the general eligibility requirements set out in paragraph 61A.

61E. Leave to remain granted under paragraph 61D will be granted:

- (a) for:
  - (i) in respect of an application from a civilian employee of NATO or the Australian Department of Defence, five years; or
  - (ii) in respect of an application from a civilian employee of a company under contract to NATO, the duration of their period of employment in the United Kingdom, or, if the shorter period, four years; and
- (b) subject to the following conditions:
  - (i) no recourse to public funds; and
  - (ii) a prohibition on employment other than for the purposes for which the applicant was last granted leave to enter or remain.

## Part 10 - Dependants of non-HM Forces and of Relevant Civilian Employees

## General eligibility requirements

62. The general eligibility requirements to be met by dependants of a member of non-HM Forces or of a Relevant Civilian Employee are that:

(a) the applicant is sponsored by:

(i) a serving armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971; or

(ii) a serving armed forces member who: (aa) has leave to enter or remain under paragraph 56 or 59 of this Appendix or under any concession that existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to members of armed forces who are not exempt from immigration control; or (bb) is being granted leave to enter or remain under paragraph 56 or 59 of this Appendix at the same time as the applicant; or

(iii) a Relevant Civilian Employee who: (aa) has been granted leave to enter or remain under paragraph 61B or 61D or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to a Relevant Civilian Employee; or (bb) is being granted leave to enter or remain under paragraph 61B or 61D at the same time as the applicant;

(b) the applicant's sponsor is:

(i) the applicant's partner (except a fiancé(e) or proposed civil partner) where: (aa) both parties are aged 18 or over; (bb) both parties intend to live with the other during their stay in the United Kingdom; and

(cc) the relationship is genuine and subsisting; or

(ii) the applicant's parent and the applicant:

(aa) is under 18 years of age at the date of application;

(bb) is not married or in a civil partnership;

(cc) has not formed an independent family unit; and

(dd) is not living an independent life; or

(iii) a serving armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971 or a civilian employed to work in the UK by a NATO force or the Australian Department of Defence and the applicant:

(aa) is a dependant other than a partner within the meaning of section 12(4)(b) of the Visiting Forces Act 1952 or Article I(c) of the NATO Status of Forces Agreement; and

(bb) is listed as a dependant of the sponsor on the sponsor's military movement orders or equivalent civilian posting letter;

(c) the applicant must provide evidence that their sponsor is able to maintain and accommodate themselves, the applicant and any dependants adequately in the United Kingdom without recourse to public funds;

(d) the applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the applicant, the applicant's sponsor and any other family members of the applicant, including other family members who are not included in the application but who will live in the same household, which the applicant, the applicant's sponsor and the other family members own or occupy exclusively: accommodation will not be regarded as adequate if-

(i) it is, or will be, overcrowded; or

(ii) it contravenes public health regulations; and

(e) the applicant intends to leave the United Kingdom at the end of their sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom.

63. Where the sponsor is the applicant's parent, the applicant must meet one of the following criteria:

(a) their other parent must:

(i) also meet the criteria set out in paragraph 62(a)(i), (ii) or (iii); or

(ii) either: (aa) have been granted leave to enter or remain as a partner in relation to that member of non-HM Forces or Relevant Civilian Employee under paragraph 64 or 66 of this Appendix or paragraph 276AE of these Rules or under any concession that existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to partners of non-exempt members of armed forces or Relevant Civilian Employees; or (bb) be being granted leave to enter or remain under paragraph 64 or 66 at the same time as the applicant; or

(iii) have died; or

(iv) be exempt from immigration control; or

(b) the parent they are joining in paragraph 62(a) has sole responsibility for their upbringing; or

(c) there are serious and compelling family or other considerations which make the applicant's exclusion from the United Kingdom undesirable and suitable arrangements have been made for their care.

## Leave to enter

64. Entry clearance and/or leave to enter as the dependant of a member of non-HM Forces or of a Relevant Civilian Employees will be granted to an applicant who:

(a) is outside the United Kingdom;

(b) has made a valid application for entry clearance and/or leave to enter as the dependant of a member of non-HM Forces or of a Relevant Civilian Employee;



(c) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and

(d) meets the general eligibility requirements in paragraph 62 and where relevant one of the criteria in paragraph 63.

65. Entry clearance and/or leave to enter granted under paragraph 64 will be granted:

(a) for

(i) in respect of an application from the dependant of an armed forces member who is not exempt from immigration control or of a civilian employee of a company under contract to a NATO force, the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom or, if the shorter period, 4 years; or

(ii) in respect of an application from the dependant of an armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971 or of a civilian employee of a NATO force or the Australian Department of Defence:

(aa) 6 months, where the duration of the sponsor's period of posting, employment, training study or familiarisation in the United Kingdom does not exceed 6 months; or

(bb) a maximum of 5 years, where the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom exceeds 6 months; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) in respect of applications from dependants of Relevant Civilian Employees or of armed forces members who are not exempt from immigration control and are being granted leave to enter for less than 6 months, a prohibition on employment.

## Leave to remain

66. Leave to remain as the dependant of a member of non-HM Forces or of Relevant Civilian Employees will be granted to an applicant who:

(a) is in the United Kingdom;

(b) in relation to an application to which sub-paragraph 62(a)(ii) applies, was last granted leave to enter or remain under paragraph 64 or 66 of his Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to the dependant of a member of the armed forces who is not exempt from immigration control;

(c) is not in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded;

(d) has made a valid application for leave to remain as the dependant of a member of non-HM Forces or of a Relevant Civilian Employee;

(e) does not fall to be refused on the grounds of suitability under paragraph 8 or 9; and

(f) meets the general eligibility criteria in paragraph 62 and, where the sponsor is the applicant's parent, one of the criteria in paragraph 63, except that the applicant does not need to be under 18 years of age at the date of application where:

(i) paragraph 66(b) applies; or

(ii) sub-paragraph 62(a)(ii) applies and the applicant was last granted leave to enter or remain under paragraph 64 or 66 of this Appendix or under the concession which existed outside these Rules whereby the Secretary of State exercised her discretion to grant leave to enter or remain to the dependant of an employee of a company under contract to a NATO force.

67. Leave to remain granted under paragraph 66 will be granted:

(a) for:

(i) in respect of an application from the dependant of an armed forces member who is not exempt from immigration control or of a civilian employee of a company under contract to NATO, the duration of the sponsor's period of posting, employment, training, study or familiarisation in the United Kingdom, or, if the shorter period, 4 years; or

(ii) in respect of an application from the dependant of an armed forces member who is exempt from immigration control under section 8(4)(b) or (c) of the Immigration Act 1971 or of a civilian employee of NATO or the Australian Department of Defence, a maximum of 5 years; and

(iii) the duration of the sponsor's posting, employment, training, study or familiarisation; and

(b) subject to the following conditions:

(i) no recourse to public funds; and

(ii) in respect of applications from dependants of Relevant Civilian Employees or of armed forces members who are not exempt from immigration control and are being granted leave to remain for less than 6 months, a prohibition on employment.

## Part 11 - English language requirements

### Meeting the English language requirement in applications for leave to enter or remain

68. Where an English language requirement applies to an application for leave to enter or remain made by a partner under this Appendix, and if the applicant has not met the requirement in a previous application for leave as a partner, the applicant must provide specified evidence set out in Appendix FM-SE and Appendix O that they:

(a) are a national of a majority English speaking country listed in paragraph 70 of this Part;

(b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for these purposes and at an approved Secure English Language Test centre. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.;

Where two or more components (reading, writing, speaking and listening) of an English language test are examined together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that he achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of his disability;

(c) have an academic qualification recognised by UK NARIC to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK, which was taught in English; or

(d) are exempt from the English language requirement under paragraph 69 of this Part.

## Exemptions from the English language requirement

69. The applicant is exempt from the English language requirement if at the date of application:

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement, which for an application for entry clearance is prior to entry to the UK.

## Majority English speaking countries

70. For the purposes of paragraph 68(a) of this Part the applicant must be a national of :

Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, or the United States of America.

## Part 12 - Financial requirements

This Part applies where the financial requirements in Part 12 must be met in an application for leave to enter or remain or for indefinite leave to enter or remain made under this Appendix by a partner or child of a member of HM Forces. Paragraphs A. to 21 of Appendix FM-SE to these Rules apply to applications to which this Part applies. References in this Part to the applicant's parent or the applicant's parent's partner relate only to applications made by a child under this Appendix. References in this Part to a partner or to the applicant's partner do not refer to the partner of a child making an application under this Appendix.

## Financial requirements for applications for leave to enter

71. The applicant must provide specified evidence, from the sources listed in paragraph 73, of:

(a) a specified gross annual income of at least:

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii) an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to the difference - multiplied by the length in years of the period of limited leave for which the applicant has applied (or by the part-year equivalent if the applicant has applied for less than 12 months' limited leave) - between the gross annual income from the sources listed in paragraph 73(a)-(f) and the total amount required under paragraph 71(a); or

(c) the requirements in paragraph 74 are met.

72. In paragraph 71 "child" means a dependent child of the applicant or of the applicant's parent who is:

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance or has limited leave to enter or remain in the United Kingdom under this Appendix;

(c) not a British Citizen or settled in the United Kingdom; and

(d) not an EEA national with a right to be admitted under the Immigration (EEA) Regulations 2006.

73. When determining whether the financial requirements in paragraph 71 are met only the following sources will be taken into account:

(a) income of the applicant's partner or the applicant's parent's partner from specified employment or self-employment, which, in respect of a partner (or applicant's parent's partner) returning to the United Kingdom with the applicant, can include specified employment or self-employment overseas and in the United Kingdom;

(b) income of the applicant's parent from specified employment or self-employment if they are in the United Kingdom unless they are working illegally;

- (c) specified pension income of the applicant and their partner or of the applicant's parent and that parent's partner;
- (d) any specified maternity allowance or bereavement benefit in the UK, or any specified benefit relating to service in HM Forces, received by the applicant and their partner or by the applicant's parent and that parent's partner;
- (e) other specified income of the applicant and their partner or of the applicant's parent and that parent's partner; and
- (f) income from the sources at sub-paragraphs (b), (d) and (e) of a dependent child of the applicant or the applicant's parent under paragraph 72 who is aged 18 or over; and
- (g) specified savings of the applicant and their partner; or of the applicant's parent and that parent's partner; or of a dependent child of the applicant or the applicant's parent under paragraph 72 who is aged 18 or over.

74. The requirements to be met under this paragraph are:

- (a) the applicant's partner or the applicant's parent's partner must be receiving one or more of the following:
  - (i) Disability Living Allowance;
  - (ii) Severe Disablement Allowance;
  - (iii) Industrial Injury Disablement Benefit;
  - (iv) Attendance Allowance;
  - (v) Carer's Allowance;
  - (vi) Personal Independence Payment;
  - (vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or
  - (viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; and

(b) the applicant must provide evidence that their partner (or their parent's partner) is able to maintain and accommodate themselves, the applicant (and their parent) and any dependants adequately in the UK without recourse to public funds.

75. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if:

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

## Financial requirements for applications for leave to remain

76. The applicant must provide specified evidence, from the sources listed in paragraph 78, of:

- (a) a specified gross annual income of at least:
  - (i) £18,600;
  - (ii) an additional £3,800 for the first child; and
  - (iii) an additional £2,400 for each additional child; alone or in combination with
- (b) specified savings of:
  - (i) £16,000; and
  - (ii) additional savings of an amount equivalent to the difference - multiplied by the length in years of any period of limited leave for which the applicant has applied (or by the part-year equivalent if the applicant has applied for less than 12



months' limited leave) - between the gross annual income from the sources listed in paragraph 78(a)-(f) and the total amount required under paragraph 76(a); or

(c) the requirements in paragraph 79 are met.

77. In paragraph 76, "child" means a dependent child of the applicant or of the applicant's parent who is:

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance or is in the United Kingdom;

(c) not a British Citizen or settled in the United Kingdom; and

(d) not an EEA national with a right to remain in the United Kingdom under the Immigration (EEA) Regulations 2006.

78. When determining whether the financial requirements in paragraph 76 are met only the following sources may be taken into account:

(a) income of the applicant's partner or of the applicant's parent's partner from specified employment or self-employment;

(b) income of the applicant (where aged 18 or over) or of the applicant's parent from specified employment or self-employment unless they are working illegally;

(c) specified pension income of the applicant and their partner or of the applicant's parent and that parent's partner;

(d) any specified maternity allowance or bereavement benefit in the UK, or any specified benefit relating to service in HM Forces, received by the applicant or their partner or by the applicant's parent and that parent's partner;

(e) other specified income of the applicant and their partner or of the applicant's parent and that parent's partner;

(f) income from the sources at sub-paragraphs (b), (d) or (e) of a dependent child of the applicant or their parent under paragraph 77 who is aged 18 years or over; and

(g) specified savings of the applicant and their partner; of the applicant's parent and that parent's partner; or of a dependent child of the applicant or the applicant's parent under paragraph 77 who is aged 18 or over.

79. The requirements to be met under this paragraph are:

(a) the applicant's partner or the applicant's parent's partner must be receiving one or more of the following:

(i) Disability Living Allowance;

(ii) Severe Disablement Allowance;

(iii) Industrial Injury Disablement Benefit;

(iv) Attendance Allowance;

(v) Carer's Allowance;

(vi) Personal Independence Payment;

(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme; or

(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; and

(b) the applicant must provide evidence that their partner (or their parent's partner) is able to maintain and accommodate themselves, the applicant (and their parent) and any dependants adequately in the UK without recourse to public funds.

80. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if:

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

## Financial requirements for applications for indefinite leave to enter or remain

81. The applicant must meet all of the requirements of paragraphs 71 to 75 (for indefinite leave to enter) or paragraphs 76 to 80 (for indefinite leave to remain), except that instead of the requirement in paragraph 71(b) or 76(b) the applicant must provide specified evidence from the sources listed in paragraph 73 or 78, (as the case may be) of specified savings of:

(i) £16,000; and

(ii) additional savings of an amount equivalent to the difference between the gross annual income from the sources listed in paragraph 73(a)-(f) or 78(a)-(f) and the total amount required under paragraph 71(a) or 76(a).

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# Immigration Rules

## Appendix B

English Language

### Appendix B - English language

1. An applicant applying as a Tier 1 Migrant must have 10 points for English language, unless applying for entry clearance or leave to remain:
  - (i) as a Tier 1 (Exceptional Talent) Migrant,
  - (ii) as a Tier 1 (Investor) Migrant,
  - (iii) DELETED.
  - (iv) DELETED.
2. The levels of English language required are shown in Table 1.
3. Available points for English language are shown in Table 2.
4. Notes to accompany the tables are shown below each table.

Table 1  
Level of English language required to score points  
Tier 1

Row	Category	Applications	Level of English language required
B	Tier 1 (Entrepreneur)	Entry clearance and leave to remain	A knowledge of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language Learning

5. DELETED.

Table 2  
Points available for English language

Factor	Points
National of a majority English speaking country	10
Degree taught in English	10
Passed an English language test	10

Met requirement in a previous grant of leave	10
Transitional arrangements	10

## Notes

### National of a majority English speaking country

6. 10 points will only be awarded for being a national of a majority English speaking country if the applicant has the relevant level of English language shown in Table 1 and:

(i) is a national of one of the following countries:

Antigua and Barbuda

Australia

The Bahamas

Barbados

Belize

Canada

Dominica

Grenada

Guyana

Jamaica

Malta

New Zealand

St Kitts and Nevis

St Lucia

St Vincent and the Grenadines

Trinidad and Tobago

USA

and

(ii) provides his valid passport or travel document to show that this requirement is met. If the applicant is unable to do so, the UK Border Agency may exceptionally consider this requirement to have been met where the applicant provides full reasons in the passport section of the application form, and either:

(1) a current national identity document, or

(2) a letter from his home government or embassy, on the letter-headed paper of the government or embassy, which has been issued by an authorised official of that institution and confirms the applicant's full name, date of birth and nationality.

### Degree taught in English

7. 10 points will be awarded for a degree taught in English if the applicant has the relevant level of English language shown in Table 1 and:

(i) has obtained an academic qualification (not a professional or vocational qualification) which either:

(1) is a UK Bachelor's degree, Master's degree or PhD

(2) is a qualification awarded by an educational establishment outside the UK, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or a PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to the appropriate level of the Council of Europe's Common European Framework for Language learning or above

or:

(3) is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD in the UK, and is from an educational establishment in one of the following countries:

Antigua and Barbuda

Australia

The Bahamas

Barbados

Belize

Dominica

Grenada

Guyana

Ireland

Jamaica

Malta

New Zealand

St Kitts and Nevis

St Lucia

St Vincent and The Grenadines



Trinidad and Tobago

the USA,

and

(ii) provides the following specified documents to show he has the qualification:

(1) the certificate of the award, or

(2) if the applicant is awaiting graduation having successfully completed the qualification, or no longer has the certificate and the awarding institution is unable to provide a replacement, an academic transcript (or letter in the case of a PhD qualification) from the awarding institution on its official headed paper, which clearly shows:

(a) the applicant's name,

(b) the name of the awarding institution,

(c) the title of the award,

(d) confirmation that the qualification has been or will be awarded, and

(e) the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to reissue the certificate or award, and

(iii) provides documentation produced by UK NARIC which confirms the assessment in (i)(2) or (3), if applicable.

8. DELETED.

9. DELETED.

Passed an English language test

10. Ten points will only be awarded for passing an English language test if the applicant has passed a Secure English Language Test, at a Secure English Language Test centre, which has been approved by the Secretary of State and has provided their unique reference number for the test, which allows their score to be verified using the provider's online verification system. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages in Gov.uk.

Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that they achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of their disability

10A. The qualification obtained must meet or exceed the relevant level shown in Table 1 in:

- (i) speaking and listening, if the relevant level is A1 of the Council of Europe's Common European Framework for Language Learning, or
- (ii) all four components (reading, writing, speaking and listening), in all other cases, unless the applicant was exempted from sitting a component on the basis of his disability,

### Met requirement in a previous grant of leave

11. Subject to paragraph 15 below, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant:

- (i) has ever been granted leave as a Tier 1 (General) Migrant, a Tier 1 (Entrepreneur) Migrant or Business person, or a Tier 1 (Post-Study Work) Migrant, or
- (ii) has ever been granted leave as a Highly Skilled Migrant under the Rules in place on or after 5 December 2006.

12. Subject to paragraph 15 below, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted leave:

- (a) as a Minister of Religion (not as a Tier 2 (Minister of Religion) Migrant) under the Rules in place on or after 19 April 2007,
- (b) as a Tier 2 (Minister of Religion) Migrant, provided that when he was granted that leave he obtained points for English language for being a national of a majority English speaking country, a degree taught in English, or passing an English language test, or
- (c) as a Student, and the Confirmation of Acceptance for Studies used to support that application was assigned on or after 21 April 2011 for a course of at least degree level study.

13. Subject to paragraph 15 below, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted leave:

- (a) as a Tier 1 (Graduate Entrepreneur) Migrant,
- (b) as a Tier 2 (General) Migrant under the Rules in place on or after 6 April 2011, or
- (c) as a Student, and the Confirmation of Acceptance for Studies used to support that application was assigned on or after 21 April 2011,

provided that when he was granted that leave he obtained points for having a knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework for Language Learning or above.

14. DELETED.

15. No points will be awarded for meeting the requirement in a previous grant of leave if false representations were made or false documents or information were submitted (whether or not to the applicant's knowledge) in relation to the requirement in the application for that previous grant of leave.

## Transitional arrangements

16. DELETED.

17. DELETED.

18. DELETED.

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# Immigration Rules

## Appendix C

### **Maintenance (funds) Tier 1 (Entrepreneur)**

1A. In all cases where an applicant is required to obtain points under Appendix C, the applicant must meet the requirements listed below:

- (a) The funds specified in the relevant part of Appendix C must be available to the applicant on the date of the application (as defined in Part 1 of these Rules),
- (b) If the applicant is applying as a Tier 1 (Entrepreneur) Migrant, the applicant must have had the funds referred to in (a) above for a consecutive 90-day period of time;
- (c) DELETED.
- (ca) DELETED.
- (d) If the funds were obtained when the applicant was in the UK, the funds must have been obtained while the applicant had valid leave and was not acting in breach of any conditions attached to that leave;
- (e) Where the funds are in one or more foreign currencies, the applicant must have the specified level of funds when converted to pound sterling (£) using the spot exchange rate which appears on [www.oanda.com](http://www.oanda.com)\* for the date of the application;
- (f) Where the applicant is applying as a Tier 1 (Entrepreneur) Migrant, the funds must have been under their own control on the date of the application and for the period specified in (b) above; and
- (g) Where the application is made at the same time as applications by the partner or child of the applicant (such that the applicant is a Relevant Points Based System Migrant for the purposes of paragraph 319AA), each applicant must have the total requisite funds specified in the relevant parts of appendices C and E. If each applicant does not individually meet the

requirements of appendices C and / or E, as appropriate, all the applications (the application by the Relevant Points Based System Migrant and applications as the partner or child of that relevant Points Based system Migrant) will be refused.

(h) the end date of the 90-day period referred to in (b) above will be taken as the date of the closing balance on the most recent of the specified documents (where specified documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant), and must be no earlier than 31 days before the date of application.

(i) No points will be awarded unless the funds comply with Appendix Finance.

(j) Maintenance must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, credit cards, pension funds etc, regardless of notice period are not acceptable.

(k) If the applicant wishes to rely on a joint account as evidence of available funds, the applicant (or for children under 18 years of age, the applicant's parent or legal guardian who is legally present in the United Kingdom) must be named on the account as one of the account holders.

(l) Overdraft facilities will not be considered towards funds that are available or under an applicant's own control.

1B. In all cases where Appendix C or Appendix E states that an applicant is required to provide specified documents, the specified documents are:

(a) (i). A personal bank or building society statement which must cover a consecutive 90-day period of time.

(ii) The most recent statement must be dated no earlier than 31 days before the date of the application;

(iii) The statements must clearly show:

(1) the name of:

\_i. the applicant,

\_ii the applicant's parent(s) or legal guardian's name,

\_iii. the name of the Tier 1 (Entrepreneur) Migrant if the applicant is applying as a Partner of a Tier 1 (Entrepreneur) Migrant.

\_iv. DELETED

- (2) the account number,
- (3) the date of each statement,
- (4) the financial institution's name,
- (5) the financial institution's logo,
- (6) any transactions during the specified period, and
- (7) that the funds in the account have been at the required level throughout the specified period;

(iv) The statements must be either:

- (1) printed on the bank's or building society's letterhead,
- (2) electronic bank or building society statements, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statement provided is authentic, or
- (3) electronic bank or building society statements, bearing the official stamp of the bank or building society on every page,

(v) The statements must not be mini-statements from automatic teller machines (ATMs);

or

- (b) (i) The building society passbook must cover a consecutive 90-day period of time.
- (ii) The period covered by the building society pass book must end no earlier than 31 days before the date of the application;
- (iii) The building society pass book must clearly show:

(1) the name of:

\_i. the applicant,

\_ii the applicant's parent(s) or legal guardian's name,

\_iii. the name of the Tier 1 (Entrepreneur) Migrant if the applicant is applying as a Partner of a Tier 1 (Entrepreneur) Migrant.

\_iv. DELETED

(2) the account number,

(3) the building society's name and logo,

(4) any transactions during the specified period, and

(5) that there have been enough funds in the applicant's account throughout the specified period;

or

(c) A letter from the applicant's bank or building society, or a letter from a financial institution regulated for the purpose of personal savings accounts by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA) or, for overseas accounts, the official regulatory body for the country in which the institution operates and the funds are located, which satisfies the following requirements:

(i) The letter must confirm the level of funds and that they have been held for a consecutive 90-day period of time.

(ii) The period covered by the letter must end no earlier than 31 days before the date of the application;

(iii) The letter must be dated no earlier than 31 days before the date of the application;

(iv) The letter must be on the financial institution's letterhead or official stationery;

(v) The letter must clearly show:



(1) the name of:

\_i. the applicant,

\_ii the applicant's parent(s) or legal guardian's name, if the applicant is applying as a Child of a Relevant Points-Based System Migrant, or

\_iii. the name of the Relevant Points-Based System Migrant, if the applicant is applying as a Partner of a Relevant Points-Based System Migrant.

\_iv. DELETED

(2) the account number,

(3) the date of the letter,

(4) the financial institution's name and logo,

(5) the funds held in the applicant's account, and

(6) confirmation that there have been enough funds in the applicant's account throughout the specified period;

or

(d) DELETED.

## **Tier 1 Migrants**

1. An applicant applying for entry clearance or leave to remain as a Tier 1 Migrant must score 10 points for funds.

2. 10 points will only be awarded if an applicant:

(a) applying for entry clearance, has the level of funds shown in the table below and provides the specified documents in paragraph 1B above, or

Category	Level of funds	Points
Tier 1 (Entrepreneur)	£3,310	10

(b) applying for leave to remain, has the level of funds shown in the table below and provides the specified documents in paragraph 1B above, or

Level of funds	Points
£945	10

(c) DELETED.

3. Where the applicant is applying as a Tier 1 (Entrepreneur) Migrant, they cannot use the same funds to score points for attributes under Appendix A and to score points for maintenance funds for themselves or their dependants under this Appendix or Appendix E.

## Tier 2 Migrants

4. DELETED.

5. DELETED.

## Tier 5 (Youth Mobility) Temporary Migrants

6. DELETED.

7. DELETED.

## Tier 5 (Temporary Worker) Migrants

8. DELETED.

9. DELETED.

## Tier 4 (General) Students

10. DELETED.

11. DELETED.

## Notes

12. DELETED.

12AA. DELETED.

12A. DELETED.

13. DELETED.

13A. DELETED.

13B. DELETED.

13C. DELETED.

13D. DELETED.

14. DELETED.

## Tier 4 (Child) Students

15. DELETED.

16. DELETED.

### Notes

17. DELETED.

18. DELETED.

19. DELETED.

19A. DELETED.

20. DELETED.

21. DELETED.

21A. DELETED.

21B. DELETED.

21C. DELETED.

22. DELETED

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# Immigration Rules

## Appendix E

Appendix E applies only to applications as a dependent partner or dependent child of a Tier 1 (Entrepreneur) Migrant.

A sufficient level of funds must be available to an applicant applying as the Partner or Child of a Tier 1 (Entrepreneur) Migrant. A sufficient level of funds will only be available if the requirements below are met.

(aa) Paragraphs 1A and 1B of Appendix C also apply to this Appendix.

(ab) The applicant cannot use the same funds to score points for maintenance funds from this Appendix as the Tier 1 (Entrepreneur) Migrant used to score points for attributes under Appendix A.

(a) Where the application is connected to a Tier 1 (Entrepreneur) Migrant who is outside the UK or who has been in the UK for a period of less than 12 months, there must be £1,890 in funds.

(b) DELETED.

(ba) (i) DELETED.

(c) Where the applicant is applying as the Partner of a Tier 1 (Entrepreneur) Migrant the relevant amount of funds must be available to either the applicant or the Tier 1 (Entrepreneur) Migrant.

(d) Where the applicant is applying as the Child of a Tier 1 (Entrepreneur) Migrant, the relevant amount of funds must be available to the applicant, the Tier 1 (Entrepreneur) Migrant, or the applicant's other parent who is Lawfully present in the UK or being granted entry clearance, or leave to enter or remain, at the same time.

(e) Where the Tier 1 (Entrepreneur) Migrant is applying for entry clearance or leave to remain at the same time as the applicant, the amount of funds available to the applicant must be in addition to the level of funds required separately of the Tier 1 (Entrepreneur) Migrant.

(f) In all cases, the funds in question must be available to:

(i) the applicant, or

(ii) where they are applying as the partner of a Tier 1 (Entrepreneur) Migrant, either to them or to that Tier 1 (Entrepreneur) Migrant, or

(iii) where they are applying as the child of a Tier 1 (Entrepreneur) Migrant, either to them, to the Tier 1 (Entrepreneur) Migrant or to the child's other parent who is lawfully present in the UK or being granted entry clearance, or leave to enter or remain, at the same time;

(g) The funds in question must have been available to the person referred to in (f) above on the date of application and for a consecutive 90-day period of time.

(h) If the funds in question were obtained when the person referred to in (f) above was in the UK, the funds must have been obtained while that person had valid leave and was not acting in breach of any conditions attached to that leave; and

(i) DELETED.

(ia) Sufficient funds will not be treated as available to the partner or child unless the specified documents, as set out in paragraph 1B of Appendix C, show that the funds are held in a financial institution to which Appendix Finance applies.

(ib) DELETED.

(ic) DELETED.

(j) In all cases the applicant must provide the specified documents as set out in paragraph 1B of Appendix C.

(k) DELETED

(l) DELETED

(m) DELETED

(n) DELETED.

(o) DELETED

(p) DELETED

(q) DELETED

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# Immigration Rules

## Appendix ECAA: Extension of Stay

This route is for ECAA workers, business persons and their family members who are in the UK and already hold permission in that capacity and are seeking an extension of their permission.

It also covers children of ECAA workers and business persons who can apply for entry clearance to come to the UK as a dependent child.

A person with permission on the ECAA route can apply for settlement under Appendix ECAA Settlement.

### **Validity requirements for an ECAA Worker or ECAA business person on the ECAA Extension of Stay route**

ECAA 1.1. A person applying for permission to stay on the ECAA route must apply online on the gov.uk website on the specified form “Turkish Businessperson or Worker”.

ECAA 1.2. An application for permission to stay as an ECAA worker or ECAA business person must meet all the following requirements:

- (a) the applicant must be a Turkish national; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.



ECAA 1.3. An application which does not meet all the validity requirements for the ECAA route is invalid and may be rejected and not considered.

### **Suitability requirements for the ECAA Extension of Stay route**

ECAA 2.1. The suitability requirement for the ECAA Extension of Stay route will be met unless:

- (a) the applicant is an ECAA worker, and in respect of conduct before 11pm on 31 December 2020, the decision maker considers it is proportionate to refuse the application on grounds of public policy, public security or public health in accordance with Article 14 of Decision 1/80; or
- (b) the applicant is a Turkish business person, and in respect of conduct before 11pm on 31 December 2020, the application is refused on grounds that it is undesirable to grant it in the light of the applicant's character, conduct or associations as set out in paragraph 4 of HC510; or
- (c) in respect of conduct after 11pm on 31 December 2020, the applicant falls for refusal as provided for in Section 1 of Part 9 of these rules or ECAA 2.2.

ECAA 2.2. If applying for permission to stay and in respect of conduct after 11pm on 31 December 2020, the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for the ECAA Extension of Stay route**

#### **ECAA worker requirement for the ECAA route**

ECAA 3.1. To meet the ECAA worker requirement the applicant must:

- (a) have permission as an ECAA worker; and
- (b) have been lawfully employed in the UK for at least 3 years with the same employer; or
- (c) have been lawfully employed in the UK for at least 4 years, including at least 3 years with the same employer and the remaining time in the same occupation.

ECAA 3.2. The applicant must show that they will continue to be employed in the UK throughout the period of permission requested.

ECAA 3.3. The requirements in ECAA 3.1. and ECAA 3.2. must be proved by evidence that the applicant:

- (a) holds a valid employment contract with the employer; and
- (b) continues to receive payment for services as part of that contract.

ECAA 3.4. For the purposes of ECAA 3.1. the following absences will be treated as periods during which the applicant was lawfully employed:

- (a) annual holidays; and
- (b) statutory maternity leave, paternity leave or shared parental leave; and
- (c) statutory adoption leave; and
- (d) sick leave (up to 6 weeks in any 12 months, or longer if there are compelling circumstances); and
- (e) absence due to an accident at work; and
- (f) periods of involuntary unemployment (provided that the applicant registered with the relevant employment authorities and made a reasonable effort to re-join the workforce).

### **ECAA Business person requirement for the ECAA route**

ECAA 4.1. To meet the ECAA business person requirement, the applicant must meet all the following requirements:

- (a) the applicant must have permission as an ECAA business person; and
- (b) the applicant must have established, or intend to establish, take over or become a partner or director of, one or more genuine businesses in the UK; and
- (c) the business or businesses must be viable; and
- (d) the applicant must genuinely intend to operate, or have genuinely operated, one or more businesses in the UK.

ECAA 4.2. The applicant must:

- (a) provide evidence that they have invested, or will invest, sufficient funds or assets in the business or businesses in proportion to their interest in the business or businesses; and
- (b) demonstrate that those funds or assets are, and continue to be, their own; and
- (c) demonstrate they can meet their share of the liabilities which the business or businesses may incur; and
- (d) demonstrate that their part in the business or businesses does not amount to disguised employment; and
- (e) demonstrate that their share of the profits of the business is enough to support themselves and any dependants; and
- (f) if they are joining an existing business, provide:
  - (i) a written statement of the terms and conditions on which they are joining the business; and
  - (ii) accounts for the existing business for the 12 months before the date of application; and
  - (iii) evidence that there is a genuine need for their services and investment.

ECAA 4.3. In assessing whether the requirements in ECAA 4.1. and ECAA 4.2. are met, the factors that will be considered include the following:

- (a) the viability and credibility of the source of the money being used to set up or invest in the business or businesses; and
- (b) evidence of a credible time frame (lasting no more than 11 months) of when money that has not yet been invested in the business or businesses will be invested; and
- (c) the credibility of the financial accounts of the business or businesses; and
- (d) the credibility of the applicant's proposed business activity in the UK; and
- (e) if the nature of the business requires mandatory accreditation, registration or insurance, whether the accreditation, registration or insurance have been obtained.

#### **Decision on the ECAA Extension of Stay route**

ECAA 5.1. If the decision maker is satisfied that the suitability requirements are met, and either the eligibility requirements for either an ECAA worker or an ECAA business person are met, the application will be granted; otherwise, the application will be refused.

#### **Period and conditions of grant on the ECAA Extension of Stay route**

ECAA 6.1. If the applicant meets the ECAA worker requirement and meets the requirement in ECAA 3.1.(a), but does not meet the requirement in ECAA 3.1.(b), they will be granted permission to stay for up to 12 months.

ECAA 6.2. If the applicant meets the ECAA worker requirement and meets the requirement in ECAA 3.1.(b), they will be granted permission to stay for up to 36 months.

ECAA 6.3. If the applicant meets the ECAA business person requirement, they will be granted permission to stay for up to 36 months.

ECAA 6.4. The grant will be subject to all the following conditions:

- (a) if the applicant meets the ECAA worker requirement and has been lawfully employed in the UK for less than 4 years, work is allowed only for the applicant's current employer, or in the same occupation with a different employer; and
- (b) if the applicant meets the ECAA business person requirement, work is allowed only for the business or businesses the applicant has established, joined or taken over (but not as an apprentice); and
- (c) no access to public funds (subject to any bi-lateral agreements); and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies, the applicant will be required to register with the police.

ECAA 6.5. If the application is refused the person can apply for an administrative review under Appendix AR.

### **Dependants on the ECAA Extension of Stay route**

#### **Validity requirements for dependent partner and dependent child on the ECAA Extension of Stay route**

ECAA 7.1. A child applying for entry clearance or permission to stay, and a partner applying for permission to stay (a partner must already be in the UK and cannot apply for entry clearance), as a dependant on the ECAA Extension of Stay route must apply online on the gov.uk website on the following specified forms:

<b>Location of partner or child</b>	<b>Specified form</b>
-------------------------------------	-----------------------

<p>Outside the UK, for a child applying for entry clearance</p>	<p>“Join or accompany a family” on the “Find and apply for other visas from outside the UK” form</p>
<p>Inside the UK, for a partner or child applying for permission to stay</p>	<p>If applying at the same time as the ECAA worker, on the form “Turkish Businessperson or Worker” If applying separately,</p> <ul style="list-style-type: none"> <li>- Dependant partner of a Turkish Businessperson or Worker (ECAA 3 - Dependant Partner),</li> <li>- Dependant child of a Turkish Businessperson or Worker (ECAA 3 - Dependant Child)</li> </ul>

ECAA 7.2. An application for entry clearance or permission to stay by a dependant on the ECAA route must meet all the following requirements:

- (a) the applicant must have provided any required biometrics; and
- (b) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (c) where the applicant is applying for permission to stay as a dependent partner they must be in the UK and have permission to stay as a dependent partner on the ECAA route.

ECAA 7.3. An application which does not meet all the validity requirements for a dependent partner or dependent child on the ECAA Extension of Stay route is invalid and may be rejected and not considered.

**Suitability requirements for dependent partner and dependent child on the ECAA Extension of Stay route**

ECAA 8.1. The suitability requirements for entry clearance for a dependent child will be met unless the applicant falls for refusal under Part 9: grounds or refusal.

ECAA 8.2. The suitability requirement for permission to stay as a dependent partner or dependent child on the ECAA Extension of Stay route will be met unless:

- (a) the applicant is the dependant of a Turkish Worker, and in respect of conduct committed before 11pm on 31 December 2020, the decision maker considers it is proportionate to refuse the application on grounds of public policy, public security or public health in accordance with Article 14 of Decision 1/80; or
- (b) the applicant is the dependent of a Turkish business person, and in respect of conduct committed before 11pm on 31 December 2020, the application is refused on grounds that it is undesirable to grant the application in the light of the applicant's character, conduct or associations as set out in paragraph 4 of HC 510; or
- (c) in respect of conduct committed after 11pm on 31 December 2020, the applicant falls for refusal as provided for under Section 1 of Part 9 of these rules or ECAA 8.3. applies.

ECAA 8.3. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that, where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a dependent partner or child on the ECAA Extension of Stay route**

### **Entry requirement for a dependent child on the ECAA Extension of Stay route**

ECAA 9.1. A person seeking to come to the UK as a dependent child must apply for and obtain entry clearance as a dependent child on the ECAA Extension of Stay route before they arrive in the UK.

### **Relationship requirement for a dependent partner on the ECAA Extension of Stay route ECAA**

10.1. The applicant must be the partner of a person (P) and P must have permission as an ECAA worker or ECAA business person on the ECAA route.

ECAA 10.2. If the applicant and the ECAA Worker or ECAA business person partner are unmarried partners, all of the following requirements must be met:

- (a) they must both be aged 18 or over on the date of application; and
- (b) any previous relationship of the applicant or their ECAA Worker or ECAA business person partner with another person must have permanently broken down; and
- (c) the applicant and their ECAA Worker or ECAA business person partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

ECAA 10.3. The relationship between the applicant and their ECAA worker or ECAA business person partner must be genuine and subsisting.

ECAA 10.4. The applicant and their ECAA worker or ECAA business person partner must intend to live together throughout the applicant's stay in the UK.



### **Relationship requirement for a dependent child on the ECAA Extension of Stay route**

ECAA 11.1. The applicant must be the child of a person (P) who has permission as an ECAA Worker or ECAA business person on the ECAA route, or a person who is the partner of P.

ECAA 11.2. The applicant's parents must each be either applying for permission, or be present in the UK with permission (other than as a visitor) on the ECAA route unless:

- (a) the parent with permission on the ECAA route is the sole surviving parent; or
- (b) the parent with permission on the ECAA route has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant entry clearance or permission to stay, to live with the parent who has permission on the ECAA route.

### **Age requirement for a dependent child on the ECAA Extension of Stay route**

ECAA 12.1. The applicant must be under the age of 21 at the date of application, unless they were last granted permission as the dependent child of their parent on the ECAA route.

ECAA 12.2. The applicant must not be leading an independent life.

### **Care requirement for a dependent child on the ECAA Extension of Stay route**

ECAA 13.1. If the applicant is under the age of 18 at the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Financial requirement for a dependent partner or dependent child on the ECAA Extension of Stay route**

ECAA 14.1. There must be adequate accommodation provided by the ECAA worker or ECAA business person for the applicant.

ECAA 14.2. Where the applicant is the dependent of an ECAA business person, the profits of the business or businesses must be sufficient to maintain the applicant and any other dependents in the UK.

### **Decision for a dependent partner or dependent child on the ECAA route**

ECAA 15.1. If the applicant meets the suitability requirements and meets the eligibility requirements for either a dependent partner or dependent child on the ECAA Extension of Stay route, the application will be granted; otherwise the application will be refused.

### **Period and conditions of grant for a dependent partner or dependent child on the ECAA Extension of Stay route**

ECAA 16.1. The grant will be for a period which ends on the same day as the permission of the ECAA worker or ECAA business person on the ECAA route.

ECAA 16.2. The grant will be subject to all the following conditions:

- (a) no access to public funds (subject to any bi-lateral agreement); and
- (b) work is permitted; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

ECAA 16.3. If the application is refused, the person can apply for an Administrative Review under Appendix AR

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# Immigration Rules

## Appendix ECAA Settlement

ECAA nationals and settlement

### **PART ECAA 1. DEFINITIONS**

ECAA 1.1. DELETED.

ECAA 1.1. Unless the contrary intention is expressed in this Appendix, the definitions in paragraph 6 of the Immigration Rules shall apply to this Appendix.

### **PART ECAA 2. CONTINUOUS PERIODS LAWFULLY IN THE UK**

ECAA 2.1. References to a “continuous period” “lawfully in the UK” for the purposes of this Appendix mean residence in the UK for an unbroken period with valid leave, and for these purposes a period shall be considered unbroken where:

(a) the applicant has not been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that any absence from the UK for the purpose of:

- (i) assisting with a national crisis; or
- (ii) assisting with an international humanitarian or environmental crisis overseas; or
- (iii) as a result of travel restrictions or serious illness,

shall not count towards the 180 days, if the applicant provides evidence that this was the reason of the absence(s);

(b) the applicant has existing limited leave to enter or remain upon their departure and return except that:

- (i) where that leave expired no more than 28 days prior to a further application for entry clearance which was made before 6 July 2018 and subsequently granted, that period and any period pending the applicant’s re-entry into the United Kingdom shall be disregarded; and

(ii) where, on or after 6 July 2018, the applicant makes a further application for entry clearance during the currency of continuing limited leave which is subsequently granted, the period spent outside the UK with continuing leave and any period pending the applicant's re-entry into the United Kingdom shall be disregarded; and

(c) the applicant has any current period of overstaying disregarded where paragraph 39E of the Immigration Rules applies; and

(d) DELETED.

ECAA 2.2. Except for periods where the applicant had leave as:

(a) a ECAA business person;

(b) a Tier 1 Migrant other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant; or

(c) a Tier 1 (Entrepreneur) Migrant;

any absences from the UK during the relevant qualifying period must have been for a purpose that is consistent with the applicant's basis of stay here, including paid annual leave, or for serious or compelling reasons.

ECAA 2.3. The continuous period will be considered as ending on whichever of the following dates is most beneficial to the applicant:

(a) the date of application;

(b) the date of decision; or

(c) any date up to 28 days after the date of application

ECAA 2.4. References to a continuous period spent with valid leave in the UK include time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man, where that leave was granted for an equivalent purpose to one of the categories stated in the relevant paragraph, provided that the most recent period prior to the date of application was spent in the UK with valid leave in the relevant category.

## **PART ECAA 3. REQUIREMENTS FOR ECAA WORKERS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 3.1. The requirements for indefinite leave to remain to be granted to an ECAA worker are that the applicant must:

- (a) be an ECAA worker; and
- (b) have resided lawfully in the UK for a continuous period of 5 years, of which the most recent period of leave must have been as an ECAA worker, in any combination of the following categories:
  - (i) an ECAA worker;
  - (ii) as a Tier 2 (General Migrant);
  - (iii) as a Tier 2 (Minister of religion) Migrant;
  - (iv) as a Tier 2 (Sportsperson) Migrant; or
  - (v) as a work permit holder; and
- (c) have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
- (d) have been able to support any family members with them without recourse to public funds to which they are not entitled; and
- (e) not fall for refusal under Part 9: grounds

### **Indefinite leave to remain as a ECAA worker**

ECAA 3.2. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 3.1 are met.

### **Refusal of indefinite leave to remain as a ECAA worker**

ECAA 3.3. Indefinite leave to remain for Turkish ECAA workers is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 3.1 are met.

## **PART ECAA 4. REQUIREMENTS FOR ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 4.1. The applicant must:

- (a) be an ECAA business person; and
- (b) have resided lawfully in the UK for a continuous period of five years, of which the most recent period of leave must have been as an ECAA business person, in any combination of the following categories:
  - (i) the ECAA business person; or
  - (ii) the Tier 1 (Entrepreneur) Migrant category; and
- (c) have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
- (d) not fall for refusal under Part 9: grounds for refusal; and
- (e) be relying on a business which meet (s) the requirements under paragraph ECAA 4.2.
- (e) the business upon which the applicant replies meets the requirement of paragraph ECAA 4.2.

ECAA 4.2. The Secretary of State must be satisfied on the balance of probabilities that:

- (a) the applicant has established, taken over or become a director of one or more genuine businesses in the UK, and has genuinely operated that business or businesses while he had leave as a ECAA business person; and

- (b) the business or businesses upon which they are relying on for any of the qualifying period is/are viable; and
- (c) the applicant genuinely intends to continue operating one or more businesses in the UK.

ECAA 4.3. In making the assessment in ECAA 4.2, the Secretary of State may take into account the following factors:

- (a) the evidence the applicant has submitted;
- (b) the viability and credibility of the source of the money used to set up or invest in the business or businesses;
- (c) the credibility of the financial accounts of the business or businesses;
- (d) the credibility of the applicant's business activity in the UK, including when they had leave as an ECAA business person;
- (e) if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and
- (f) any other relevant information.

ECAA 4.4. The Secretary of State may request additional information and evidence to support the assessment in paragraph ECAA 4.3, and may refuse the application if the information or evidence requested is not received by the Secretary of State at the address specified in the request within 28 calendar days of the date of the request.

#### **Indefinite leave to remain as a ECAA business person**

ECAA 4.5. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 4.1 are met.

#### **Refusal of indefinite leave to remain as a ECAA business person**

ECAA 4.6. Indefinite leave to remain for ECAA business persons is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 4.1. are met.

## **PART ECAA 5. REQUIREMENTS FOR CHILDREN OF ECAA WORKERS OR ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 5.1. The Secretary of State must be satisfied that:

(a) the applicant is the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:

(i) an ECAA worker or ECAA business person; or

(ii) the spouse, civil partner or unmarried partner of an ECAA worker or ECAA business person; and

(b) the applicant must have, or have last been granted, leave as the child of or have been born in the United Kingdom to, the ECAA Worker or Business Person, or the partner of an ECAA Worker or Business Person who is being granted indefinite leave to remain.

(c) the applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life, and if they are over the age of 21 on the date the application is made, they must provide the specified documents and information in paragraph 319H-SD (except that references to the Relevant Points Based System Migrant are read to mean the ECAA worker or ECAA business person) to show that this requirement is met.

(d) Both of an applicant's parents must either be lawfully settled in the UK, or being granted indefinite leave to remain at the same time as the applicant, unless:

(i) the ECAA worker or business person is the applicant's sole surviving parent; or

(ii) the ECAA worker or business person parent has and has had sole responsibility for the applicant's upbringing; or

(iii) 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; or



- (iv) the parent is, at the same time, being granted indefinite leave to remain as an ECAA worker or business person, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant; and
- (e) the applicant has demonstrated 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; and
- (f) if the applicant is a of an ECAA worker or business person the applicant must provide a full birth certificate, with translations where necessary showing the names of both parents; and
- (g) all arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations; and
- (h) the applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of the Immigration Rules applies, any current period of overstaying will be disregarded; and
- (i) the applicant must not fall for refusal under Part 9: grounds for refusal;

#### **Indefinite leave to remain as the child of a ECAA worker of ECAA business person**

ECAA 5.2. Indefinite leave to remain will be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 5.1 are met.

#### **Refusal of indefinite leave to remain as the child of a ECAA worker or ECAA business person**

ECAA 5.3. Indefinite leave to remain as the child of a ECAA Worker or ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph ECAA 5.1 are met.

### **PART ECAA 6. REQUIREMENTS FOR PARTNERS OF ECAA WORKERS OR ECAA BUSINESS PERSONS APPLYING FOR INDEFINITE LEAVE TO REMAIN**

ECAA 6.1. The applicant must:

- (a) be the spouse, civil partner or unmarried partner of a person [P] who:
  - (i) has indefinite leave to remain as an ECAA worker or business person; or
  - (ii) is, at the same time being granted indefinite leave to remain as an ECAA worker or business person; or
  - (iii) has become a British Citizen where prior to that they held indefinite leave to remain as an ECAA worker or business person;and
- (b) have, or have last been granted, leave as the spouse, civil partner or unmarried partner of the ECAA worker or business person; and
- (c) be in a marriage or civil partnership, or unmarried partnership with [P] which must be genuine and subsisting at the time the application is made; and
- (d) must intend to live permanently with [P] as their spouse or civil partner or unmarried partner; and
- (e) have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KOLL; and
- (f) have been living together with [P] in the UK in a marriage or civil partnership, or in an unmarried partnership, for at least the applicable specified period in line with paragraphs ECAA 6.2 and ECAA 6.3; and
- (g) not fall for refusal under Part 9: grounds for refusal.

ECAA 6.2. The specified period for spouses, civil partners or unmarried partners of ECAA workers or business persons is a continuous period of 5 years. The 5 year period may consist of a combination of leave as either:

- (a) the spouse, civil partner or unmarried partner of an ECAA worker or business person; or
- (b) the spouse, civil partner or unmarried partner of an ECAA worker or business person during a period when the sponsor had leave under another category of these Rules.

ECAA 6.3. During the specified period the applicant must:

- (a) have been in a relationship with the same ECAA worker or business person for the entire period; and
- (b) have spent the most recent part of the 5 year period with leave as the spouse, civil partner or unmarried partner of that ECAA worker or business person; and

- (c) have spent the remainder of the 5 year period, where applicable, with leave as the spouse or civil partner or unmarried partner of that person at a time when that person had leave under another category of the rules; and
- (d) not have been absent from the UK for more than 180 days during any 12 month period, subject to the following exceptions at ECAA 2:

#### **Indefinite leave to remain as the partner of a ECAA worker**

ECAA 6.4. Indefinite leave to remain may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph ECAA 6.1 are met.

#### **Refusal of indefinite leave to remain as the spouse, civil partner or unmarried partner of a ECAA worker**

ECAA 6.5. Indefinite leave to remain for the family member of a ECAA worker is to be refused if the Secretary of State is not satisfied that each of the requirements of ECAA 6.1 are met.

### **PART ECAA 7. REQUIREMENTS FOR PARTNER OF ECAA WORKER OR ECAA BUSINESS PERSONS APPLYING FOR FURTHER LEAVE TO REMAIN**

ECAA 7.1. The applicant must:

1. (a) be the spouse, civil partner or unmarried partner of an ECAA worker or ECAA business person who:
  - (i) has been granted indefinite leave to remain in line with the ECAA guidance in force prior to 16 March 2018; or
  - (ii) has been granted indefinite leave to remain under paragraph ECAA 3.2 or ECAA 4.5 of this Appendix; or
  - (iii) has British citizenship having previously been granted indefinite leave to remain under either provision specified in (i) or (ii) of this paragraph; and
2. (b) have last been granted leave to remain as a dependent of an ECAA worker or ECAA business person; or
  - (c) having last been granted leave to remain as a dependant of an ECAA business person, is currently in the United Kingdom without leave as, at the time of that leave expiring:

- (i) they did not qualify for indefinite leave to remain in line with the ECAA guidance in force prior to 16 March 2018 due to not meeting the 2 years residency requirement; and
- (ii) did not qualify for further limited leave to remain as the dependant of an ECAA business person due to that ECAA business person having acquired indefinite leave to remain; and

(d) be living together and in a subsisting relationship with the ECAA worker or business person to whom leave to remain was granted; and

(e) not fall for refusal under Part 9: grounds for refusal ; and

(f) their sponsor has adequate accommodation for the parties and can maintain any dependants without recourse to public funds; and

(g) be registered with the police where appropriate; and

(h) must not be in the UK in breach of immigration laws except that:

- (i) where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded; or
- (ii) where paragraph ECAA 7.1(c) applies, any current period of overstaying will be disregarded.

### **Granting further leave to remain as the partner of a ECAA worker or ECAA business person**

ECAA 7.2. Leave to remain for up to 3 years will be granted provided that the Secretary of State is satisfied that each of the requirements of ECAA 7.1 are met.

### **Refusal of further leave to remain as a ECAA worker or ECAA business person**

ECAA 7.3. Leave to remain for family members of a ECAA worker or ECAA business person is to be refused if the Secretary of State is not satisfied that each of the requirements of ECAA 7.1 are met.

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# Appendix EU

EU, other EEA and Swiss citizens and family members

## Appendix EU: EU, other EEA and Swiss citizens and family members

### Purpose

EU1. This Appendix sets out the basis on which an **EEA citizen** and their family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

### Requirements and procedure

#### Requirements for indefinite leave to enter or remain other than as a joining family member of a relevant sponsor

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

#### Requirements for indefinite leave to enter or remain as a joining family member of a relevant sponsor

EU2A. The applicant will be granted indefinite leave to enter (where the application is made outside the UK) or indefinite leave to remain (where the application is made within the UK) as a **joining family member of a relevant sponsor** where:

- A valid application has been made in accordance with paragraph EU9;

- The applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11A; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Requirements for limited leave to enter or remain other than as a joining family member of a relevant sponsor

EU3. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Requirements for limited leave to enter or remain as a joining family member of a relevant sponsor

EU3A. The applicant will be granted five years' limited leave to enter (where the application is made outside the UK) or five years' limited leave to remain (where the application is made within the UK) as a joining family member of a relevant sponsor where:

- A valid application has been made in accordance with paragraph EU9;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11A, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14A; and
- The application is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

Other provisions as to requirements and procedure

EU4. Where a person has been granted limited leave to enter or remain under this Appendix:

- They must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency as a **child, dependent parent or dependent relative**) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14 (where they have been granted limited

leave to enter or remain under paragraph EU3) or in accordance with paragraph EU14A (where they have been granted limited leave to enter or remain under paragraph EU3A); and

- They remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 (where they have been granted limited leave to enter or remain under paragraph EU3) or paragraph EU2A (where they have been granted limited leave to enter or remain under paragraph EU3A) are met.

EU5. Where a person has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix and that person also has a right to enter or reside under the **EEA Regulations**, the leave does not have effect to the person's detriment in so far as the leave is incompatible with that right to enter or reside for as long as that person has that right.

EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.

EU7. (1) Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

(2) Paragraphs 18 to 19A of the Immigration Rules (returning residents) do not apply to indefinite leave to enter or remain granted under this Appendix. A person granted such leave may resume their residence in the UK where, having been absent from **the UK and Islands**, that leave has not lapsed under article 13 of the Immigration (Leave to Enter and Remain) Order 2000.

EU8. Annex 2 applies to the consideration by the Secretary of State of a valid application made under this Appendix.

### Valid application

EU9. A valid application has been made under this Appendix where:

- (a) It has been made using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided, where the application is made within the UK;

(c) The **required proof of entitlement to apply from outside the UK** has been provided, where the application is made outside the UK; and

(d) The **required biometrics** have been provided.

EU10. (1) An application made under this Appendix will be rejected as invalid where it does not meet the requirements in paragraph EU9.

(2) In paragraph 34BB of these Rules, sub-paragraphs (3) to (5) do not apply to applications made under this Appendix.

### Eligibility for indefinite leave to enter or remain

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or their family member, or as a person with a derivative right to reside or with a Zambrano right to reside

EU11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or their family member (or as a **person with a derivative right to reside** or a **person with a Zambrano right to reside**) where the Secretary of State is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application and in an application made by the **required date**, one of conditions 1 to 7 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant: <ul style="list-style-type: none"> <li>(i) is a relevant EEA citizen; or</li> <li>(ii) is (or, as the case may be, was) a <b>family member of a relevant EEA citizen</b>; or</li> <li>(iii) is (or, as the case may be, was) a <b>family member who has retained the right of residence</b> by virtue of a relationship with a relevant EEA citizen; and</li> </ul> (b) The applicant has a <b>documented right of permanent residence</b> ; and (c) No <b>supervening event</b> has occurred
2.	(a) The applicant is: <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen; or</li> </ul>



	<p>(ii) a family member of a relevant EEA citizen; or                  (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and                  (b) There is <b>valid evidence of their indefinite leave to enter or remain</b></p>
3.	<p>(a) The applicant:                  (i) is a relevant EEA citizen; or                  (ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen; or                  (iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or                  (iv) is a person with a derivative right to reside; or                  (v) is a person with a Zambrano right to reside; or                  (vi) is a <b>person who had a derivative or Zambrano right to reside</b>; and                  (b) The applicant has completed a <b>continuous qualifying period</b> of five years in any (or any combination) of those categories; and                  (c) Since then no supervening event has occurred</p>
4.	<p>(a) The applicant is a relevant EEA citizen who is a <b>person who has ceased activity</b>; and                  (b) Since they did so, no supervening event has occurred</p>
5.	<p>(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen; and                  (b) The relevant EEA citizen is a person who has ceased activity; and                  (c)(i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen:                  (aa) meets the requirements of sub-paragraph (b) of the applicable definition of relevant EEA citizen in Annex 1; or                  (bb) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in Annex 1; or                  (cc) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in Annex 1; or</p>

	<p>(dd) meets the requirements of sub-paragraph (f)(ii) of the applicable definition of relevant EEA citizen in Annex 1; or</p> <p>(ee) is a <b>relevant naturalised British citizen</b> (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or</p> <p>(ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen meets the following requirements of the applicable definition of relevant EEA citizen in Annex 1:</p> <p>(aa) sub-paragraph (a)(ii)(aa); or</p> <p>(bb) sub-paragraph (b)(ii)(aa); or</p> <p>(cc) sub-paragraph (c)(i); or</p> <p>(dd) sub-paragraph (d)(iii)(aa); or</p> <p>(ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); or</p> <p>(ff) sub-paragraph (f)(ii)(aa); and</p> <p>(d) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(e) The applicant was resident in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and</p> <p>(f) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen; and</p> <p>(b) The relevant EEA citizen has died and was resident in the UK as a <b>worker</b> or <b>self-employed person</b> at the time of their death; and</p> <p>(c) The relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least two years immediately before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(d) The applicant was resident in the UK with the relevant EEA citizen immediately before their death; and</p> <p>(e) Since the death of the relevant EEA citizen, no supervening event has occurred</p>

7.	<p>(a) The applicant is a family member of a relevant EEA citizen and is a child under the age of 21 years of a relevant EEA citizen (or of their <b>spouse</b> or <b>civil partner</b>), and either:</p> <ul style="list-style-type: none"><li>(i) the marriage was contracted or the civil partnership was formed before the <b>specified date</b>; or</li><li>(ii) the person who is now their spouse or civil partner was the <b>durable partner</b> of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</li></ul> <p>(b)(i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil partner):</p> <ul style="list-style-type: none"><li>(aa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in <b>the Islands</b>), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</li><li>(bb) (in the case of an <b>Irish citizen</b> who has not made a valid application under this Appendix) would be granted indefinite leave to enter or remain under paragraph EU2 if they made such an application; or</li><li>(cc) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in Annex 1; or</li><li>(dd) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in Annex 1; or</li><li>(ee) meets the requirements of sub-paragraph (f)(ii) of the applicable definition of relevant EEA citizen in Annex 1; or</li><li>(ff) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or</li></ul> <p>(ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil</p>
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	<p>partner) meets the following requirements of the applicable definition of relevant EEA citizen in Annex 1:</p> <ul style="list-style-type: none"> <li>(aa) sub-paragraph (a)(ii)(aa); or</li> <li>(bb) sub-paragraph (b)(ii)(aa); or</li> <li>(cc) sub-paragraph (c)(i); or</li> <li>(dd) sub-paragraph (d)(iii)(aa); or</li> <li>(ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); or</li> <li>(ff) sub-paragraph (f)(ii)(aa)</li> </ul>
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Persons eligible for indefinite leave to enter or remain as a joining family member of a relevant sponsor

EU11A. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a joining family member of a relevant sponsor where (i) (in cases where the application is made within the UK) the applicant is not in the UK as a **visitor** and (ii) the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date and by the required date, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant:</p> <ul style="list-style-type: none"> <li>(i) is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor; or</li> <li>(ii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a <b>relevant sponsor</b>; and</li> </ul> <p>(b) The applicant has completed a continuous qualifying period of five years which began after the specified date, in either (or any combination) of those categories; and</p> <p>(c) Since then no supervening event has occurred</p>
2.	<p>(a) The applicant is (or, as the case may be, was) a joining family member of a relevant sponsor; and</p> <p>(b) The relevant sponsor is a person who has ceased activity; and</p>

	<p>(c)(i) Where the date of application is before 1 July 2021, the relevant sponsor:</p> <ul style="list-style-type: none"> <li>(aa) meets the requirements of sub-paragraph (a)(i)(aa) or (a)(ii)(bb) of the definition of relevant sponsor in Annex 1; or</li> <li>(bb) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in Annex 1; or</li> <li>(cc) meets the requirements of sub-paragraph (a)(v)(bb) of the definition of relevant sponsor in Annex 1; or</li> <li>(dd) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or</li> </ul> <p>(ii) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in Annex 1:</p> <ul style="list-style-type: none"> <li>(aa) sub-paragraph (b)(i)(aa); or</li> <li>(bb) sub-paragraph (b)(ii)(aa); or</li> <li>(cc) sub-paragraph (b)(iii)(aa); or</li> <li>(dd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or</li> <li>(ee) sub-paragraph (b)(vi)(aa); and</li> </ul> <p>(d) Sub-paragraph (a) above was met at the point at which the relevant sponsor became a person who has ceased activity; and</p> <p>(e) Immediately before the relevant sponsor became a person who has ceased activity, the applicant was resident in the UK and Islands for a continuous qualifying period which began after the specified date; and</p> <p>(f) Since the relevant sponsor became a person who has ceased activity, no supervening event has occurred</p>
3.	<p>(a) The applicant is a joining family member of a relevant sponsor; and</p> <p>(b) The relevant sponsor has died and was resident in the UK as a worker or self-employed person at the time of their death; and</p> <p>(c) The relevant sponsor was resident in the UK and Islands for a continuous qualifying period of at least two years immediately before dying, or the death was the result of an accident at work or an occupational disease; and</p>

	<p>(d) The applicant was resident in the UK with the relevant sponsor after the specified date and immediately before their death; and                  (e) Since the death of the relevant sponsor, no supervening event has occurred</p>
4.	<p>(a)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the relevant sponsor; and                  (ii)(aa) Where the date of application is before 1 July 2021, the relevant sponsor:                      (aaa) meets the requirements of sub-paragraph (a)(i)(aa) of the definition of relevant sponsor in Annex 1; or                      (bbb) is an Irish citizen who has not made a valid application under this Appendix and who meets the requirements of sub-paragraph (a)(ii)(bb) of the definition of relevant sponsor in Annex 1; or                      (ccc) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in Annex 1; or                      (ddd) meets the requirements of sub-paragraph (a)(v)(bb) of the definition of relevant sponsor in Annex 1; or                      (eee) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or                  (bb) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in Annex 1:                      (aaa) sub-paragraph (b)(i)(aa); or                      (bbb) sub-paragraph (b)(ii)(aa); or                      (ccc) sub-paragraph (b)(iii)(aa); or                      (ddd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or                      (eee) sub-paragraph (b)(vi)(aa); or                  (b)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance with sub-paragraph (a) of the definition of family</p>

	<p>member of a relevant EEA citizen in Annex 1, substituting ‘relevant sponsor’ for each reference in that sub-paragraph to ‘relevant EEA citizen’); and</p> <p>(ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix; or</p> <p>(c)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance, in respect of the spouse or civil partner, with the first sub-paragraph (a), together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii), of the definition of joining family member of a relevant sponsor in Annex 1); and</p> <p>(ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2A of this Appendix</p>
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Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made by the required date, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is (or, as the case may be, was):</p> <p style="padding-left: 20px;">(i) a family member of a qualifying British citizen; or</p> <p style="padding-left: 20px;">(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has a documented right of permanent residence; and</p> <p>(c) No supervening event has occurred</p>
2.	<p>(a) The applicant is:</p> <p style="padding-left: 20px;">(i) a family member of a qualifying British citizen; or</p> <p style="padding-left: 20px;">(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p>

	(b) There is valid evidence of their indefinite leave to enter or remain
3.	<p>(a) The applicant is (or, as the case may be, for the relevant period was):</p> <ul style="list-style-type: none"> <li>(i) a family member of a qualifying British citizen; or</li> <li>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</li> </ul> <p>(b) The applicant has completed a continuous qualifying period in the UK of five years in either (or any combination) of those categories; and</p> <p>(c) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under subparagraph (b), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(d) Since completing the continuous qualifying period of five years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen, and either:</p> <ul style="list-style-type: none"> <li>(i) the marriage was contracted or the civil partnership was formed before the <b>date and time of withdrawal</b>; or</li> <li>(ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of durable partner in Annex 1 being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</li> </ul> <p>(b) The applicant is in the UK lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix</p>

EU13. The reference to the applicant completing a continuous qualifying period of five years:



- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen); and
- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), a person with a derivative right to reside or a person with a Zambrano right to reside.

### Eligibility for limited leave to enter or remain

Persons eligible for limited leave to enter or remain as a relevant EEA citizen or their family member, as a person with a derivative right to reside or with a Zambrano right to reside or as a family member of a qualifying British citizen

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Secretary of State is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application and in an application made by the required date, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is: <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen; or</li> <li>(ii) a family member of a relevant EEA citizen; or</li> <li>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</li> <li>(iv) a person with a derivative right to reside; or</li> <li>(v) a person with a Zambrano right to reside; and</li> </ul> (b) The applicant is not eligible for indefinite leave to enter or remain under paragraph EU11 of this Appendix solely because they have completed a continuous qualifying period of less than five years

2.	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a family member of a qualifying British citizen; or</li> <li>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</li> </ul> <p>(b) The applicant was, for any period in which they were present in the UK as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The applicant is not eligible for indefinite leave to enter or remain under paragraph EU12 of this Appendix solely because they have completed a continuous qualifying period in the UK of less than five years</p>
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Persons eligible for limited leave to enter or remain as a joining family member of a relevant sponsor

EU14A. The applicant meets the eligibility requirements for limited leave to enter or remain as a joining family member of a relevant sponsor where (i) (in cases where the application is made within the UK) the applicant is not in the UK as a visitor and (ii) the Secretary of State is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date and by the required date, the condition set out in the following table is met:

Condition	Is met where:
	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a joining family member of a relevant sponsor; or</li> <li>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; and</li> </ul> <p>(b) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) not eligible for indefinite leave to enter under paragraph EU11A of this Appendix, where the application is made outside the UK; or</li> <li>(ii) not eligible for indefinite leave to remain under paragraph EU11A of this Appendix, where the application is made within the UK, solely because they have completed a continuous qualifying period of less than five years which began after the specified date</li> </ul>

## Suitability

EU15. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or
- (b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to an **Islands deportation order**; or
- (b) The applicant is subject to an **Islands exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Secretary of State is satisfied that it is proportionate to refuse the application where:

- (a) In relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) The applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights under Directive 2004/38/EC; or
- (c)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or

(bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.1.(a) or A3.1.(b) of Annex 3 to this Appendix or under paragraph A3.1.(a) or A3.1.(b) of Annex 3 to Appendix EU (Family Permit); and

(ii) The refusal of the application is justified either:

(aa) In respect of conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules”); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good; or

(d) The applicant is a **relevant excluded person** based on conduct committed before the specified date and the Secretary of State is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or

(e) The applicant is a relevant excluded person based on conduct committed after the specified date.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

EU18. Annex 3 applies in respect of the cancellation, curtailment and revocation of leave to enter or remain granted under this Appendix.

### Annex 1 – Definitions

Term	Definition
adopted child	a child adopted in accordance with a <b>relevant adoption decision</b>
child	<p>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; or</p> <p>(b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and</p> <p>(ii) (unless the applicant was previously granted limited leave to enter or remain under this Appendix as a child on the basis that sub-paragraph (a) above applied or under its equivalent in the Islands on that basis) dependent on (as the case may be):</p> <p>(aa) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date; or</p> <p>(bb) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or,</p>

	<p>where the date of application is after the specified date, at the specified date; or</p> <p>(cc) on the relevant sponsor (or on their spouse or civil partner) at the date of application</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and</p> <p>(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) ‘child’ includes:</p> <ul style="list-style-type: none"><li>(i) an <b>adopted child</b> of; or</li><li>(ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or</li><li>(iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or</li><li>(iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or</li></ul>
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	<p>(v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or</p> <p>(vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or</p> <p>(x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or</p> <p>(xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young</p>
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	<p>Persons Act 2001 of Tynwald appointing as their guardian,  a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) or their spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or, as the case may be, by a qualifying British citizen or by a relevant sponsor) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix, condition 4 in the table in paragraph EU11A or condition 4 in the table in paragraph EU12; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table, in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for ‘joining family member of a relevant sponsor’ in this table</p>
civil partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is, or (as the case may be) for the relevant period was, in a relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA</p>



	<p>citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person's relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a civil partnership, durable partnership or marriage entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or</p> <p>(b) any other provision of UK immigration law or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Islands under Islands law</p>
<p>continuous qualifying period</p>	<p>a period of residence in the UK and Islands (save in condition 3 in the table in paragraph EU12 of this Appendix; in condition 2 in the table in paragraph EU14 of this Appendix; in sub-paragraph (a)(ii) or (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table; in sub-paragraph (c) of the entry for 'person who has ceased activity' in this table; and in the entry for 'person with a derivative right to reside' and for 'person with a Zambrano right to reside' in this table, where (in each case) the period of residence must be in the UK and the</p>

reference in sub-paragraphs (b)(i) and (ii) below to the UK and Islands is to be read as a reference to the UK):

- (a) which, unless the person is a joining family member of a relevant sponsor, began before the specified date; and
- (b) during which none of the following occurred:
  - (i) absence(s) from the UK and Islands which exceeded a total of six months in any 12-month period, except for:
    - (aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting); or
    - (bb) any period of absence on compulsory military service; or
    - (cc) any period of absence on a posting on **Crown service** or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or
    - (dd) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009); or
  - (ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or
  - (iii) any of the following, unless it has been set aside or no longer has effect in respect of the person:
    - (aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or

	<p>(bb) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than by virtue of the EEA Regulations; or</p> <p>(ee) an Islands deportation order; or</p> <p>(ff) an Islands exclusion decision; and</p> <p>(c) which continues at the date of application, unless:</p> <p>(i) the period is of at least five years' duration; or</p> <p>(ii) the person has acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man; or</p> <p>(iii) the person has valid indefinite leave to enter or remain granted under this Appendix (or under its equivalent in the Islands); or</p> <p>(iv) there is valid evidence of their indefinite leave to enter or remain; or</p> <p>(v) a relevant reference is concerned</p>
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in addition, 'relevant reference' in sub-paragraph (c)(v) above means the reference to continuous qualifying period in:

- condition 6 in the table in paragraph EU11 of this Appendix;
- condition 3 in the table in paragraph EU11A of this Appendix;
- sub-paragraph (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table (as that reference applies to, as the case may be, the relevant EEA citizen, the qualifying British citizen or the relevant sponsor);
- where the date of application is on or after 1 July 2021, sub-paragraph (b)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (b)(ii)(aa) of that entry applies;
- where the date of application is on or after 1 July 2021, sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table (in so far as the reference in that sub-paragraph to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (c)(i) of the applicable entry for 'relevant EEA citizen' in this table applies;
- where the date of application is on or after 1 July 2021, sub-paragraph (d)(ii) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (d)(iii)(aa) of that entry applies;
- where the date of application is on or after 1 July 2021, sub-paragraph (e)(i)(aa) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (e)(i)(bb)(ccc) of that entry applies;
- where the date of application is on or after 1 July 2021, sub-paragraph (e)(ii)(aa) of the applicable entry for 'relevant

	<p>EEA citizen' in this table, where sub-paragraph (e)(ii)(bb)(aaa) of that entry applies;</p> <ul style="list-style-type: none"> <li>- where the date of application is on or after 1 July 2021, sub-paragraph (f)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (f)(ii)(aa) of that entry applies;</li> <li>- sub-paragraph (b)(ii) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(ii)(aa) of that entry applies;</li> <li>- sub-paragraph (b)(iii) of the entry for 'relevant sponsor' in this table (where the reference to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (b)(iii)(aa) of the entry for 'relevant sponsor' in this table applies;</li> <li>- sub-paragraph (b)(iv)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(iv)(bb)(bbb) of that entry applies;</li> <li>- sub-paragraph (b)(v)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(v)(bb)(aaa) of that entry applies; and</li> <li>- sub-paragraph (b)(vi) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(vi)(aa) of that entry applies</li> </ul>
Crown service	<p>service as:</p> <ul style="list-style-type: none"> <li>(a) a member of HM Forces (as defined in the Armed Forces Act 2006); or</li> <li>(b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or</li> <li>(c) a permanent member of the British Council</li> </ul>
custody of a child	<p>the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and</p>

	those which are subject to a court order for determining with whom the child is to live and when
date and time of withdrawal	2300 <b>GMT</b> on 31 January 2020
date of application	<p>the date on which the application is submitted under the required application process, which means:</p> <p>(a) (in the case of the relevant on-line application form) the date on which that form is submitted on-line; or</p> <p>(b) (in the case of a paper application form):</p> <p>(i) the date of posting to the Home Office address specified on the form (where one is specified), as shown on the tracking information provided by Royal Mail or, if not tracked, by the postmark date on the envelope; or</p> <p>(ii) where the paper application form is sent by courier, or other postal services provider, the date on which it is delivered to the Home Office address specified on the form (where one is specified); or</p> <p>(iii) where the paper application form is sent by e-mail, the date on which it is recorded by Home Office e-mail software as received at the Home Office e-mail address specified on the form (where one is specified)</p>
dependent parent	<p>(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and</p> <p>(b) (unless sub-paragraph (c) immediately below applies) dependent on (as the case may be):</p> <p>(i) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the relevant EEA citizen is</p>

	<p>under the age of 18 years at the date of application or, where the date of application is after the specified date, the relevant EEA citizen was under the age of 18 years at the specified date) that dependency is assumed; or</p> <p>(ii) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; or</p> <p>(iii) on the relevant sponsor (or on their spouse or civil partner) at the date of application and (unless the relevant sponsor is under the age of 18 years) that dependency is assumed where the date of application is before 1 July 2021; and</p> <p>(c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where:</p> <p>(i) the applicant was previously granted limited leave to enter or remain under this Appendix as a dependent parent, and that leave has not lapsed or been cancelled, curtailed or invalidated; or</p> <p>(ii) the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil</p>
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	<p>partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and</p> <p>(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes:</p> <ul style="list-style-type: none"><li>(i) a grandparent or great-grandparent; and</li><li>(ii) an adoptive parent of an adopted child; and</li></ul> <p>(b) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table, in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for ‘joining family member of a relevant sponsor’ in this table; and</p>
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	<p>(c) in respect of the reference in sub-paragraph (c)(ii) above to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen' and sub-paragraph (b) of the entry for 'durable partner' in this table is to be disregarded</p>
<p>dependent relative</p>	<p>the person:</p> <p>(a)(i)(aa) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of their sponsoring person; and</p> <p>(bb) is, or (as the case may be) for the relevant period was, a dependant of the sponsoring person, a member of their household or in strict need of their personal care on serious health grounds; or</p> <p>(ii) is a <b>person who is subject to a non-adoptive legal guardianship order</b> in favour (solely or jointly with another party) of their sponsoring person; or</p> <p>(iii) is a person under the age of 18 years who:</p> <p style="padding-left: 40px;">(aa) is the direct descendant of the durable partner of their sponsoring person; or</p> <p style="padding-left: 40px;">(bb) has been adopted by the durable partner of their sponsoring person, in accordance with a relevant adoption decision; and</p> <p>(b) holds a <b>relevant document</b> as the dependent relative of their sponsoring person for the period of residence relied upon (unless, in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers); for the purposes of this provision, where the person applies for a</p>

	<p>relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the dependent relative of their sponsoring person before the specified date and their relevant document is issued on that basis after the specified date, they are deemed to have held the relevant document since immediately before the specified date</p> <p>in addition, ‘sponsoring person’ means:</p> <p>(a) (where sub-paragraphs (a)(i) and (b) above apply):</p> <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen (in accordance with the applicable entry in this table); or</li> <li>(ii) the spouse or civil partner (as described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table) of a relevant EEA citizen (in accordance with the applicable entry in this table); or</li> <li>(iii) a qualifying British citizen; or</li> <li>(iv) the spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table) of a qualifying British citizen; or</li> </ul> <p>(b) (where the first sub-paragraph (a)(ii) in this entry and sub-paragraph (b) above apply or the first sub-paragraph (a)(iii) in this entry and sub-paragraph (b) above apply):</p> <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen (in accordance with the applicable entry in this table); or</li> <li>(ii) a qualifying British citizen</li> </ul>
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p>

	<p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of:</p> <ul style="list-style-type: none"> <li>(i) conduct committed after the specified date; or</li> <li>(ii) conduct committed before the specified date, where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)</li> </ul> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
<p>documented right of permanent residence</p>	<p>the Secretary of State is satisfied from the information available to them that:</p> <ul style="list-style-type: none"> <li>(a)(i) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the EEA Regulations, or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 endorsed to show permission to remain in the UK indefinitely; and</li> </ul>

	<p>(ii) this document or card is not invalid under regulation 19(4)(c); and</p> <p>(iii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and</p> <p>(iv) the person's right to reside has not been cancelled under regulation 25; or</p> <p>(b) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(c) the person has been issued by the relevant Minister with a document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective; or</p> <p>(d) the person has been issued with a letter certifying permanent residence, or their passport has been stamped to that effect, under the Immigration (European Economic Area) Regulations of the Isle of Man, and this evidence has not been revoked, invalidated or cancelled</p>
durable partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and</p>

	<p>(b)(i) the person holds a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) for the period of residence relied upon; for the purposes of this provision, where the person applies for a relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the durable partner of the relevant EEA citizen or, as the case may be, of the qualifying British citizen before the specified date and their relevant document is issued on that basis after the specified date, they are deemed to have held the relevant document since immediately before the specified date; or</p> <p>(ii) where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen), or as the spouse or civil partner of a relevant sponsor (as described in sub-paragraph (a)(i)(bb) of the entry for 'joining family member of a relevant sponsor' in this table), and does not hold a document of the type to which sub-paragraph (b)(i) above applies, and where:</p> <ul style="list-style-type: none"><li>(aa) the date of application is after the specified date; and</li><li>(bb) the person:<ul style="list-style-type: none"><li>(aaa) was not resident in the UK and Islands as the durable partner of a relevant EEA citizen (where that relevant EEA citizen is their relevant sponsor) on a basis which met the definition of 'family member of a relevant EEA citizen' in this table, or, as the case may be, as the durable partner of the qualifying British citizen, at (in either case) any time before the specified date, unless the reason why, in the former case, they were not so resident is that</li></ul></li></ul>
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	<p>they did not hold a relevant document as the durable partner of a relevant EEA citizen for that period (where their relevant sponsor is that relevant EEA citizen) and they did not otherwise have a lawful basis of stay in the UK and Islands for that period; or</p> <p>(bbb) was resident in the UK and Islands before the specified date, and one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of ‘continuous qualifying period’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date; or</p> <p>(ccc) was resident in the UK and Islands before the specified date, and the event referred to in sub-paragraph (a) in the definition of ‘supervening event’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date,</p> <p>the Secretary of State is satisfied by evidence provided by the person that the partnership was formed and was durable before (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i)(bb) or (a)(iii) of that entry in this table) the date and time of withdrawal and otherwise before the specified date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a <b>durable partnership of convenience</b>; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration</p>
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	<p>status in the UK or the Islands based on that person's relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix (or condition 3 in the table in paragraph EU11A), the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen (or, as the case may be, of the relevant sponsor) rather than to the date of application</p>
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 10(7) of the EEA Regulations
EEA citizen	<p>a person who is:</p> <p>(a)(i) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(ii) not also a British citizen; or</p> <p>(b) a relevant naturalised British citizen; or</p> <p>(c)(i) a national of a country listed in sub-paragraph (a)(i) above; and</p> <p>(ii) (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member ("F") to whom that paragraph refers) a British citizen within the meaning of the person ("P") to whom that paragraph refers; or</p> <p>(d) a <b>relevant person of Northern Ireland</b></p>

<p>EEA Regulations</p>	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date); or                  (b) (where relevant to something done after the specified date) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of regulations made under section 7, 9 or 11 of the European Union (Withdrawal Agreement) Act 2020)</p>
<p>evidence of birth</p>	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table, in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for ‘joining family member of a relevant sponsor’ in this table;                  or                  (b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Secretary of State is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, as described in sub-paragraph (a) above</p>



exclusion decision	<p>a direction given by the Secretary of State that a person must be excluded from the UK:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)</p>
exclusion order	<p>an order made under regulation 23(5) of the EEA Regulations</p>
family member of a qualifying British citizen	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that:</p> <p>(a) they have (or, as the case may be, had) returned to the UK:</p> <p>(i) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of ‘durable partner’ in this table being met before then rather than at the date of</p>

application) and the partnership remained durable at the date and time of withdrawal; or

(ii) (where sub-paragraph (a)(i)(bb) above does not apply) before the specified date (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before the specified date; or

(iii) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and:

(aa) the partnership was formed and was durable before the date and time of withdrawal; and

(bb) the partnership remains durable at the date of application; or

(iv) before the specified date (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and:

(aa) the partnership was formed and was durable after the date and time of withdrawal and before the specified date; and

(bb) the partnership remains durable at the date of application; or

(v) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen, and the family relationship existed before the date and time of withdrawal (unless, in the case of a child, the person was

born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or

(vi) before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(i) above), and all the family relationships existed before the date and time of withdrawal (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or

(vii) before the specified date (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(ii) above), and the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or

(viii) before the specified date (or later where the Secretary of State is satisfied that there are reasonable grounds for the

person's failure to meet that deadline), as the dependent relative of a qualifying British citizen, or (as the case may be) of their spouse or civil partner as described in sub-paragraph (a)(i) or (a)(ii) above, and that family relationship and (in sub-paragraph (a)(i)(bb) of the entry for 'dependent relative' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK with the qualifying British citizen or (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline of the specified date for returning to the UK) before the specified date, and (in either case) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence in the UK relied upon); and

(b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member ("EFM") to whom those provisions refer), in either case doing so:

- (i) before the specified date; and
- (ii) (save where the date of application is after the specified date and where those conditions concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the entry for 'child' in this table or in sub-paragraph (b)(ii) of the entry for 'dependent parent' in this table) immediately before returning to the UK with the qualifying British citizen (who is to be

	<p>treated as the British citizen (“BC”) to whom those provisions refer); and</p> <p>(c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in the UK of five years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who does not meet the definition of ‘joining family member of a relevant sponsor’ in this table, and who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <ul style="list-style-type: none"> <li>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</li> <li>(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of ‘durable partner’ in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; or</li> </ul> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <ul style="list-style-type: none"> <li>(i) the partnership was formed and was durable before the specified date; and</li> <li>(ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</li> </ul>

	<p>(c) the child or dependent parent of a relevant EEA citizen, and the family relationship existed before the specified date; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen (as described in sub-paragraph (a) above), and the family relationship existed before the specified date; or</p> <p>(e) the dependent relative, before the specified date, of a relevant EEA citizen (or of their spouse or civil partner, as described in sub-paragraph (a) above) and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence relied upon)</p> <p>in addition, where the applicant does not rely on meeting condition 1, 3, or 6 of paragraph EU11 of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, the family relationship continues to exist at the date of application</p>
<p>family member who has retained the right of residence</p>	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (e) below are met and that since satisfying those requirements the required continuity of residence has been maintained:</p> <p>(a) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <p>(i) was, as the case may be, the family member of a relevant EEA citizen (or of a qualifying British citizen),</p>

	<p>or the joining family member of a relevant sponsor, and that person died; and</p> <p>(ii) was resident, as the case may be, as the family member of a relevant EEA citizen (or of a qualifying British citizen), or as the joining family member of a relevant sponsor, for a continuous qualifying period in the UK of at least a year immediately before the death of that person; or</p> <p>(b) the applicant is an EEA citizen (in accordance with subparagraph (a) of that entry in this table) or non-EEA citizen who:</p> <p>(i) is the child (including where they are a joining family member of a relevant sponsor) of:</p> <p>(aa) a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) who has died or of their spouse or civil partner immediately before their death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) on ceasing to reside in the UK or of their spouse or civil partner at that point; and</p> <p>(ii) was attending an <b>educational course</b> in the UK immediately before the relevant EEA citizen (or, as the case may be, the qualifying British citizen or the relevant sponsor) died or ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen (in accordance with subparagraph (a) of that entry in this table) or non-EEA citizen</p>
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	<p>who is the parent with <b>custody of a child</b> who meets the requirements of sub-paragraph (b) above and the child is not a joining family member of a relevant sponsor; or</p> <p>(d) the applicant (“A”) is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <ul style="list-style-type: none"><li>(i) ceased to be, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, on the <b>termination of the marriage or civil partnership</b> of that relevant EEA citizen (or, as the case may be, of that qualifying British citizen or of that relevant sponsor); for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or, as the case may be, that qualifying British citizen ceased to be a qualifying British citizen, or that relevant sponsor ceased to be a relevant sponsor), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) until that termination; and</li><li>(ii) was resident in the UK at the date of the termination of the marriage or civil partnership; and</li><li>(iii) one of the following applies:<ul style="list-style-type: none"><li>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had been resident for a continuous qualifying</li></ul></li></ul>
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	<p>period in the UK of at least one year during its duration; or</p> <p>(bb) A has custody of a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), where the child is under the age of 18 years and where a court has ordered that such access must take place in the UK; or</p> <p>(dd) the continued right of residence in the UK of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting; or</p> <p>(e) the applicant (“A”) is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <ul style="list-style-type: none"><li>(i) provides evidence that a relevant family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) has broken down permanently as a result of domestic violence or abuse; and</li><li>(ii) was resident in the UK when the relevant family relationship broke down permanently as a result of domestic violence or abuse, and the continued right of residence in the UK of A is warranted where A or another family member has been a victim of domestic</li></ul>
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	<p>violence or abuse before the relevant family relationship broke down permanently</p> <p>in addition:</p> <p>(a) 'relevant family relationship' in sub-paragraph (e) above means a family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) such that the applicant is, or (immediately before the relevant family relationship broke down permanently as a result of domestic violence or abuse) was, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor; and</p> <p>(b) where sub-paragraph (e) above applies, then, where, following the permanent breakdown of the relevant family relationship as a result of domestic violence or abuse, the applicant remains, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, they will be deemed to have ceased to be such a family member for the purposes of this Appendix once the permanent breakdown occurred; and</p> <p>(c) 'required continuity of residence' means that, where the applicant has not completed a continuous qualifying period of five years (and does not have valid evidence of their indefinite leave to enter or remain, and has not acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), then, since the point at which (where they do so) they began</p>
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	to rely on being in the UK and Islands as a family member who has retained the right of residence and while they continued to do so, one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has not occurred
frontier worker	a person who: (a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and (b) is not a British citizen; and (c) satisfies the Secretary of State by relevant evidence of this that they fulfil the relevant conditions of being a frontier worker set out in regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020, and that they have done so continuously since the specified date; and (d) has not been (and is not to be) refused admission to, or removed from, the UK by virtue of regulations of the type to which sub-paragraph (c) above refers
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent

	residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be excluded from the Island concerned: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15”

	<p>and “has a right of permanent residence under regulation 15” read “who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)</p>
<p>joining family member of a relevant sponsor</p>	<p>a person who has satisfied the Secretary of State, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant sponsor, and</p> <p>(i)(aa) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(bb) the applicant was the durable partner of the relevant sponsor before the specified date (the definition of ‘durable partner’ in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; and</p> <p>(ii)(aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(bb) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the marriage or civil partnership existed for the relevant period; or</p> <p>(cc) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the marriage or civil partnership existed immediately before the death of the relevant sponsor; or</p>

	<p>(b) the <b>specified spouse or civil partner of a Swiss citizen</b>; or</p> <p>(c) the durable partner of a relevant sponsor, and:</p> <ul style="list-style-type: none"><li>(i) the partnership was formed and was durable before the specified date; and</li><li>(ii)(aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the partnership remains durable at the date of application; or</li><li>(bb) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the partnership remained durable for the relevant period; or</li><li>(cc) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the partnership remained durable immediately before the death of the relevant sponsor; or</li></ul> <p>(d) the child or dependent parent of a relevant sponsor, and the family relationship:</p> <ul style="list-style-type: none"><li>(i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) continues to exist at the date of application (or did so for the period of residence relied upon); or</li></ul>
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	<p>(e) the child or dependent parent of the spouse or civil partner of a relevant sponsor, as described in sub-paragraph (a) above, and all the family relationships:</p> <ul style="list-style-type: none"><li>(i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) continue to exist at the date of application (or did so for the period of residence relied upon)</li></ul> <p>in addition, the person meets one of the following requirements:</p> <ul style="list-style-type: none"><li>(a) (where sub-paragraph (c) or (d) below does not apply) they were not resident in the UK and Islands on a basis which met the definition of 'family member of a relevant EEA citizen' in this table (where that relevant EEA citizen is their relevant sponsor) at any time before the specified date; or</li><li>(b) (where sub-paragraph (c) or (d) below does not apply) they were resident in the UK and Islands before the specified date, and:<ul style="list-style-type: none"><li>(i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or</li><li>(ii) the event referred to in sub-paragraph (a) in the definition of 'supervening event' in this table has occurred, and after that event occurred they were not</li></ul></li></ul>
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	<p>resident in the UK and Islands again before the specified date; or</p> <p>(iii) they are the specified spouse or civil partner of a Swiss citizen, and they do not rely on any period of residence in the UK and Islands before the marriage was contracted or the civil partnership was formed; or</p> <p>(c) (where sub-paragraph (d) below does not apply) where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (with the references below to 'parents' in this sub-paragraph construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), one of the following requirements is met:</p> <p>(i) both of their parents are a relevant sponsor; or</p> <p>(ii) one of their parents is a relevant sponsor and the other is a British citizen who is not a relevant sponsor; or</p> <p>(iii) one of their parents is a relevant sponsor who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the</p>
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	<p>normal operation of such applicable rules of private international law); or</p> <p>(d) where the person is a child born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant sponsor</p>
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person exempt from immigration control	<p>a person who:</p> <p>(a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(b) is not a British citizen; and</p> <p>(c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971</p>
person who has ceased activity	<p>the person:</p> <p>(a) has terminated activity as a worker or self-employed person in the UK and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the UK for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than three years; or</p>

	<p>(b) stopped being a worker or self-employed person in the UK owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding two years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the UK; or</p> <p>(c) resided for a continuous qualifying period in the UK of at least three years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, while retaining a place of residence in the UK to which they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Secretary of State is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen (or, as the case may be, the relevant sponsor) is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)</p>
<p>person who had a derivative or Zambrano right to reside</p>	<p>a person who was a person with a derivative right to reside or, as the case may be, a person with a Zambrano right to reside, immediately before they became, as the case may be, a relevant EEA citizen, a family member of a relevant EEA citizen, a person with a derivative right to reside, a person with a Zambrano right to reside or a family member of a qualifying British citizen, and they have since remained, to the date of application, in any (or any combination) of those categories or as a family member who has retained</p>

	the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen
person who is subject to a non-adoptive legal guardianship order	<p>a person who has satisfied the Secretary of State that, before the specified date, they:</p> <ul style="list-style-type: none"> <li>(a) are under the age of 18 years; and</li> <li>(b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a relevant EEA citizen or, as the case may be, of a qualifying British citizen (who, in either case, is their ‘sponsoring person’ in accordance with the second sub-paragraph (b) in the entry for ‘dependent relative’ in this table) that: <ul style="list-style-type: none"> <li>(i) is recognised under the national law of the state in which it was contracted; and</li> <li>(ii) places parental responsibility on a permanent basis on the relevant EEA citizen or, as the case may be, on the qualifying British citizen (in either case, solely or jointly with another party); and</li> </ul> </li> <li>(c) have lived with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen) since their placement under the guardianship order; and</li> <li>(d) have created family life with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen); and</li> <li>(e) have a personal relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen) that involves dependency on the relevant EEA citizen (or, as the case may be, on the qualifying British citizen) and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen)</li> </ul>
person with a derivative right to reside	a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family

	<p>relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the relevant period in which they rely on having been a person with a derivative right to reside (before they then became a person who had a derivative or Zambrano right to reside) they were, resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations:</p> <p>(a) regardless of whether, in respect of the criterion in regulation 16(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met, the requirement in regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK; and</p> <p>(b) regardless (where the person was previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a derivative right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(2)(b)(i) or regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p> <p>(c) excluding a person satisfying the criteria in:</p> <ul style="list-style-type: none"> <li>(i) paragraph (5) of regulation 16 of the EEA Regulations; or</li> <li>(ii) paragraph (6) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5)</li> </ul>
<p>person with a Zambrano right to reside</p>	<p>a person who has satisfied the Secretary of State, including (where applicable) by the required evidence of family relationship, that, by the specified date, they are (and for the relevant period have been), or (as the case may be) for the</p>

	<p>relevant period in which they rely on having been a person with a Zambrano right to reside (before they then became a person who had a derivative or Zambrano right to reside) they were:</p> <p>(a) resident for a continuous qualifying period in the UK with a derivative right to reside by virtue of regulation 16(1) of the EEA Regulations, by satisfying:</p> <ul style="list-style-type: none"> <li>(i) the criterion in paragraph (1)(a) of that regulation; and</li> <li>(ii) the criteria in: <ul style="list-style-type: none"> <li>(aa) paragraph (5) of regulation 16 of the EEA Regulations; or</li> <li>(bb) paragraph (6) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the UK under paragraph (5), regardless (where the person was previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a Zambrano right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</li> </ul> </li> </ul> <p>(b) without leave to enter or remain in the UK, unless this was granted under this Appendix</p>
<p>qualifying British citizen</p>	<p>a British citizen who:</p> <p>(a) has (or, as the case may be, for the relevant period had) returned to the UK with the applicant:</p> <ul style="list-style-type: none"> <li>(i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022 (or later where</li> </ul>

	<p>the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for 'family member of a qualifying British citizen' in this table) before the specified date (or later where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet that deadline); and</p> <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer):</p> <p>(i) before the specified date; and</p> <p>(ii) immediately before returning to the UK with the applicant (who is to be treated as the family member ("F") or, as the case may be, as the extended family member ("EFM"), to whom those provisions refer); and</p> <p>(c) was continuously resident in the UK in accordance with regulation 3 of the EEA Regulations throughout any period on which the applicant relies as being present in the UK by virtue of being a family member of a qualifying British citizen</p>
<p>relevant adoption decision</p>	<p>an adoption decision taken:</p> <p>(a) by the competent administrative authority or court in the UK or the Islands; or</p> <p>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or</p> <p>(c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption</p>

<p>relevant document</p>	<p>(a)(i)(aa) a family permit, registration certificate, residence card, document certifying permanent residence, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case, where the applicant is a durable partner, of a family permit) 1 July 2021 and otherwise before the specified date; or</p> <p>(bb) (where the applicant is a family member of a relevant person of Northern Ireland and is a dependent relative or durable partner) other evidence which satisfies the Secretary of State of the same matters under this Appendix concerning the relationship and (where relevant) dependency as a document to which sub-paragraph (a)(i)(aa) above refers; for the purposes of this provision, where the Secretary of State is so satisfied, such evidence is deemed to be the equivalent of a document to which sub-paragraph (a)(i)(aa) above refers; or</p> <p>(ii) a document or other evidence equivalent to a document to which sub-paragraph (a)(i)(aa) above refers, and issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man; or</p> <p>(iii) a biometric residence card issued by virtue of having been granted limited leave to enter or remain under this Appendix; or</p> <p>(iv) an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules; and</p>
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	<p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and</p> <p>(c) (subject to sub-paragraph (d) below) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon; and</p> <p>(d) for the purposes of the reference to ‘relevant document’ in the first sub-paragraph (b) of the entry for ‘dependent relative’ in this table, in sub-paragraph (b)(i) of the entry for ‘durable partner’ in this table and in sub-paragraphs (e) and (f) of the entry for ‘required evidence of family relationship’ in this table, the relevant document may have expired, where:</p> <ul style="list-style-type: none"> <li>(i) before it expired, the applicant applied for a further relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(iii) above) on the basis of the same family relationship as that on which that earlier relevant document was issued; and</li> <li>(ii) the further relevant document to which sub-paragraph (d)(i) above refers was issued by the date of decision on the application under this Appendix</li> </ul>
<p>relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is before 1 July 2021)</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above:</p> <ul style="list-style-type: none"> <li>(i) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is</li> </ul>



	<p>being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</p> <p>(ii) would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table; or</p> <p>(d) where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph, an EEA citizen:</p> <ul style="list-style-type: none"><li>(i) in accordance with sub-paragraph (c) of that entry in this table; and</li><li>(ii)(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</li><li>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii)(aa) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</li></ul> <p>(e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):</p> <ul style="list-style-type: none"><li>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</li><li>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above (where</li></ul>
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	<p>they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table):</p> <ul style="list-style-type: none"><li>(aa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</li><li>(bb) would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</li><li>(iii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</li></ul> <p>(f) where the applicant is their family member, a <b>person exempt from immigration control</b>:</p> <ul style="list-style-type: none"><li>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</li><li>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above, would, but for the fact that they are a person exempt from</li></ul>
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	<p>immigration control, be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(g) where the applicant is their family member, a <b>frontier worker</b></p>
<p>relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)</p>	<p>(a)(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(ii) where the applicant is their family member, the EEA citizen, having been resident in the UK and Islands as described in sub-paragraph (a)(i) above, has been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or</p> <p>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or</p> <p>(b)(i) an Irish citizen resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(ii) where the applicant is their family member, the Irish citizen, having been resident in the UK and Islands as described in sub-paragraph (b)(i) above, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not</p>

	<p>have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(c) where the applicant is a family member of a person who falls within sub-paragraphs (a), (c) and (d) of the entry for 'relevant naturalised British citizen' in this table, the person falling within those sub-paragraphs who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:</p> <p>(i) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(ii) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(d) where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph, an EEA citizen:</p> <p>(i) in accordance with sub-paragraph (c) of that entry in this table; and</p> <p>(ii) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(iii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii) above and if they had made a valid application under this Appendix before 1 July</p>
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	<p>2021, would, but for the fact that they are a British citizen, have been granted:</p> <ul style="list-style-type: none"><li>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</li><li>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</li></ul> <p>(e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p> <ul style="list-style-type: none"><li>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</li><li>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i)(aa) above:<ul style="list-style-type: none"><li>(aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or</li><li>(bbb) has been granted limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or</li></ul></li></ul>
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	<p>(ccc) if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table:</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:</p> <p>(aaa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(bbb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would</p>
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	<p>not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(f) where the applicant is their family member, a person exempt from immigration control:</p> <p>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a person exempt from immigration control, have been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(g) where the applicant is their family member, a frontier worker</p>
<p>relevant excluded person</p>	<p>a person:</p> <p>(a) in respect of whom the Secretary of State has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or</p> <p>(b) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are</p>

	<p>reasonable grounds for regarding them as a danger to the security of the UK; or</p> <p>(c) who the Secretary of State considers to be a person in respect of whom sub-paragraph (a) or (b) above would apply except that:</p> <ul style="list-style-type: none"> <li>(i) the person has not made a protection claim; or</li> <li>(ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or</li> </ul> <p>(d) in respect of whom the Secretary of State has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the UK</p>
<p>relevant naturalised British citizen</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above, would, but for the fact that they are a British citizen, be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under it before 1 July 2021;</p> <p>and in either case the person also:</p> <ul style="list-style-type: none"> <li>(c) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and</li> <li>(d) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether, save in conditions 5 and 6 in the</li> </ul>



	table in paragraph EU11 of this Appendix, they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)
relevant person of Northern Ireland	<p>a person who:</p> <p>(a) is:</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; and</li> </ul> <p>(b) was born in Northern Ireland and, at the time of the person's birth, at least one of their parents was:</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> <li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li> </ul>
relevant sponsor	<p>(a) where the date of application by a joining family member of a relevant sponsor is after the specified date and before 1 July 2021:</p> <ul style="list-style-type: none"> <li>(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted: <ul style="list-style-type: none"> <li>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</li> <li>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its</li> </ul> </li> </ul>

	<p>equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</p> <p>(ii) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table):</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(ii)(aa) above, would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(iii) an EEA citizen in accordance with sub-paragraph (b) of that entry in this table (a relevant naturalised British citizen, in accordance with sub-paragraph (a) or (b), together with sub-paragraphs (c) and (d), of that entry in this table); or</p> <p>(iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table):</p>
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	<p>(aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</p> <p>(bbb) would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(cc) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(v) a person exempt from immigration control:</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(v)(aa) above, would, but for the fact that they are a person exempt from immigration control, be granted indefinite leave to enter or</p>
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	<p>remain under paragraph EU2 of this Appendix, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(vi) a frontier worker; or</p> <p>(b) where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021:</p> <p>(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or</p> <p>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or</p> <p>(ii) an Irish citizen who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p>
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	<p>(iii) a person who falls within sub-paragraphs (a), (c) and (d) of the entry for 'relevant naturalised British citizen' in this table, who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:</p> <ul style="list-style-type: none"><li>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</li><li>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</li></ul> <p>(iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p> <ul style="list-style-type: none"><li>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</li><li>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(iv)(aa) above:<ul style="list-style-type: none"><li>(aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated; or</li><li>(bbb) if they had made a valid application under this Appendix before 1</li></ul></li></ul>
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	<p>July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(ccc) has been granted limited leave to enter or remain under paragraph EU3 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed or invalidated; or</p> <p>(ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(v) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table:</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(v)(aa) above and if they had made a valid application under this Appendix before 1 July</p>
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	<p>2021, would, but for the fact that they are a British citizen, have been granted:</p> <ul style="list-style-type: none"><li>(aaa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</li><li>(bbb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</li></ul> <p>(vi) a person exempt from immigration control who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a person exempt from immigration control, have been granted:</p> <ul style="list-style-type: none"><li>(aa) indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</li><li>(bb) limited leave to enter or remain under paragraph EU3 of this Appendix, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</li></ul> <p>(vii) a frontier worker</p> <p>in addition, save for the purposes of condition 3 in paragraph EU11A of this Appendix and of sub-paragraphs (a) and (b) of</p>
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	<p>the entry for 'family member who has retained the right of residence' in this table, the relevant sponsor has not died</p>
<p>required application process</p>	<p>(a) (unless sub-paragraph (b) or (c) applies) the relevant on-line application form and a relevant process set out in that form for:</p> <ul style="list-style-type: none"> <li>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</li> <li>(ii) providing the required biometrics; or</li> </ul> <p>(b) the required paper application form where this is mandated on gov.uk and a relevant process set out in that form for:</p> <ul style="list-style-type: none"> <li>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</li> <li>(ii) providing the required biometrics; or</li> </ul> <p>(c) a paper application form where this has been issued individually to the applicant by the Secretary of State, via the relevant process for this set out on gov.uk, and a relevant process set out in that form for:</p> <ul style="list-style-type: none"> <li>(i) providing the required proof of identity and nationality or (as the case may be) the required proof of entitlement to apply from outside the UK; and</li> <li>(ii) providing the required biometrics</li> </ul> <p>in addition, where a paper application form is used under sub-paragraph (b) or (c) above, it must be sent by pre-paid post or courier to the Home Office address specified on the form (where one is specified), or by e-mail to the Home Office e-mail address specified on the form (where one is specified)</p>



required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) (in the case of a non-EEA citizen without a <b>specified relevant document</b> making an application within the UK) the fingerprints of the applicant (also within that meaning of “biometric information”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</p> <p>in both cases provided in accordance with the required application process</p>
required date	<p>(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix):</p> <p>(i) (where sub-paragraph (a)(ii), (a)(iii) or (a)(iv) below does not apply) the date of application is:</p> <p style="padding-left: 40px;">(aa) before 1 July 2021; or</p> <p style="padding-left: 40px;">(bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(i)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or</p> <p>(ii) (in the case of a joining family member of a relevant sponsor and that joining family member arrived in the UK on or after 1 April 2021, and where sub-paragraph (a)(iii) below does not apply, or that joining family member is a child born in the UK on or after 1 April 2021 or adopted in the UK on or after that date in accordance with a relevant adoption decision, or on or after 1 April 2021 became a child in the UK</p>

	<p>within the meaning of the entry for ‘child’ in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is:</p> <ul style="list-style-type: none"><li>(aa) within three months of the date on which they arrived in the UK (or, as the case may be, of the date on which they were born in the UK, adopted in the UK or became a child in the UK within the meaning of the entry for ‘child’ in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</li><li>(bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(ii)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or</li></ul> <p>(iii) (in the case of a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and that joining family member arrived in the UK on or after 1 April 2021) the date of application is:</p> <ul style="list-style-type: none"><li>(aa) within three months of the date on which they arrived in the UK, and before 1 January 2026; or</li><li>(bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(iii)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or</li></ul> <p>(iv) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or</p>
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(a)(vi) of the entry for 'family member of a qualifying British citizen' in this table) the date of application is:

- (aa) before 2300 GMT on 29 March 2022; or
- (bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(iv)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or

(v) (in the case of an applicant who has limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Secretary of State will deem to be reasonable grounds for the person's failure to meet that deadline), the date of application is:

- (aa) before the date of expiry of that leave; or
- (bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(v)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or

(vi) (in the case of an applicant who ceases to be a person exempt from immigration control on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Secretary of State will deem to be reasonable grounds for the person's failure to meet that deadline), the date of application is:

	<p>(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or</p> <p>(bb) (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(vi)(aa) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing; or</p> <p>(b) where the applicant has limited leave to enter or remain granted under this Appendix, which has not lapsed or been cancelled, curtailed or invalidated, the date of application is:</p> <p>(i) before the expiry of that leave; or</p> <p>(ii) (where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (b)(i) above) before the end of such further period of time for the person to make an application under this Appendix as the Secretary of State considers reasonable and notifies to the person in writing</p> <p>in addition, for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix</p>
<p>required evidence of being a relevant person of Northern Ireland</p>	<p>(a) the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the Secretary of State that, at the time of the person's birth, at least one of their parents was:</p> <p>(i) a British citizen; or</p>

	<p>(ii) an Irish citizen; or                  (iii) a British citizen and an Irish citizen; or                  (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</p> <p>in addition:</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Secretary of State can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix</p>
<p>required evidence of family relationship</p>	<p>in the case of:</p> <p>(a) a spouse without a documented right of permanent residence:</p> <p>(i) a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(ii)(aa) where the marriage to the relevant EEA citizen (or, as the case may be, the relevant sponsor) was</p>

	<p>contracted after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant is the joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the specified date; or</p> <p>(bb) where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the date and time of withdrawal;</p> <p>or</p> <p>(b) a civil partner without a documented right of permanent residence:</p> <p>(i) a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; and</p> <p>(ii)(aa) where the civil partnership with the relevant EEA citizen (or, as the case may be, the relevant sponsor) was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable</p>
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	<p>partner of the relevant EEA citizen or, where the applicant is a joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the specified date; or</p> <p>(bb) where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies the Secretary of State that the durable partnership was formed and was durable before the date and time of withdrawal;</p> <p>or</p> <p>(c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b>, and:</p> <p>(i) where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the Islands) as a child, evidence which satisfies the Secretary of State that the requirements in sub-paragraph (b)(ii) of the entry for ‘child’ in this table are met; and</p> <p>(ii) where, in the case of a joining family member of a relevant sponsor, the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, evidence which satisfies the Secretary of State that the requirements in the second sub-paragraph (c) (as set out in sub-paragraph (i), (ii) or (iii) of that sub-paragraph) or in</p>
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the second sub-paragraph (d) of the entry for 'joining family member of a relevant sponsor' in this table are met; or (d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth, and, where the first sub-paragraph (b) of the entry for 'dependent parent' in this table applies, evidence which satisfies the Secretary of State that (where this is not assumed) the requirement as to dependency in that sub-paragraph is met; or

(e) a durable partner:

- (i) a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or
- (ii) (where sub-paragraph (b)(ii) of the entry for 'durable partner' in this table applies) the evidence to which that sub-paragraph refers, and evidence which satisfies the Secretary of State that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or

(f) a dependent relative:



	<p>(i) (where sub-paragraph (f)(ii) below does not apply) a relevant document as the dependent relative of their sponsoring person (in the entry for 'dependent relative' in this table) and, unless this confirms the right of permanent residence in the UK under regulation 15 of the EEA Regulations (or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man), evidence which satisfies the Secretary of State that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continue to exist at the date of application (or did so for the period of residence relied upon); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, where the Secretary of State is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers) evidence which satisfies the Secretary of State that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application (or did so for the period of residence relied upon)</p> <p>in addition:</p>
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	<p>(a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include their death certificate or other evidence which the Secretary of State is satisfied evidences the death; and</p> <p>(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen (or, as the case may be, a family member of a relevant EEA citizen, a family member who has retained the right of residence or a joining family member of a relevant sponsor), the required evidence of family relationship must include:</p> <ul style="list-style-type: none"><li>(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, the qualifying British citizen or the relevant sponsor, of whom the applicant is (or, as the case may be, for the relevant period was) a family member or (as the case may be) a joining family member:<ul style="list-style-type: none"><li>(aa) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of the applicable entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland, in the case of a qualifying British citizen, or in the case of a relevant sponsor who is neither a relevant naturalised British citizen nor relied on by the</li></ul></li></ul>
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	<p>applicant as being a relevant person of Northern Ireland) their valid passport; or</p> <p>(bb) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in subparagraph (d) of the applicable entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland, or in the case of a relevant sponsor who is neither a relevant naturalised British citizen nor relied on by the applicant as being a relevant person of Northern Ireland) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix or limited leave to enter or remain under paragraph EU3; or</p> <p>(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in subparagraph (d) of the applicable entry in this table, or in the case of a relevant sponsor who is a relevant naturalised British citizen) their valid passport or their valid national identity card as a national of a country listed in subparagraph (a)(i) in the entry for 'EEA citizen' in this table, and information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen; or</p>
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	<p>(dd) (in the case of a relevant EEA citizen or a relevant sponsor who, in either case, is relied on by the applicant as being a relevant person of Northern Ireland) the <b>required evidence of being a relevant person of Northern Ireland</b>, and:</p> <p>(aaa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen; or</p> <p>(bbb) (where they are an Irish citizen) their valid passport or their valid national identity card as an Irish citizen, or confirmation that they have been or are being granted indefinite leave to enter or remain under paragraph EU2 of this Appendix or limited leave to enter or remain under paragraph EU3; or</p> <p>(ccc) (where they are a British citizen and an Irish citizen) the evidence required by sub-paragraph (b)(i)(dd)(aaa) or (b)(i)(dd)(bbb) above,</p> <p>unless (in any case) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their</p>
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	<p>control or to compelling practical or compassionate reasons; and</p> <p>(ii) evidence which satisfies the Secretary of State that:</p> <p>(aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, either that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in sub-paragraph (a) in the applicable entry for 'relevant EEA citizen' in this table (where the date of application is before 1 July 2021), and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b), (c), (d), (e), (f) or (g) in the applicable entry for 'relevant EEA citizen' in this table (where the date of application is before 1 July 2021); or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (a), (b), (c), (d), (e), (f) or (g) of the applicable entry for 'relevant EEA citizen' in this table (where the date of application is on or after 1 July 2021); or</p> <p>(bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British</p>
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	<p>citizen, and is (or, as the case may be, was) a qualifying British citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; or</p> <p>(cc) where the applicant is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor, that relevant sponsor is (or, as the case may be, for the relevant period was) a relevant sponsor, and is (or, as the case may be, was) a relevant sponsor throughout any continuous qualifying period on which the applicant relies as being a joining family member of a relevant sponsor; and</p> <p>(c) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and</p> <p>(d) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Secretary of State can require the applicant to submit the original document where the Secretary of State has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(e) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Secretary of State can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the</p>
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	<p>eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix</p>
<p>required proof of entitlement to apply from outside the UK</p>	<p>(a) in the case of an EEA citizen (in accordance with subparagraph (a) of that entry in this table):</p> <ul style="list-style-type: none"> <li>(i) their valid passport; or</li> <li>(ii) their valid national identity card, where this contains an interoperable biometric chip,</li> </ul> <p>unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; or</p> <p>(b) in the case of a non-EEA citizen, their valid specified relevant document,</p> <p>unless the Secretary of State agrees to accept alternative evidence of entitlement to apply from outside the UK where the applicant is unable to produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, 'valid' here means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>required proof of identity and nationality</p>	<p>(a) in the case of an EEA citizen (in accordance with subparagraph (a) of that entry in this table) making an application within the UK:</p> <ul style="list-style-type: none"> <li>(i) their valid passport; or</li> <li>(ii) their valid national identity card; or</li> </ul> <p>(b) in the case of a non-EEA citizen making an application within the UK:</p> <ul style="list-style-type: none"> <li>(i) their valid passport; or</li> </ul>

	<p>(ii) their valid specified relevant document; or                  (iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of (a) or (b)) the Secretary of State agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, 'valid' here means that the document is genuine and has not expired or been cancelled or invalidated</p>
self-employed person	<p>there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either:</p> <p>(a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or                  (b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of "qualified person" under regulation 6 of the EEA Regulations,</p> <p>irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland</p>
specified date	<p>(a) (where sub-paragraph (b) below does not apply) 2300 GMT on 31 December 2020; or                  (b) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for 'family member of a qualifying British citizen' in this table) 2300 GMT on 29 March 2022 in the</p>



	<p>reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph EU12 of this Appendix;</li> <li>- condition 2 in the table in paragraph EU14 of this Appendix;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘supervening event’ in this table</li> </ul>
specified relevant document	<p>(a) within the meaning of sub-paragraph (a)(i)(aa) of the entry for ‘relevant document’ in this table, a residence card, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made on or after 6 April 2015; or</p> <p>(b) a biometric residence card as described in sub-paragraph (a)(iii) of the entry for ‘relevant document’ in this table</p>
specified spouse or civil partner of a Swiss citizen	<p>(a) the person is the spouse or civil partner of a relevant sponsor; and</p> <p>(b) the relevant sponsor is a national of Switzerland and is not also a British citizen; and</p> <p>(c) the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026; and</p> <p>(d)(i) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph EU11A of this Appendix, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to exist at the date of application; or</p>

	<p>(ii) (where the applicant relies on meeting condition 1 of paragraph EU11A of this Appendix) the marriage or civil partnership existed for the relevant period; or</p> <p>(iii) (where the applicant relies on meeting condition 3 of paragraph EU11A of this Appendix) the marriage or civil partnership existed immediately before the death of the relevant sponsor</p>
spouse	<p>(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>marriage of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>
supervening event	<p>at the date of application:</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than five consecutive years (at any point since they last acquired the right of permanent residence in the UK under regulation 15 of the EEA Regulations, or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man, or since they last completed a continuous qualifying period of five years); or</p>

	<p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person:</p> <ul style="list-style-type: none"> <li>(i) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations of the Isle of Man); or</li> <li>(ii) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</li> <li>(iii) an exclusion decision; or</li> <li>(iv) a deportation order, other than by virtue of the EEA Regulations; or</li> <li>(v) an Islands deportation order; or</li> <li>(vi) an Islands exclusion decision</li> </ul>
termination of the marriage or civil partnership	the date on which the order finally terminating the marriage or civil partnership is made by a court
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Home Office, confirming that the applicant has indefinite leave to enter or

	<p>remain in the UK, which has not lapsed or been revoked or invalidated; or</p> <p>(b) the Secretary of State is otherwise satisfied from the evidence or information available to them that the applicant has indefinite leave to enter or remain in the UK or the Islands, which has not lapsed or been revoked or invalidated</p>
visitor	<p>a person granted leave under paragraphs 40-56Z, 75A-M or 82-87 of the rules in force before 24 April 2015 or Appendix V on or after 24 April 2015 or Appendix V: Visitor after 9am on 1 December 2020, unless:</p> <p>(a) they are the spouse or civil partner of a relevant sponsor (as described in sub-paragraph (a)(i)(bb) of the entry for 'joining family member of a relevant sponsor' in this table) or the specified spouse or civil partner of a Swiss citizen; and</p> <p>(b) their leave permitted them to marry or form a civil partnership in the UK with that relevant sponsor or with that Swiss citizen and they did so</p>
worker	<p>there is evidence which satisfies the Secretary of State that the person is, or (as the case may be) for the relevant period was, either:</p> <p>(a) a worker as defined in regulation 4(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of "qualified person" under regulation 6 of the EEA Regulations,</p> <p>irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland</p>

## Annex 2 – Consideration of a valid application

A2.1. A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Secretary of State; and
- (b) any other information or evidence made available to the Secretary of State (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Secretary of State may:

- (a) request that the applicant provide further information or evidence that they meet those requirements; or
- (b) invite the applicant to be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(2) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person (“P”), including where P is a qualifying British citizen or a relevant sponsor, the Secretary of State may:

- (a) request that P provide information or evidence about their relationship with the applicant, their residence in the UK or, where P is a qualifying British citizen, their residence in a country listed in sub-paragraph (a)(i) of the entry for ‘EEA citizen’ in the table at Annex 1 to this Appendix; or
- (b) invite P to be interviewed by the Secretary of State in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) P:

- (a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or

(b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Secretary of State may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

(4) The Secretary of State may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.

(5) The Secretary of State must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

### **Annex 3 – Cancellation, curtailment and revocation of leave to enter or remain**

A3.1. A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

(a) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain"; and for "an EEA decision" read "a decision under paragraph A3.1.(a) of Annex 3 to Appendix EU to the Immigration Rules"); or

(b) The cancellation is justified on the ground that it is conducive to the public good, on the basis of the person's conduct committed after the specified date; or

(c) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix.

A3.2. A person's limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where they cease to meet the requirements of this Appendix.

A3.3. A person's limited leave to enter or remain granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or

(c) The person ceases to meet the requirements of this Appendix.

A3.4. A person's indefinite leave to enter or remain granted under this Appendix may be revoked where the Secretary of State is satisfied that it is proportionate to revoke that leave where:

(a) The person is liable to deportation, but cannot be deported for legal reasons; or

(b) The indefinite leave to enter or remain was obtained by deception.

# Immigration Rules

## Appendix EU (Family Permit)

### Appendix EU (Family Permit)

#### Purpose

FP1. This Appendix sets out the basis on which a person will, if they apply under it, be granted an entry clearance:

- (a) In the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** or a **qualifying British citizen** in the UK or to accompany them to the UK; or
- (b) In the form of an EU Settlement Scheme Travel Permit – to travel to the UK.

FP2. This Appendix has effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the UK by virtue of Appendix EU to these Rules.

#### Requirements and procedure

FP3. The applicant will be granted an entry clearance under this Appendix, valid for the **relevant period**, by an entry clearance officer where:

- (a) A valid application has been made in accordance with paragraph FP4;
- (b) The applicant meets the eligibility requirements in paragraph FP6(1), (2) or (3); and
- (c) The application is not to be refused on grounds of suitability in accordance with paragraph FP7.

FP4. A valid application has been made under this Appendix where:



- (a) It has been made using the **required application process**;
- (b) The **required proof of identity and nationality** has been provided; and
- (c) The **required biometrics** have been provided.

FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4(a) and (b), and will not be considered where it does not meet the requirement in paragraph FP4(c).

FP6. (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the **date of application**:

- (a) The applicant is a **specified EEA citizen** or a **non-EEA citizen**;
- (b) The applicant is a **family member of a relevant EEA citizen**;
- (c) The relevant EEA citizen is resident in the UK or will be travelling to the UK with the applicant within six months of the date of application;
- (d) The applicant will be accompanying the relevant EEA citizen to the UK (or joining them in the UK) within six months of the date of application; and
- (e) The applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under regulation 12 of the **EEA Regulations** or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the date of application:

- (a) The applicant is a specified EEA citizen or a non-EEA citizen;
- (b) The applicant is a **family member of a qualifying British citizen**;

(c) The qualifying British citizen is resident in the UK or will be travelling to the UK with the applicant within six months of the date of application;

(d) The applicant will be accompanying the qualifying British citizen to the UK (or joining them in the UK) within six months of the date of application; and

(e) The applicant (“A”) is not the spouse, civil partner or durable partner of a qualifying British citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under regulation 12 of the EEA Regulations or has been granted leave to enter or remain in the UK in that capacity under or outside the Immigration Rules.

(3) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:

(a) The applicant is a non-EEA citizen;

(b) The applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave;

(c) The applicant:

(i) Has been issued with a **relevant document** by the UK under the EEA Regulations, or with a biometric residence card by virtue of having been granted leave under Appendix EU to these Rules; and

(ii) Has reported to the Home Office that that document or card has been lost or stolen; and

(d) The applicant will be travelling to the UK within six months of the date of application.

FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or
  - (b) The applicant is subject to an **exclusion order** or **exclusion decision**.
- (2) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:
- (a) The applicant is subject to an **Islands deportation order**; or
  - (b) The applicant is subject to an **Islands exclusion decision**.
- (3) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer is satisfied that it is proportionate to refuse the application where:
- (a) In relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or
  - (b)(i) The applicant:
    - (aa) Has previously been refused admission to the UK in accordance with regulation 23(1) of the EEA Regulations; or
    - (bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.1.(a) or A3.1.(b) of Annex 3 to this Appendix or under paragraph A3.1.(a) or A3.1.(b) of Annex 3 to Appendix EU; and
  - (ii) The refusal of the application is justified either:

(aa) In respect of conduct committed before the **specified date**, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph FP7(3)(b) of Appendix EU (Family Permit) to the Immigration Rules”); or

(bb) In respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

(4) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP9. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

FP10. Annex 2 applies to the consideration by the entry clearance officer of a valid application made under this Appendix.

FP11. Annex 3 applies in respect of the cancellation and curtailment of leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix.

## Annex 1 - Definitions

Term	Definition
adopted child	a <b>child</b> adopted in accordance with a <b>relevant adoption decision</b>

child	<p>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; or</p> <p>(b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and</p> <p>(ii)(aa) dependent on the relevant EEA citizen or on their spouse or civil partner:</p> <p style="padding-left: 40px;">(aaa) (where sub-paragraph (b)(ii)(aa)(bbb) below does not apply) at the date of application; or</p> <p style="padding-left: 40px;">(bbb) (where the date of application is after the specified date and where the applicant is not a <b>joining family member</b>) at the specified date; or</p> <p style="padding-left: 40px;">(bb) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the</p>
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	<p>qualifying British citizen) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) 'child' includes:</p> <ul style="list-style-type: none"><li>(i) an <b>adopted child</b> of; or</li><li>(ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or</li><li>(iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or</li><li>(iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or</li><li>(v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or</li><li>(vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</li><li>(vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or</li></ul>
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	<p>(viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or</p> <p>(x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or</p> <p>(xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian,</p> <p>a relevant EEA citizen (or, as the case may be, a qualifying British citizen) or their spouse or civil partner, but 'child' does not include a child cared for by a relevant EEA citizen (or, as the case may be, by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) 'direct descendant' also includes a grandchild or great-grandchild; and</p> <p>(c) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in</p>
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	this table or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table
civil partner	(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2004 or under any equivalent legislation in the Islands); or is in a relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the Islands, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen); and (b) it is not a <b>civil partnership of convenience</b> ; and (c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person’s relationship with that party
civil partnership of convenience  durable partnership of convenience  marriage of convenience	a civil partnership, durable partnership or marriage entered into as a means to circumvent: (a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the UK under the EEA Regulations; or (b) any other provision of UK immigration law or any requirement of the Immigration Rules; or (c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law; or (d) any criterion the party would have to meet in order to enjoy a right to enter or reside in <b>the Islands</b> under Islands law
date and time of withdrawal	2300 <b>GMT</b> on 31 January 2020
date of application	the date on which the application is submitted under the required application process



dependent parent	<p>(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) (unless sub-paragraph (c) immediately below applies):</p> <p>(i) dependent on the relevant EEA citizen or on their spouse or civil partner:</p> <p>(aa) (where sub-paragraph (b)(i)(bb) or (b)(i)(cc) below does not apply) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed; or</p> <p>(bb) (where the date of application is after the specified date and where the applicant is not a joining family member) at the specified date, and (unless the relevant EEA citizen was under the age of 18 years at the specified date) that dependency is assumed; or</p> <p>(cc) (where the date of application is after the specified date and where the applicant is a joining family member) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed where the date of application is before 1 July 2021; or</p> <p>(ii) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18</p>
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	<p>years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; and</p> <p>(c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted:</p> <ul style="list-style-type: none"><li>(i) an entry clearance under this Appendix in the form of an EU Settlement Scheme Family Permit as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, and that entry clearance has not been revoked or otherwise ceased to be valid; or</li><li>(ii) indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated</li></ul> <p>‘dependent’ means here that:</p> <ul style="list-style-type: none"><li>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and</li></ul>
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	<p>(b) such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) 'direct relative in the ascending line' includes:</p> <ul style="list-style-type: none"> <li>(i) a grandparent or great-grandparent; and</li> <li>(ii) an adoptive parent of an adopted child; and</li> </ul> <p>(b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and</p> <p>(c) in respect of the reference in the first sub-paragraph (c) in this entry to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen'</p>
<p>dependent relative of a qualifying British citizen</p>	<p>the person:</p> <p>(a)(i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a qualifying British citizen or of their spouse or civil partner; and</p> <p>(ii) is a dependant of a qualifying British citizen or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or</p>

	<p>(b) is a <b>person who is subject to a non-adoptive legal guardianship order</b> in favour (solely or jointly with another party) of a qualifying British citizen; or</p> <p>(c) is a person under the age of 18 years who:</p> <ul style="list-style-type: none"> <li>(i) is the direct descendant of the durable partner of a qualifying British citizen; or</li> <li>(ii) has been adopted by the durable partner of a qualifying British citizen, in accordance with a relevant adoption decision</li> </ul> <p>in addition, ‘spouse or civil partner’ means the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table</p>
<p>deportation order</p>	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 32(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of:</p> <ul style="list-style-type: none"> <li>(i) conduct committed after the specified date; or</li> <li>(ii) conduct committed before the specified date where the Secretary of State has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of</li> </ul>

	<p>paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)</p> <p>in addition, for the avoidance of doubt, (b) includes a deportation order made under the Immigration Act 1971 in accordance with section 32 of the UK Borders Act 2007</p>
<p>durable partner</p>	<p>(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least two years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, the person held a relevant document as the durable partner of the relevant EEA citizen or, where there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date (or where the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; and</p> <p>(c) it is, or (as the case may be) was, not a <b>durable partnership of convenience</b>; and</p> <p>(d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party</p>

<p>EEA citizen</p>	<p>a person who is:                  (a) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a <b>relevant naturalised British citizen</b>) is not also a British citizen; or                  (b)(i) a national of a country listed in sub-paragraph (a) of the entry for ‘specified EEA citizen’ in this table; and                  (ii) (where the applicant meets the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member (“F”) to whom that paragraph refers) a British citizen within the meaning of the person (“P”) to whom that paragraph refers; or                  (c) a <b>relevant person of Northern Ireland</b></p>
<p>EEA Regulations</p>	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date); or                  (b) (where relevant to something done after the specified date) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of regulations made under section 7, 9 or 11 of the European Union (Withdrawal Agreement) Act 2020)</p>
<p>evidence of birth</p>	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA</p>

	<p>citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or</p> <p>(b) (in the case of a <b>dependent parent</b>) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described in sub-paragraph (a) above</p>
exclusion decision	<p>a direction given by the Secretary of State that a person must be excluded from the UK:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)</p>
exclusion order	<p>an order made under regulation 23(5) of the EEA Regulations</p>

<p>family member of a qualifying British citizen</p>	<p>a person who has satisfied the entry clearance officer, including by the <b>required evidence of family relationship</b>, that:</p> <p>(a) they will be returning to the UK:</p> <p>(i) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa)(aaa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bbb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of 'durable partner' in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</p> <p>(bb)(aaa) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(bbb) the entry clearance officer is satisfied that the marriage will be contracted or the civil partnership will be formed before the couple return to the UK; or</p> <p>(ii) (where sub-paragraph (a)(i)(aa)(bbb) above does not apply) as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa) the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before the specified date; and</p> <p>(bb) the marriage or civil partnership continues to exist at the date of application; and</p>
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	<p>(cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date; or</p> <p>(iii) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iv) as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable after the date and time of withdrawal and before the specified date; and</p> <p>(bb) the partnership remains durable at the date of application; and</p> <p>(cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to the UK with the qualifying British citizen before the specified date; or</p> <p>(v) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen, and the family relationship:</p> <p>(aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter</p>
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	<p>became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</p> <p>(bb) continues to exist at the date of application; or</p> <p>(vi) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(i) above), and all the family relationships:</p> <p>(aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</p> <p>(bb) continue to exist at the date of application; or</p> <p>(vii) as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(ii) above), and:</p> <p>(aa) the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</p> <p>(bb) all the family relationships continue to exist at the date of application; and</p>
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	<p>(cc) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to the UK with the qualifying British citizen before the specified date; or</p> <p>(viii) as the <b>dependent relative of a qualifying British citizen</b>, or (as the case may be) of their spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) above), and:</p> <p>(aa) the family relationship and (in sub-paragraph (a)(ii) of the entry for ‘dependent relative of a qualifying British citizen’ in this table) the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application; and</p> <p>(bb) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to the UK with the qualifying British citizen before the specified date; and</p> <p>(b) they satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member (“F”) to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member (“EFM”) to whom those provisions refer), in either case doing so (with the qualifying British citizen being treated as the British citizen (“BC”) to whom those provisions refer):</p> <p>(i) before the specified date; and</p> <p>(ii) (save where the date of application is after the specified date and where those conditions concern matters relevant to the dependency referred to in</p>
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	<p>sub-paragraph (b)(ii)(bb) of the entry for 'child' in this table or in sub-paragraph (b)(ii) of the entry for 'dependent parent' in this table) at the date of application</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who has satisfied the entry clearance officer, including by the required evidence of family relationship, that they are:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p>(i)(aa) the marriage was contracted or the civil partnership was formed before the specified date; or                      (bb) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(ii) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(b) the <b>specified spouse or civil partner of a Swiss citizen</b>; or</p> <p>(c) the durable partner of a relevant EEA citizen, and:</p> <p>(i) the partnership was formed and was durable before the specified date; and                      (ii) the partnership remains durable at the date of application; and                      (iii) the date of application is after the specified date; and</p> <p>(iv) where they were resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date, the definition of 'durable partner' in this table was met before that date as well as at the date of</p>

	<p>application, and the partnership remained durable at the specified date; or(d) the child or dependent parent of a relevant EEA citizen, and the family relationship:</p> <ul style="list-style-type: none"><li>(i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) continues to exist at the date of application; or</li></ul> <p>(e) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above, and:</p> <ul style="list-style-type: none"><li>(i) the family relationship of the child or dependent parent to the spouse or civil partner existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) all the family relationships continue to exist at the date of application; or</li></ul> <p>(f) a person who the entry clearance officer is satisfied by evidence provided by the person that they would, if they made a valid application under Appendix EU to these Rules before 1 July 2021, be granted (as the case may be) indefinite leave to enter under paragraph EU2 of that Appendix or limited leave to enter under paragraph EU3 (or that, where the date of application under this Appendix is</p>
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	<p>on or after 1 July 2021, they would have been granted that leave if they had made a valid application under Appendix EU before 1 July 2021 and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix):</p> <ul style="list-style-type: none"><li>(i) as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU);</li><li>or</li><li>(ii) on the basis that condition 6 of paragraph EU11 of Appendix EU is met</li></ul> <p>in addition, where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date they became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (and with the references to 'parents' in sub-paragraph (a) below construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), they meet one of the following requirements:</p> <p>(a) (where sub-paragraph (b) below does not apply), one of the following requirements is met:</p> <ul style="list-style-type: none"><li>(i) both of their parents are a relevant EEA citizen;</li><li>or</li><li>(ii) one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen; or</li><li>(iii) one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of</li></ul>
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	<p>the UK, of the Islands or of a country listed in sub-paragraph (a) of the entry for 'specified EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the UK, in the Islands or in a country listed in sub-paragraph (a) of the entry for 'specified EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law); or</p> <p>(b) where they were born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant EEA citizen</p>
frontier worker	<p>a person who:</p> <p>(a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(b) is not a British citizen; and</p> <p>(c) satisfies the Secretary of State by relevant evidence of this that they fulfil the relevant conditions of being a frontier worker set out in regulations made under section 8 of the European Union (Withdrawal Agreement) Act 2020, and</p>

	that they have done so continuously since the specified date; and (d) has not been (and is not to be) refused admission to, or removed from, the UK by virtue of regulations of the type to which sub-paragraph (c) above refers
full birth certificate	a birth certificate recognised in the UK or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the UK or the right of permanent residence in the UK under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
Islands deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence



	under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)
Islands exclusion decision	a direction given by the relevant Minister or other authority in the Islands that a person must be excluded from the Island concerned: (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Secretary of State is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for “with a right of permanent residence under regulation 15” and “has a right of permanent residence under regulation 15” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)
joining family member	a person who is a family member of a relevant EEA citizen (in accordance with sub-paragraph (a)(i)(bb), (c), (d) or (e) – together, where applicable, with the second sub-paragraph (a) or the second sub-paragraph (b) – of that entry in this table) and who (save, in the case of a child, where the person was born after the specified date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within

	<p>the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry):</p> <p>(a) was not resident in the UK and Islands at any time before the specified date; or</p> <p>(b) was resident in the UK and Islands before the specified date, and:</p> <p style="padding-left: 40px;">(i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the entry for ‘continuous qualifying period’ in the table at Annex 1 to Appendix EU to these Rules has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or</p> <p style="padding-left: 40px;">(ii) the event referred to in sub-paragraph (a) in the entry for ‘supervening event’ in the table at Annex 1 to Appendix EU to these Rules has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date</p>
non-EEA citizen	a person who is not an <b>EEA citizen</b> and is not a British citizen
person exempt from immigration control	<p>a person who:</p> <p>(a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(b) is not a British citizen; and</p> <p>(c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and</p> <p>(d) the entry clearance officer is satisfied, including by the required evidence of qualification:</p>

	<p>(i) would (but for the fact that they are a person exempt from immigration control) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</p> <p>(ii) (where the date of application under this Appendix is on or after 1 July 2021) would (but for the fact that they are a person exempt from immigration control) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix</p>
<p>person who is subject to a non-adoptive legal guardianship order</p>	<p>a person who has satisfied the entry clearance officer that, immediately before the specified date, they:</p> <p>(a) are under the age of 18 years; and</p> <p>(b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a qualifying British citizen that:</p> <p style="padding-left: 40px;">(i) is recognised under the national law of the state in which it was contracted; and</p> <p style="padding-left: 40px;">(ii) places parental responsibility on a permanent basis on the qualifying British citizen (solely or jointly with another party); and</p> <p>(c) have lived with the qualifying British citizen since their placement under the guardianship order; and</p>

	<p>(d) have created family life with the qualifying British citizen; and</p> <p>(e) have a personal relationship with the qualifying British citizen that involves dependency on the qualifying British citizen and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the qualifying British citizen</p>
qualifying British citizen	<p>a British citizen who:</p> <p>(a)(i) (where sub-paragraph (a)(ii) below does not apply) will be returning to the UK with the applicant before 2300 GMT on 29 March 2022 (or later where the Secretary of State is satisfied that there are reasonable grounds for the British citizen’s failure to meet that deadline); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) will be returning to the UK with the applicant and the Secretary of State is satisfied that there are reasonable grounds why the British citizen did not do so before the specified date; and</p> <p>(b) satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer, with the applicant being treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer):</p> <p style="padding-left: 40px;">(i) before the specified date; and</p> <p style="padding-left: 40px;">(ii) at the date of application</p>
relevant adoption decision	<p>a decision taken:</p> <p>(a) by the competent administrative authority or court in the UK or the Islands; or</p>

	<p>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the UK or the Islands; or</p> <p>(c) in a particular case in which that decision in another country has been recognised in the UK or the Islands as an adoption</p>
relevant document	<p>(a) a family permit, residence card or permanent residence card issued by the UK under the EEA Regulations (or the equivalent document or other evidence issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man); and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon</p>
relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who:</p> <p>(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</p>

	<p>(ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(iii) the entry clearance officer is satisfied, including by the <b>required evidence of qualification</b>, would be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen (disregarding sub-paragraph (c)(ii) of that entry in this table); or</p> <p>(c) (where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</p> <p>(d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who:</p>
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	<p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p> <ul style="list-style-type: none"><li>(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</li><li>(bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</li><li>(cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</li></ul> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) be granted</p>
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	<p>indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or                  (e) a <b>person exempt from immigration control</b>; or                  (f) a <b>frontier worker</b></p>
<p>relevant EEA citizen                  (where the date of application under this Appendix is on or after 1 July 2021)</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who:                  (i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or                  (ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or                  (iii) (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands, where the applicant does not rely on that person being a relevant person of Northern Ireland) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted such leave under that Appendix, if they had made</p>



	<p>a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen (disregarding sub-paragraph (c)(i) of that entry in this table); or</p> <p>(c) (where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and meets the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who:</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p> <p>(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands), which has not lapsed or been</p>
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	<p>cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</p> <p>(bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled,</p>
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	<p>curtailed, revoked or invalidated before the date of application under this Appendix; or                  (e) a person exempt from immigration control; or                  (f) a frontier worker</p>
<p>relevant naturalised British citizen</p>	<p>a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who:</p> <p>(a) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and                  (b) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship); and                  (c) the entry clearance officer is satisfied, including by the required evidence of qualification:</p> <ul style="list-style-type: none"> <li>(i) would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</li> <li>(ii) (where the date of application under this Appendix is on or after 1 July 2021) would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these</li> </ul>

	Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix
relevant period	(a) (where sub-paragraph (b) below does not apply) a period of six months from the date of decision; or (b) (where, in the case of an application for an EU Settlement Scheme Family Permit, the applicant indicates as part of the required application process that their intended date of arrival in the UK is on or after 1 April 2021 and that date is more than three months from the date of decision) a period of four months from their intended date of arrival in the UK
relevant person of Northern Ireland	a person who: (a) is: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; and (b) was born in Northern Ireland and, at the time of the person's birth, at least one of their parents was: (i) a British citizen; or (ii) an Irish citizen; or (iii) a British citizen and an Irish citizen; or (iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence
required application process	the relevant on-line application form and a relevant process set out in that form for providing the required proof of identity and nationality and for providing the required biometrics

required biometrics	<p>(a) a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007); and</p> <p>(b) the fingerprints of the applicant (also within that meaning of “biometric information”; unless, in accordance with guidance published by the Secretary of State and in force at the date of application, they are not required to provide these),</p> <p>in both cases provided in accordance with the required application process</p>
required evidence of being a relevant person of Northern Ireland	<p>(a) the person’s birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the entry clearance officer that, at the time of the person’s birth, at least one of their parents was:</p> <ul style="list-style-type: none"><li>(i) a British citizen; or</li><li>(ii) an Irish citizen; or</li><li>(iii) a British citizen and an Irish citizen; or</li><li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li></ul> <p>in addition:</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p>

	<p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
<p>required evidence of family relationship</p>	<p>in the case of:</p> <p>(a) a spouse:</p> <p>(i) a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(ii)(aa) where the marriage to the relevant EEA citizen was contracted after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable</p>

	<p>partnership was formed and was durable before the specified date; or</p> <p>(bb) where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the date and time of withdrawal; or</p> <p>(b) a civil partner:</p> <p>(i) a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen); a valid civil partnership certificate recognised under the law of England and Wales, Scotland or Northern Ireland or under any equivalent legislation in the Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or under any equivalent legislation in the Islands; and</p> <p>(ii)(aa) where the civil partnership with the relevant EEA citizen was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant was not resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date (or there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date, or the applicant is a joining family member) or where the applicant relies on the</p>
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	<p>relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; or</p> <p>(bb) where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the date and time of withdrawal; or</p> <p>(c) a child – a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b>, and:</p> <p>(i) where the applicant is aged 21 years or over, evidence which satisfies the entry clearance officer that the requirements in sub-paragraph (b)(ii) of the entry for ‘child’ in this table are met; and</p> <p>(ii) where, in the case of a family member of a relevant EEA citizen, the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, evidence which satisfies the entry clearance officer that the requirements in the second sub-paragraph (a) or the second sub-paragraph (b) of the entry for ‘family member of a relevant EEA citizen’ in this table are met; or (d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth and, where the first sub-paragraph (b) of the entry for ‘dependent parent’ in this table applies, evidence which</p>
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	<p>satisfies the entry clearance officer that (where this is not assumed) the requirement as to dependency in that sub-paragraph is met; or</p> <p>(e) a durable partner:</p> <p>(i)(aa) (where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date and is not a joining family member) a relevant document as the durable partner of the relevant EEA citizen or, where there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; or</p> <p>(bb) (where the applicant was not resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, or where the applicant is a joining family member, and where sub-paragraph (e)(i)(cc) below does not apply) evidence which satisfies the entry clearance officer that the durable partnership with the relevant EEA citizen was formed and was durable before the specified date; or</p> <p>(cc) evidence which satisfies the entry clearance officer that the durable partnership with the qualifying British citizen was formed and was durable (in the case of a family member of a qualifying British citizen as described in sub-</p>
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	<p>paragraph (a)(iii) of that entry in this table) before the date and time of withdrawal or (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(iv) of that entry in this table) before the specified date; and</p> <p>(ii) evidence which satisfies the entry clearance officer that the partnership remains durable at the date of application; or</p> <p>(f) a dependent relative of a qualifying British citizen – evidence which satisfies the entry clearance officer that the family relationship and (in sub-paragraph (a)(ii) of the entry for ‘dependent relative of a qualifying British citizen’ in this table) the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application</p> <p>in addition:</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the</p>
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	<p>applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
<p>required evidence of qualification</p>	<p>(a) (in the case of a relevant EEA citizen (or, where the date of application under this Appendix is on or after 1 July 2021, an Irish citizen) who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands, where the applicant does not rely on the relevant EEA citizen (where they are an Irish citizen) being a relevant person of Northern Ireland):</p> <ul style="list-style-type: none"> <li>(i) their passport or national identity card as an EEA citizen or, where the date of application under this Appendix is on or after 1 July 2021, as an Irish citizen, which is: <ul style="list-style-type: none"> <li>(aa) valid; and</li> <li>(bb) the original document and not a copy; and</li> </ul> </li> <li>(ii) information or evidence which satisfies the entry clearance officer that the person: <ul style="list-style-type: none"> <li>(aa) would be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</li> <li>(bb) (where the date of application under this Appendix is on or after 1 July 2021) would, as an Irish citizen, have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to</li> </ul> </li> </ul>

	<p>these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table):</p> <ul style="list-style-type: none"><li>(i) their passport or national identity card as an EEA citizen, which is:<ul style="list-style-type: none"><li>(aa) valid; and</li><li>(bb) the original document and not a copy; and</li></ul></li><li>(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is a British citizen; and</li><li>(iii) information or evidence which satisfies the entry clearance officer that the person:<ul style="list-style-type: none"><li>(aa) would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</li><li>(bb) (where the date of application under this Appendix is on or after 1 July 2021) would (but for the fact that they are a British citizen)</li></ul></li></ul>
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	<p>have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(c) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland, and who, where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the Islands) the <b>required evidence of being a relevant person of Northern Ireland</b>, and:</p> <ul style="list-style-type: none"><li>(i)(aa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the person is a British citizen; or</li><li>(bb) (where they are an Irish citizen) their passport or national identity card as an Irish citizen, which is:<ul style="list-style-type: none"><li>(aaa) valid; and</li><li>(bbb) the original document and not a copy;</li></ul></li></ul> <p>or</p> <ul style="list-style-type: none"><li>(cc) (where they are a British citizen and an Irish citizen) the evidence required by sub-paragraph (c)(i)(aa) or (c)(i)(bb) above; and</li></ul>
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	<p>(ii) information or evidence which satisfies the entry clearance officer that the person:</p> <ul style="list-style-type: none"><li>(aa) would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i) or (a)(iii) of the entry for 'relevant person of Northern Ireland' in this table) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</li><li>(bb) (where the date of application under this Appendix is on or after 1 July 2021) would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i) or (a)(iii) of the entry for 'relevant person of Northern Ireland' in this table) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</li></ul> <p>(d) (in the case of a relevant EEA citizen who is a person exempt from immigration control):</p> <ul style="list-style-type: none"><li>(i) their passport or national identity card as an EEA citizen, which is:</li></ul>
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	<p>(aa) valid; and (bb) the original document and not a copy; and</p> <p>(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and</p> <p>(iii) information or evidence which satisfies the entry clearance officer that the person:</p> <p>(aa) would (but for the fact that they are a person exempt from immigration control) be granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they made a valid application under it before 1 July 2021; or</p> <p>(bb) (where the date of application under this Appendix is on or after 1 July 2021) would (but for the fact that they are a person exempt from immigration control) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix</p>
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	<p>in addition:</p> <p>(a) ‘valid’ here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and</p> <p>(b) where, in order to meet the requirements of subparagraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a copy (and not the original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(c) where, in order to meet the requirements of subparagraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
required proof of identity and nationality	<p>(a) in the case of a specified EEA citizen:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid national identity card; or</p> <p>(b) in the case of a non-EEA citizen, their valid passport</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
specified date	2300 GMT on 31 December 2020
specified EEA citizen	a person who is:



	<p>(a) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p> <p>(b) not also a British citizen</p>
specified spouse or civil partner of a Swiss citizen	<p>(a) the person is the spouse or civil partner of a relevant EEA citizen (in accordance, where the date of application is before 1 July 2021, with sub-paragraph (a) of the applicable entry for 'relevant EEA citizen' in this table or, where the date of application is on or after 1 July 2021, with sub-paragraph (a)(i) or (a)(ii) of the applicable entry for 'relevant EEA citizen' in this table), who is a national of Switzerland and who is not also a British citizen; and</p> <p>(b) the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026; and</p> <p>(c) the marriage or civil partnership continues to exist at the date of application</p>
spouse	<p>(a) the person is party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen) and the marriage is recognised under the law of England and Wales, Scotland or Northern Ireland or of the Islands; and</p> <p>(b) it is not a <b>marriage of convenience</b>; and</p> <p>(c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man

## Annex 2 – Consideration of a valid application

A2.1. A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the entry clearance officer; and
- (b) any other information or evidence made available to the entry clearance officer (including from other government departments) at the date of decision.

A2.2. (1) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

- (a) request that the applicant provide further information or evidence that they meet those requirements; or
- (b) invite the applicant to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

- (a) request that the person (“P”) on whom the applicant relies as being the relevant EEA citizen (or, as the case may be, the qualifying British citizen) with whom the applicant is in a family relationship provide information or evidence about their relationship with the applicant, their current or planned residence in the UK or (where P is a qualifying British citizen) their residence in a country listed in sub-paragraph (a) of the entry for ‘specified EEA citizen’ in the table at Annex 1 to this Appendix; or
- (b) invite P to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) P:

- (a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or
- (b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

- (4) The entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.
- (5) The entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

### **Annex 3 – Cancellation and curtailment of leave to enter**

A3.1. A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be cancelled where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

- (a) The cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain"; and for "an EEA decision" read "a decision under paragraph A3.1.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules"); or
- (b) The cancellation is justified on the ground that it is conducive to the public good, on the basis of the person's conduct committed after the specified date; or

(c) The cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(d) Since the entry clearance under this Appendix was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled.

A3.2. A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix may be curtailed where the Secretary of State is satisfied that it is proportionate to curtail that leave where:

(a) Curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(b) Curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience.

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# Immigration Rules

## Appendix F

Archived Immigration Rules

### **Part 1 - Immigration Rules relating to highly skilled migrants, the international graduates scheme, the fresh talent: working in Scotland scheme, businesspersons, innovators, investors and writers, composers and artists as at 29 June 2008**

#### Highly skilled migrants

##### **Requirements for leave to enter the United Kingdom as a highly skilled migrant**

135A. The requirements to be met by a person seeking leave to enter as a highly skilled migrant are that the applicant:

- (i) must produce a valid document issued by the Home Office confirming that he meets, at the time of the issue of that document, the criteria specified by the Secretary of State for entry to the United Kingdom under the Highly Skilled Migrant Programme; and
- (ii) intends to make the United Kingdom his main home; and
- (iii) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (iv) holds a valid United Kingdom entry clearance for entry in this capacity; and
- (v) if he makes an application for leave to enter on or after 29 February 2008, is not applying in India.

Immigration Officers at port should not refuse entry to passengers on the basis that they applied in India, if those passengers have a valid entry clearance for entry in this capacity.

## **Leave to enter as a highly skilled migrant**

135B. A person seeking leave to enter the United Kingdom as a highly skilled migrant may be admitted for a period not exceeding 2 years, subject to a condition prohibiting Employment as a Doctor in Training (unless the applicant has submitted with this application a valid Highly Skilled Migrant Programme Approval Letter, where the application for that approval letter was made on or before 6 February 2008), provided the Immigration Officer is satisfied that each of the requirements of paragraph 135A is met and that the application does not fall for refusal under paragraph 135HA.

## **Refusal of leave to enter as a highly skilled migrant**

135C. Leave to enter as a highly skilled migrant is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135A is met or if the application falls for refusal under paragraph 135HA.

## **International Graduates Scheme**

### **Requirements for leave to enter as a participant in the International Graduates Scheme**

135O. The requirements to be met by a person seeking leave to enter as a participant in the International Graduates Scheme are that he:

(i) has successfully completed and obtained either:

- (a) a recognised UK degree (with second class honours or above) in a subject approved by the Department for Education and Skills for the purposes of the Science and Engineering Graduates scheme, completed before 1 May 2007; or
- (b) a recognised UK degree, Master's degree, or PhD in any subject completed on or after 1 May 2007; or

- (c) a postgraduate certificate or postgraduate diploma in any subject completed on or after 1 May 2007;  
at a UK education institution which is a recognised or listed body.
- (ii) intends to seek and take work during the period for which leave is granted in this capacity;
- (iii) can maintain and accommodate himself and any dependants without recourse to public funds;
- (iv) completed his degree, Master's degree, PhD or postgraduate certificate or diploma, in the last 12 months;
- (v) if he has previously spent time in the UK as a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme, is not seeking leave to enter to a date beyond 12 months from the date he was first given leave to enter or remain under the Science and Engineering Graduates Scheme or the International Graduates Scheme;
- (vi) intends to leave the United Kingdom if, on expiry of his leave under this scheme, he has not been granted leave to remain in the United Kingdom in accordance with paragraphs 128-135, 200-210H or 245A-245G of these Rules;
- (vii) has the written consent of his official sponsor to enter or remain in the United Kingdom under the Science and Engineering Graduates Scheme or International Graduates Scheme if his approved studies, or any studies he has subsequently undertaken, were sponsored by a government or international scholarship agency; and
- (viii) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### **Leave to enter as a participant in the International Graduates Scheme**

135P. A person seeking leave to enter the United Kingdom as a participant in the International Graduates Scheme may be admitted for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

## **Refusal of leave to enter as a participant in the International Graduates Scheme**

135Q. Leave to enter as a participant in the International Graduates Scheme is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135O is met.

## **Requirements for leave to remain as a participant in the International Graduates Scheme**

135R. The requirements to be met by a person seeking leave to remain as a participant in the International Graduates Scheme are that he:

- (i) meets the requirements of paragraph 135O(i) to (vii); and
- (ii) has leave to enter or remain as a student or as a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme in accordance with paragraphs 57-69L or 135O-135T of these Rules;
- (iii) would not, as a result of an extension of stay, remain in the United Kingdom as a participant in the International Graduates Scheme to a date beyond 12 months from the date on which he was first given leave to enter or remain in this capacity or under the Science and Engineering Graduates Scheme.

## **Leave to remain as a participant in the International Graduates Scheme**

135S. Leave to remain as a participant in the International Graduates Scheme may be granted if the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 135R.



## **Refusal of leave to remain as a participant in the International Graduates Scheme**

135T. Leave to remain as a participant in the International Graduates Scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 135R is met.

## **Requirements for leave to enter the United Kingdom as a Fresh Talent: Working in Scotland scheme participant**

143A. The requirements to be met by a person seeking leave to enter as a Fresh Talent: Working in Scotland scheme participant are that the applicant:

- (i) has been awarded:
  - (a) a HND, by a Scottish publicly funded institution of further or higher education, or a Scottish bona fide private education institution; or
  - (b) a recognised UK undergraduate degree, Master's degree or PhD or postgraduate certificate or diploma, by a Scottish education institution which is a recognised or listed body; and
- (ii) has lived in Scotland for an appropriate period of time whilst studying for the HND, undergraduate degree, Master's degree PhD or postgraduate certificate or diploma referred to in (i) above; and
- (iii) intends to seek and take employment in Scotland during the period of leave granted under this paragraph; and
- (iv) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (v) has completed the HND, undergraduate degree, Master's degree PhD or postgraduate certificate or diploma referred to in (i) above in the last 12 months; and

(vi) intends to leave the United Kingdom if, on expiry of his leave under this paragraph, he has not been granted leave to remain in the United Kingdom as:

- (a) a work permit holder in accordance with paragraphs 128-135 of these Rules; or
- (b) a Tier 1 (General) Migrant; or
- (c) a person intending to establish themselves in business in accordance with paragraphs 200-210 of these Rules; or
- (d) an innovator in accordance with paragraphs 210A-210H of these Rules; and

(vii) has the written consent of his official sponsor to enter or remain in the United Kingdom as a Fresh Talent: Working in Scotland scheme participant, if the studies which led to his qualification under (i) above (or any studies he has subsequently undertaken) were sponsored by a government or international scholarship agency; and

(viii) if he has previously been granted leave as either:

- (a) a Fresh Talent: Working in Scotland scheme participant in accordance with this paragraph; and/or
- (b) a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme in accordance with paragraphs 135O-135T of these Rules is not seeking leave to enter under this paragraph which, when amalgamated with any previous periods of leave granted in either of these two categories, would total more than 24 months; and

(ix) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### **Leave to enter as a Fresh Talent: Working in Scotland scheme participant**

143B. A person seeking leave to enter the United Kingdom as a Fresh Talent: Working in Scotland scheme participant may be admitted for a period not exceeding 24 months provided the Immigration Officer is satisfied that each of the requirements of paragraph 143A is met.

### **Refusal of leave to enter as a Fresh Talent: Working in Scotland scheme participant**

143C. Leave to enter as a Fresh Talent: Working in Scotland scheme participant is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 143A is met.

### **Requirements for an extension of stay as a Fresh Talent: Working in Scotland scheme participant**

143D. The requirements to be met by a person seeking an extension of stay as a Fresh Talent: Working in Scotland scheme participant are that the applicant:

- (i) meets the requirements of paragraph 143A (i) to (vii); and
- (ii) has leave to enter or remain in the United Kingdom as either:
  - (a) a student in accordance with paragraphs 57-69L of these Rules; or
  - (b) a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme in accordance with paragraphs 135O-135T of these Rules; or
  - (c) a Fresh Talent: Working in Scotland scheme participant in accordance with paragraphs 143A-143F of these Rules; and
- (iii) if he has previously been granted leave as either:
  - (a) a Fresh Talent: Working in Scotland scheme participant in accordance with paragraphs 143A-143F of these Rules; and/or

(b) a Science and Engineering Graduates Scheme or International Graduates Scheme participant in accordance with paragraphs 135O-135T of these Rules is not seeking leave to remain under this paragraph which, when amalgamated with any previous periods of leave granted in either of these two categories, would total more than 24 months.

### **Extension of stay as a Fresh Talent: Working in Scotland scheme participant**

143E. An extension of stay as a Fresh Talent: Working in Scotland scheme participant may be granted for a period not exceeding 24 months if the Secretary of State is satisfied that each of the requirements of paragraph 143D is met.

### **Refusal of an extension of stay as a Fresh Talent: Working in Scotland scheme participant**

143F. An extension of stay as a Fresh Talent: Working in Scotland scheme participant is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 143D is met.

### **Persons intending to establish themselves in business**

#### **Requirements for leave to enter the United Kingdom as a person intending to establish himself in business**

200. For the purpose of paragraphs 201-210 a business means an enterprise as:

- a sole trader; or
- a partnership; or
- a company registered in the United Kingdom.

201. The requirements to be met by a person seeking leave to enter the United Kingdom to establish himself in business are:

- (i) that he satisfies the requirements of either paragraph 202 or paragraph 203; and
- (ii) that he has not less than £200,000 of his own money under his control and disposable in the United Kingdom which is held in his own name and not by a trust or other investment vehicle and which he will be investing in the business in the United Kingdom; and
- (iii) that until his business provides him with an income he will have sufficient additional funds to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (iv) that he will be actively involved full time in trading or providing services on his own account or in partnership, or in the promotion and management of the company as a director; and
- (v) that his level of financial investment will be proportional to his interest in the business; and
- (vi) that he will have either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment; and
- (vii) that he will be able to bear his share of liabilities; and
- (viii) that there is a genuine need for his investment and services in the United Kingdom; and
- (ix) that his share of the profits of the business will be sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (x) that he does not intend to supplement his business activities by taking or seeking employment in the United Kingdom other than his work for the business; and
- (xi) that he holds a valid United Kingdom entry clearance for entry in this capacity.

202. Where a person intends to take over or join as a partner or director an existing business in the United Kingdom he will need, in addition to meeting the requirements at paragraph 201, to produce:

- (i) a written statement of the terms on which he is to take over or join the business; and
- (ii) audited accounts for the business for previous years; and
- (iii) evidence that his services and investment will result in a net increase in the employment provided by the business to persons settled here to the extent of creating at least 2 new full time jobs.

203. Where a person intends to establish a new business in the United Kingdom he will need, in addition to meeting the requirements at paragraph 201 above, to produce evidence:

- (i) that he will be bringing into the country sufficient funds of his own to establish a business; and
- (ii) that the business will create full time paid employment for at least 2 persons already settled in the United Kingdom.

### **Leave to enter the United Kingdom as a person seeking to establish himself in business**

204. A person seeking leave to enter the United Kingdom to establish himself in business may be admitted for a period not exceeding 2 years with a condition restricting his freedom to take employment provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter the United Kingdom as a person seeking to establish himself in business**

205. Leave to enter the United Kingdom as a person seeking to establish himself in business is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## Requirements for an extension of stay in order to remain in business

206. The requirements for an extension of stay in order to remain in business in the United Kingdom are that the applicant can show:

- (i) that he entered the United Kingdom with a valid United Kingdom entry clearance as a businessman; and
- (ii) audited accounts which show the precise financial position of the business and which confirm that he has invested not less than £200,000 of his own money directly into the business in the United Kingdom; and
- (iii) that he is actively involved on a full time basis in trading or providing services on his own account or in partnership or in the promotion and management of the company as a director; and
- (iv) that his level of financial investment is proportional to his interest in the business; and
- (v) that he has either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment; and
- (vi) that he is able to bear his share of any liability the business may incur; and
- (vii) that there is a genuine need for his investment and services in the United Kingdom; and
- (viii) (a) that where he has established a new business, new full time paid employment has been created in the business for at least 2 persons settled in the United Kingdom; or
  - (b) that where he has taken over or joined an existing business, his services and investment have resulted in a net increase in the employment provided by the business to persons settled here to the extent of creating at least 2 new full time jobs; and
- (ix) that his share of the profits of the business is sufficient to maintain and accommodate him and any dependants without recourse to employment (other than his work for the business) or to public funds; and

(x) that he does not and will not have to supplement his business activities by taking or seeking employment in the United Kingdom other than his work for the business.

206A. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a person who has leave to enter or remain for work permit employment are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and

(ii) meets each of the requirements of paragraph 201 (i)-(x).

206B. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a highly skilled migrant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and

(ii) meets each of the requirements of paragraph 201 (i)-(x).

206C. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a participant in the Science and Engineering Graduates Scheme or International Graduates Scheme in accordance with paragraphs 135O to 135T of these Rules; and

(ii) meets each of the requirements of paragraph 201 (i)-(x).

206D. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for an innovator are that the applicant:

(i) entered the United Kingdom or was given leave to remain as an innovator in accordance with paragraphs 210A to 210F of these Rules; and



(ii) meets each of the requirements of paragraph 201 (i)-(x).

206E. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a student are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and

(ii) has obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and

(iii) has the written consent of his official sponsor to such self employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iv) meets each of the requirements of paragraph 201 (i)-(x).

206F. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a working holidaymaker are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a working holidaymaker in accordance with paragraphs 95 to 100 of these Rules; and

(ii) has spent more than 12 months in total in the UK in this capacity; and

(iii) meets each of the requirements of paragraph 201 (i)-(x).

206G. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom in the case of a person who has leave to enter or remain as a Fresh Talent: Working in Scotland scheme participant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a Fresh Talent: Working in Scotland scheme participant in accordance with paragraphs 143A to 143F of these Rules; and

(ii) has the written consent of his official sponsor to such employment if the studies which led to him being granted leave under the Fresh Talent: Working in Scotland scheme in accordance with paragraphs 143A to 143F of these Rules, or any studies he has subsequently undertaken, were sponsored by a government or international scholarship agency; and

(iii) meets each of the requirements of paragraph 201 (i)-(x).

206H. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a Postgraduate Doctor or Dentist are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a Postgraduate Doctor or Dentist in accordance with paragraphs 70 to 75 of these Rules; and

(ii) has the written consent of his official sponsor to such self employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iii) meets each of the requirements of paragraph 201(i)-(x).

206I. The requirements for an extension of stay as a person intending to establish himself in business in the United Kingdom for a Tier 1 (General) Migrant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a Tier 1 (General) Migrant; and

(ii) meets each of the requirements of paragraph 201(i)-(x).

### **Extension of stay in order to remain in business**

207. An extension of stay in order to remain in business with a condition restricting his freedom to take employment may be granted for a period not exceeding 3 years at a time provided the Secretary of State is satisfied that each of the requirements of paragraph 206, 206A, 206B, 206C, 206D, 206E, 206F, 206G, 206H or 206I is met.

### **Refusal of extension of stay in order to remain in business**

208. An extension of stay in order to remain in business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 206, 206A, 206B, 206C, 206D, 206E, 206F, 206G, 206H or 206I is met.

## **Innovators**

### **Requirements for leave to enter the United Kingdom as an innovator**

210A. The requirements to be met by a person seeking leave to enter as an innovator are that the applicant:

- (i) is approved by the Home Office as a person who meets the criteria specified by the Secretary of State for entry under the innovator scheme at the time that approval is sought under that scheme;
- (ii) intends to set up a business that will create full-time paid employment for at least 2 persons already settled in the UK; and
- (iii) intends to maintain a minimum five per cent shareholding of the equity capital in that business, once it has been set up, throughout the period of his stay as an innovator; and
- (iv) will be able to maintain and accommodate himself and any dependants adequately without recourse to public funds or to other employment; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

## Leave to enter as an innovator

210B. A person seeking leave to enter the United Kingdom as an innovator may be admitted for a period not exceeding 2 years, provided the Immigration Officer is satisfied that each of the requirements of paragraph 210A is met.

## Refusal of leave to enter as an innovator

210C. Leave to enter as an innovator is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 210A are met.

## Requirements for an extension of stay as an innovator

210D. The requirements for an extension of stay in the United Kingdom as an innovator, in the case of a person who was granted leave to enter under paragraph 210A, are that the applicant:

- (i) has established a viable trading business, by reference to the audited accounts and trading records of that business; and
- (ii) continues to meet the requirements of paragraph 210A (i) and (iv); and has set up a business that will create full-time paid employment for at least 2 persons already settled in the UK; and
- (iii) has maintained a minimum five per cent shareholding of the equity capital in that business, once it has been set up, throughout the period of his stay.

210DA. The requirements for an extension of stay in the United Kingdom as an innovator, in the case of a person who has leave for the purpose of work permit employment are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a work permit holder in accordance with paragraphs 128 to 132 of these Rules; and

(ii) meets the requirements of paragraph 210A (i)-(iv).

210DB. The requirements for an extension of stay in the United Kingdom as an innovator in the case of a person who has leave as a student are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and

(ii) has obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and

(iii) has the written consent of his official sponsor to remain under the Innovator category if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iv) meets the requirements of paragraph 210(i)-(iv).

210DC. The requirements to be met for an extension of stay as an innovator, for a person who has leave as a working holidaymaker are that the applicant:

(i) entered the United Kingdom as a working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and

(ii) meets the requirements of paragraph 210A(i)-(iv).

210DD. The requirements to be met for an extension of stay as an innovator, for a postgraduate doctor, postgraduate dentist or trainee general practitioner are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a postgraduate doctor, postgraduate dentist or trainee general practitioner in accordance with paragraphs 70 to 75 of these Rules; and

(ii) has the written consent of his official sponsor to remain under the innovator category if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iii) meets the requirements of paragraph 210(i)-(iv).

210DE. The requirements to be met for an extension of stay as an innovator, for a participant in the Science and Engineering Graduate Scheme or International Graduates Scheme are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a participant in the Science and Engineering Graduate Scheme or International Graduates Scheme in accordance with paragraphs 135O to 135T of these Rules; and

(ii) meets the requirements of paragraph 210A(i)-(iv).

210DF. The requirements to be met for an extension of stay as an innovator, for a highly skilled migrant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135E of these Rules; and

(ii) meets the requirements of paragraph 210A(i)-(iv)

### **Requirements for leave to enter the United Kingdom as an investor**

224. The requirements to be met by a person seeking leave to enter the United Kingdom as an investor are that he:

(i) (a) has money of his own under his control in the United Kingdom amounting to no less than £1 million; or

(b) (i) owns personal assets which, taking into account any liabilities to which he is subject, have a value exceeding £2 million; and

- (ii) has money under his control in the United Kingdom amounting to no less than £1 million, which may include money loaned to him provided that it was loaned by a financial institution regulated by the Financial Services Authority; and
- (ii) intends to invest not less than £750,000 of his capital in the United Kingdom by way of United Kingdom Government bonds, share capital or loan capital in active and trading United Kingdom registered companies (other than those principally engaged in property investment and excluding investment by the applicant by way of deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits); and
- (iii) intends to make the United Kingdom his main home; and
- (iv) is able to maintain and accommodate himself and any dependants without taking employment (other than self employment or business) or recourse to public funds; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as an investor**

225. A person seeking leave to enter the United Kingdom as an investor may be admitted for a period not exceeding 2 years with a restriction on his right to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as an investor**

226. Leave to enter as an investor is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## Requirements for an extension of stay as an investor

### Extension of stay as an investor

227. The requirements for an extension of stay as an investor are that the applicant:

(i) entered the United Kingdom with a valid United Kingdom entry clearance as an investor; and

(ii) (a) has money of his own under his control in the United Kingdom amounting to no less than £1 million; or

(b) (i) owns personal assets which, taking into account any liabilities to which he is subject, have a value exceeding £2 million;  
and

(ii) has money under his control in the United Kingdom amounting to no less than £1 million, which may include money loaned to him provided that it was loaned by a financial institution regulated by the Financial Services Authority; and

(iii) has invested not less than £750,000 of his capital in the United Kingdom on the terms set out in paragraph 224 (ii) above and intends to maintain that investment on the terms set out in paragraph 224 (ii); and

(iv) has made the United Kingdom his main home; and

(v) is able to maintain and accommodate himself and any dependants without taking employment (other than his self employment or business) or recourse to public funds.

227A. The requirements to be met for an extension of stay as an investor, for a person who has leave to enter or remain in the United Kingdom as a work permit holder are that the applicant:

(i) entered the United Kingdom or was granted leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and

(ii) meets the requirements of paragraph 224 (i)-(iv).



227B. The requirements to be met for an extension of stay as an investor, for a person in the United Kingdom as a highly skilled migrant are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and
- (ii) meets the requirements of paragraph 224 (i)-(iv).

227C. The requirements to be met for an extension of stay as an investor, for a person in the United Kingdom to establish themselves or remain in business are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a person intending to establish themselves or remain in business in accordance with paragraphs 201 to 208 of these Rules; and
- (ii) meets the requirements of paragraph 224 (i)-(iv).

227D. The requirements to be met for an extension of stay as an investor, for a person in the United Kingdom as an innovator are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as an innovator in accordance with paragraphs 210A to 210F of these Rules; and
- (ii) meets the requirements of paragraph 224 (i)-(iv).

227E. The requirements to be met for an extension of stay as an investor, for a person in the United Kingdom as a Tier 1 (General) Migrant are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a Tier 1 (General) Migrant; and
- (ii) meets the requirements of paragraph 224(i)-(iv).

228. An extension of stay as an investor, with a restriction on the taking of employment, may be granted for a period not exceeding 3 years at a time of 3 years, provided the Secretary of State is satisfied that each of the requirements of paragraph 227, 227A, 227B, 227C, 227D or 227E is met.

### **Refusal of extension of stay as an investor**

229. An extension of stay as an investor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 227, 227A, 227B, 227C, 227D or 227E is met.

### **Writers, composers and artists**

#### **Requirements for leave to enter the United Kingdom as a writer, composer or artist**

232. The requirements to be met by a person seeking leave to enter the United Kingdom as a writer, composer or artist are that he:

- (i) has established himself outside the United Kingdom as a writer, composer or artist primarily engaged in producing original work which has been published (other than exclusively in newspapers or magazines), performed or exhibited for its literary, musical or artistic merit; and
- (ii) does not intend to work except as related to his self employment as a writer, composer or artist; and
- (iii) has for the preceding year been able to maintain and accommodate himself and any dependants from his own resources without working except as a writer, composer or artist; and
- (iv) will be able to maintain and accommodate himself and any dependants from his own resources without working except as a writer, composer or artist and without recourse to public funds; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as a writer, composer or artist**

233. A person seeking leave to enter the United Kingdom as a writer, composer or artist may be admitted for a period not exceeding 2 years, subject to a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a writer, composer or artist**

234. Leave to enter as a writer, composer or artist is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a writer, composer or artist**

235. The requirements for an extension of stay as a writer, composer or artist are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a writer, composer or artist; and
- (ii) meets the requirements of paragraph 232 (ii)-(iv).

### **Extension of stay as a writer, composer or artist**

236. An extension of stay as a writer, composer or artist may be granted for a period not exceeding 3 years with a restriction on his freedom to take employment, provided the Secretary of State is satisfied that each of the requirements of paragraph 235 is met.

## Refusal of extension of stay as a writer, composer or artist

237. An extension of stay as a writer, composer or artist is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 235 is met.

## Part 2

### Immigration rules as at 26 November 2008 relating to routes deleted on 27 November 2008

#### A) Requirements for leave to enter as an overseas qualified nurse or midwife.

69M. The requirements to be met by a person seeking leave to enter as an overseas qualified nurse or midwife are that the applicant:

- (i) has obtained confirmation from the Nursing and Midwifery Council that he is eligible:
  - (a) for admission to the Overseas Nurses Programme; or
  - (b) to undertake a period of supervised practice; or
  - (c) to undertake an adaptation programme leading to registration as a midwife; and
- (ii) as been offered:
  - (a) a supervised practice placement through an education provider that is recognised by the Nursing and Midwifery Council; or
  - (b) a supervised practice placement in a setting approved by the Nursing and Midwifery Council; or
  - (c) a midwifery adaptation programme placement in a setting approved by the Nursing and Midwifery Council; and
- (iii) did not obtain acceptance of the offer referred to in paragraph 69 (ii) by misrepresentation; and

- (iv) is able and intends to undertake the supervised practice placement or midwife adaptation programme; and
- (v) does not intend to engage in business or take employment, except
  - (a) in connection with the supervised practice placement or midwife adaptation programme; or
  - (b) part-time work of a similar nature to the work undertaken on the supervised practice placement or midwife adaptation programme; and
- (vi) is able to maintain and accommodate himself and any dependants without recourse to public funds.

### **Leave to enter the United Kingdom as an overseas qualified nurse or midwife**

69N. Leave to enter the United Kingdom as an overseas qualified nurse or midwife may be granted for a period not exceeding 18 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 69M is met.

### **Refusal of leave to enter as an overseas qualified nurse or midwife**

69O. Leave to enter the United Kingdom as an overseas qualified nurse or midwife is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69M is met.

### **B) Requirements for an extension of stay as an overseas qualified nurse or midwife**

69P. The requirements to be met by a person seeking an extension of stay as an overseas qualified nurse or midwife are that the applicant:

- (i) has leave to enter or remain in the United Kingdom as a prospective student in accordance with paragraphs 82-87 of these Rules; or
- (ii) has leave to enter or remain in the United Kingdom as a student in accordance with paragraphs 57 to 69L of these Rules; or
- (iii)(a) has leave to enter or remain in the United Kingdom as a work permit holder in accordance with paragraphs 128 to 135 of these Rules; or

### **C) Requirements for leave to enter the United Kingdom to take the PLAB Test**

75A. The requirements to be met by a person seeking leave to enter in order to take the PLAB Test are that the applicant:

- (iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:

- (c) as a work permit holder for employment in the United Kingdom as a doctor in accordance with paragraphs 128 to 135.

### **Requirements for an extension of stay in order to take the PLAB Test**

75D. The requirements for an extension of stay in the United Kingdom in order to take the PLAB Test are that the applicant:

- (iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:

- (c) as a work permit holder for employment in the United Kingdom as a doctor in accordance with paragraphs 128 to 135; and

### **Requirements for leave to enter to undertake a clinical or dental observer post**

75G. The requirements to be met by a person seeking leave to enter to undertake a clinical attachment or dental observer post are that the applicant:

(iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is granted leave to remain:

(b) as a work permit holder for employment in the United Kingdom as a doctor or dentist in accordance with paragraphs 128 to 135; and

### **Requirements for an extension of stay in order to undertake a clinical attachment or dental observer post**

75K. The requirements to be met by a person seeking an extension of stay to undertake a clinical attachment or dental observer post are that the applicant:

(iv) intends to leave the United Kingdom at the end of his period of leave granted under this paragraph unless he is granted leave to remain:

(b) as a work permit holder for employment in the United Kingdom as a doctor or dentist in accordance with paragraphs 128 to 135; and

### **D) Definition of an 'au pair' placement**

88. For the purposes of these Rules an 'au pair' placement as an arrangement whereby a young person:

(a) comes to the United Kingdom for the purpose of learning the English language; and

(b) lives for a time as a member of an English speaking family with appropriate opportunities for study; and

(c) helps in the home for a maximum of 5 hours per day in return for a reasonable allowance and with two free days a week.

## Requirements for leave to enter as an 'au pair'

89. The requirements to be met by a person seeking leave to enter the United Kingdom as an 'au pair' are that he:

- (i) is seeking entry for the purpose of taking up an arranged placement which can be shown to fall within the definition set out in paragraph 88; and
- (ii) is aged between 17-27 inclusive or was so aged when first given leave to enter this category; and
- (iii) is unmarried and is not a civil partner; and
- (iv) is without dependants; and
- (v) is a national of one of the following countries: Andorra, Bosnia-Herzegovina, Croatia, The Faroes, Greenland, Macedonia, Monaco, San Marino or Turkey; and
- (vi) does not intend to stay in the United Kingdom for more than 2 years as an 'au pair'; and
- (vii) intends to leave the United Kingdom on completion of his stay as an 'au pair' ; and
- (viii) if he has previously spent time in the United Kingdom as an 'au pair', is not seeking leave to enter to a date beyond 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity; and
- ix) is able to maintain and accommodate himself without recourse to public funds.

## Leave to enter as an 'au pair'



90. A person seeking leave to enter the United Kingdom as an 'au pair' may be admitted for a period not exceeding 2 years with a prohibition on employment except as an 'au pair' provided the Immigration Officer is satisfied that each of the requirements of paragraph 89 is met. (A non visa national who wishes to ascertain in advance whether a proposed 'au pair' placement is likely to meet the requirements of paragraph 89 is advised to obtain an entry clearance before travelling to the United Kingdom).

### **Refusal of leave to enter as an 'au pair'**

91. An application for leave to enter as an 'au pair' is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 89 is met.

## **E) Working Holidaymakers**

### **Requirements for leave to enter as a working holidaymaker**

95. The requirements to be met by a person seeking leave to enter the United Kingdom as a working holidaymaker are that he:

- (i) is a national or citizen of a country listed in Appendix 3 of these Rules, or a British Overseas Citizen; a British Overseas Territories Citizen; or a British National; and
- (ii) is aged between 17 and 30 inclusive or was so aged at the date of his application for leave to enter; and
- (iii)(a) is unmarried and is not a civil partner, or
  - (b) is married to, or the civil partner of, a person who meets the requirements of this paragraph and the parties to the marriage or civil partnership intend to take a working holiday together; and
- (iv) has the means to pay for his return or onward journey, and
- (v) is able and intends to maintain and accommodate himself without recourse to public funds; and

- (vi) is intending only to take employment incidental to a holiday, and not to engage in business, or to provide services as a professional sportsperson, and in any event not to work for more than 12 months during his stay; and
- (vii) does not have dependent children any of whom are 5 years of age or over or who will reach 5 years of age before the applicant completes his working holiday; and
- (viii) intends to leave the UK at the end of his working holiday: and
- (ix) has not spent time in the United Kingdom on a previous working holidaymaker entry clearance; and
- (x) holds a valid United Kingdom entry clearance, granted for a limited period not exceeding 2 years, for entry in this capacity.

### **Leave to enter as a working holidaymaker**

96. A person seeking to enter the United Kingdom as a working holidaymaker may be admitted provided he is able to produce on arrival a valid United Kingdom entry clearance granted for a period not exceeding 2 years for entry in this capacity.

### **Refusal of leave to enter as a working holidaymaker**

97. Leave to enter as a working holidaymaker is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## **F) Children of working holidaymakers**

### **Requirements for leave to enter or remain as the child of a working holidaymaker**

101. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a working holidaymaker are that:

- (i) he is the child of a parent admitted to, and currently present in, the United Kingdom as a working holidaymaker; and
- (ii) he is under the age of 5 and will leave the United Kingdom before reaching that age; and
- (iii) he can and will be maintained and accommodated adequately without recourse to public funds or without his parent(s) engaging in employment except as provided by paragraph 95 above; and
- (iv) both parents are being or have been admitted to the United Kingdom, save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the United Kingdom undesirable and suitable arrangements have been made for his care; and
- (v) he holds a valid United Kingdom entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity, and is seeking leave to a date not beyond the date to which his parent(s) have leave to enter in the working holidaymaker category.

### **Leave to enter or remain as the child of a working holidaymaker**

102. A person seeking to enter the United Kingdom as the child of working holidaymaker/s must be able to produce on arrival a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter or remain as the child of a working holidaymaker**

103. Leave to enter or remain in the United Kingdom as the child of a working holidaymaker is to be refused if, in relation to an application for leave to enter, a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for leave to remain, the applicant was not admitted with a valid United Kingdom entry clearance for entry in this capacity or is unable to satisfy the Secretary of State that each of the requirements of paragraph 101 (i)-(iv) is met.

### **G) Requirements for leave to enter as a teacher or language assistant under an approved exchange scheme**

110. The requirements to be met by a person seeking leave to enter the United Kingdom as a teacher or language assistant on an approved exchange scheme are that he:

- (i) is coming to an educational establishment in the United Kingdom under an exchange scheme approved by the Department for Education and Skills, the Scottish or Welsh Office of Education or the Department of Education, Northern Ireland, or administered by the British Council's Education and Training Group or the League for the Exchange of Commonwealth Teachers; and
- (ii) intends to leave the United Kingdom at the end of his exchange period; and
- (iii) does not intend to take employment except in the terms of this paragraph; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as a teacher or language assistant under an exchange scheme**

111. A person seeking leave to enter the United Kingdom as a teacher or language assistant under an approved exchange scheme may be given leave to enter for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a teacher or language assistant under an approved exchange scheme**

112. Leave to enter the United Kingdom as a teacher or language assistant under an approved exchange scheme is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for extension of stay as a teacher or language assistant under an approved exchange scheme**

113. The requirements for an extension of stay as a teacher or language assistant under an approved exchange scheme are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a teacher or language assistant; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 110 (ii)-(iv); and
- (v) would not, as a result of an extension of stay, remain in the United Kingdom as an exchange teacher or language assistant for more than 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity.

### **Extension of stay as a teacher or language assistant under an approved exchange scheme**

114. An extension of stay as a teacher or language assistant under an approved exchange scheme may be granted for a further period not exceeding 12 months provided the Secretary of State is satisfied that each of the requirements of paragraph 113 is met.

### **Refusal of extension of stay as a teacher or language assistant under an approved exchange scheme**

115. An extension of stay as a teacher or language assistant under an approved exchange scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 113 is met.

### **H) Requirements for leave to enter for Home Office approved training or work experience**

116. The requirements to be met by a person seeking leave to enter the United Kingdom for Home Office approved training or work experience are that he:

- (i) holds a valid work permit from the Home Office issued under the Training and Work Experience Scheme; and
- (ii) DELETED
- (iii) is capable of undertaking the training or work experience as specified in his work permit; and
- (iv) intends to leave the United Kingdom on the completion of his training or work experience; and
- (v) does not intend to take employment except as specified in his work permit; and
- (vi) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vii) holds a valid United Kingdom entry clearance for entry in this capacity except where he holds a work permit valid for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### **Leave to enter for Home Office approved training or work experience**

117. A person seeking leave to enter the United Kingdom for the purpose of approved training or approved work experience under the Training or Work Experience Scheme may be admitted to the United Kingdom for a period not exceeding the period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 116(i)-(vi) is met.

### **Refusal of leave to enter for Home Office approved training or work experience**

118. Leave to enter the United Kingdom for Home Office approved training or work experience under the Training and Work Experience scheme is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 116(i)-(vi) is met.

### **Requirements for extension of stay for Home Office approved training or work experience**

119. The requirements for an extension of stay for Home Office approved training or work experience are that the applicant:

- (i) entered the United Kingdom with a valid work permit under paragraph 117 or was admitted or allowed to remain in the United Kingdom as a student; and
- (ii) has written approval from the Home Office for an extension of stay in this category; and

(iii) meets the requirements of paragraph 116 (ii)-(vi).

### **Extension of stay for Home Office approved training or work experience**

120. An extension of stay for approved training or approved work experience under the Training and Work Experience scheme may be granted for a further period not exceeding the extended period of training or work experience approved by the Home Office for this purpose (as specified in his work permit), provided that in each case the Secretary of State is satisfied that the requirements of paragraph 119 are met. An extension of stay is to be subject to a condition permitting the applicant to take or change employment only with the permission of the Home Office.

### **Refusal of extension of stay for Home Office approved training or work experience**

121. An extension of stay for approved training or approved work experience under the Training and Work Experience scheme is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 119 is met.

## **I) Representatives of overseas newspapers, news agencies and broadcasting organisations**

### **Requirements for leave to enter as a representative of an overseas newspaper, news agency or broadcasting organisation**

136. The requirements to be met by a person seeking leave to enter the United Kingdom as a representative of an overseas newspaper, news agency or broadcasting organisation are that he:



- (i) has been engaged by that organisation outside the United Kingdom and is being posted to the United Kingdom on a long term assignment as a representative; and
- (ii) intends to work full time as a representative of that overseas newspaper, news agency or broadcasting organisation; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as a representative of an overseas newspaper, news agency or broadcasting organisation**

137. A person seeking leave to enter the United Kingdom as a representative of an overseas newspaper, news agency or broadcasting organisation may be admitted for a period not exceeding 2 years, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a representative of an overseas newspaper, news agency or broadcasting organisation**

138. Leave to enter as a representative of an overseas newspaper, news agency or broadcasting organisation is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation**

139. The requirements for an extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a representative of an overseas newspaper, news agency or broadcasting organisation; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question, as certified by his employer; and
- (iv) meets the requirements of paragraph 136 (ii)-(iv).

### **Extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation**

140. An extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation may be granted for a period not exceeding 3 years provided the Secretary of State is satisfied that each of the requirements of paragraph 139 is met.

### **Refusal of extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation**

141. An extension of stay as a representative of an overseas newspaper, news agency or broadcasting organisation is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 139 is met.

## **J) Private servants in diplomatic households**

### **Requirements for leave to enter as a private servant in a diplomatic household**

152. The requirements to be met by a person seeking leave to enter the United Kingdom as a private servant in a diplomatic household are that he:

- (i) is aged 18 or over; and
- (ii) is employed as a private servant in the household of a member of staff of a diplomatic or consular mission who enjoys diplomatic privileges and immunity within the meaning of the Vienna Convention on Diplomatic and Consular Relations or a member of the family forming part of the household of such a person; and
- (iii) intends to work full time as a private servant within the terms of this paragraph; and
- (iv) does not intend to take employment except within the terms of this paragraph; and
- (v) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vi) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as a private servant in a diplomatic household**

153. A person seeking leave to enter the United Kingdom as a private servant in a diplomatic household may be given leave to enter for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a private servant in a diplomatic household**

154. Leave to enter as a private servant in a diplomatic household is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a private servant in a diplomatic household**

155. The requirements for an extension of stay as a private servant in a diplomatic household are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a private servant in a diplomatic household; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 152 (iii)-(v).

### **Extension of stay as a private servant in a diplomatic household**

156. An extension of stay as a private servant in a diplomatic household may be granted for a period not exceeding 12 months at a time provided the Secretary of State is satisfied that each of the requirements of paragraph 155 is met.

### **Refusal of extension of stay as a private servant in a diplomatic household**

157. An extension of stay as a private servant in a diplomatic household is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 155 is met.

## **K) Overseas government employees**

## Requirements for leave to enter as an overseas government employee

160. For the purposes of these Rules an overseas government employee means a person coming for employment by an overseas government or employed by the United Nations Organisation or other international organisation of which the United Kingdom is a member.

161. The requirements to be met by a person seeking leave to enter the United Kingdom as an overseas government employee are that he:

- (i) is able to produce either a valid United Kingdom entry clearance for entry in this capacity or satisfactory documentary evidence of his status as an overseas government employee; and
- (ii) intends to work full time for the government or organisation concerned; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds.

## Leave to enter as an overseas government employee

162. A person seeking leave to enter the United Kingdom as an overseas government employee may be given leave to enter for a period not exceeding 2 years, provided he is able, on arrival, to produce to the Immigration Officer a valid United Kingdom entry clearance for entry in this capacity or satisfy the Immigration Officer that each of the requirements of paragraph 161 is met.

## Refusal of leave to enter as an overseas government employee

163. Leave to enter as an overseas government employee is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or if the Immigration Officer is not satisfied that each of the requirements of paragraph 161 is met.

### **Requirements for an extension of stay as an overseas government employee**

164. The requirements to be met by a person seeking an extension of stay as an overseas government employee are that the applicant:

- (i) was given leave to enter the United Kingdom under paragraph 162 as an overseas government employee; and
- (ii) is still engaged in the employment in question; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 161 (ii)-(iv).

### **Extension of stay as an overseas government employee**

165. An extension of stay as an overseas government employee may be granted for a period not exceeding 3 years provided the Secretary of State is satisfied that each of the requirements of paragraph 164 is met.

### **Refusal of extension of stay as an overseas government employee**

166. An extension of stay as an overseas government employee is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 164 is met.

## **L) Requirements for leave to enter as a minister of religion, missionary, or member of a religious order**

170. The requirements to be met by a person seeking leave to enter the United Kingdom as a minister of religion, missionary or member of a religious order are that he:

- (i) (a) if seeking leave to enter as a Minister of Religion has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one years full time or two years' part time training for the ministry; or
  - (b) if seeking leave to enter as a missionary has been trained as a missionary or has worked as a missionary and is being sent to the United Kingdom by an overseas organisation; or
  - (c) if seeking leave to enter as a member of a religious order is coming to live in a community maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order; and
- (ii) intends to work full time as a minister of religion, missionary or for the religious order of which he is a member; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (iva) if seeking leave as a Minister of Religion can produce an International English Language Testing System certificate issued to him to certify that he has achieved level 6 competence in spoken and written English and that it is dated not more than two years prior to the date on which the application is made.
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

## **Leave to enter as a minister of religion, missionary, or member of a religious order**

171. A person seeking leave to enter the United Kingdom as a minister of religion, missionary or member of a religious order may be admitted for a period not exceeding 2 years provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a minister of religion, missionary or member of a religious order**

172. Leave to enter as a minister of religion, missionary or member of a religious order is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was granted in that capacity**

173. The requirements for an extension of stay as a minister of religion, where entry to the United Kingdom was granted in that capacity, missionary or member of a religious order are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a minister of religion, missionary or member of a religious order; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of his religious order; and
- (iv)(a) if he entered the United Kingdom as a minister of religion, missionary or member of a religious order in accordance with sub paragraph (i) prior to 23 August 2004 meets the requirements of paragraph 170(ii) - (iv); or



(b) if he entered the United Kingdom as a minister of religion, missionary or member of a religious order in accordance with sub paragraph (i), on or after 23 August 2004 but prior to 19 April 2007, or was granted leave to remain in accordance with paragraph 174B between those dates, meets the requirements of paragraph 170 (ii) - (iv), and if a minister of religion met the requirement to produce an International English Language Testing System certificate certifying that he achieved level 4 competence in spoken English at the time he was first granted leave in this capacity; or

(c) if he entered the United Kingdom as a minister of religion, missionary or member of a religious order in accordance with sub paragraph (i) on or after 19 April 2007, or was granted leave to remain in accordance with paragraph 174B on or after that date, meets the requirements of paragraph 170 (ii)-(iv), and if a minister of religion met the requirement to produce an International English Language Testing System certificate certifying that he achieved level 6 competence in spoken and written English at the time he was first granted leave in this capacity.

### **Extension of stay as a minister of religion, missionary or member of a religious order**

174. An extension of stay as a minister of religion, missionary or member of a religious order may be granted for a period not exceeding 3 years provided the Secretary of State is satisfied that each of the requirements of paragraph 173 is met.

Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was not granted in that capacity

174A The requirements for an extension of stay as a minister of religion for an applicant who did not enter the United Kingdom in that capacity are that he:

(i) entered the United Kingdom, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor or a short-term student, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made; and

(ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) or,

where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and

(iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the United Kingdom and is suitable for such a position, as certified by the leadership of his prospective congregation; and

(iv) meets the requirements of paragraph 170 (ii)-(iva)

### **Extension of stay as a minister of religion where leave to enter was not granted in that capacity**

174B An extension of stay as a minister of religion may be granted for a period not exceeding 3 years at a time provided the Secretary of State is satisfied that each of the requirements of paragraph 174A is met.

### **Refusal of extension of stay as a minister of religion, missionary or member of a religious order**

175. An extension of stay as a minister of religion, missionary or member of a religious order is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 173 or 174A is met.

### **M) Refusal of indefinite leave to remain for a minister of religion, missionary or member of a religious order**

177. Indefinite leave to remain in the United Kingdom for a minister of religion, missionary or member of a religious order is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 176 is met.

177A. For the purposes of these Rules: Visiting religious workers and religious workers in non-pastoral roles

(i) a visiting religious worker means a person coming to the UK for a short period to perform religious duties at one or more locations in the UK;

(ii) a religious worker in a non-pastoral role means a person employed in the UK by the faith he is coming here to work for, whose duties include performing religious rites within the religious community, but not preaching to a congregation.

### **Requirements for leave to enter the United Kingdom as a visiting religious worker or a religious worker in a non-pastoral role**

177B. The requirements to be met by a person seeking leave to enter as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

(i) (a) if seeking leave to enter as a visiting religious worker:

(i) is an established religious worker based overseas; and

(ii) submits a letter(s) from a senior member or senior representative of one or more local religious communities in the UK confirming that he is invited to perform religious duties as a visiting religious worker at one or more locations in the UK and confirming the expected duration of that employment; and

(iii) if he has been granted leave as a visiting religious worker in the last 12 months, is not seeking leave to enter which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or

(b) if seeking leave to enter as a religious worker in a non-pastoral role:

(i) has at least one year of full time training or work experience, or a period of part time training or work experience equivalent to one year full time training or work experience, accrued in the five years preceding the application in the faith with which he has employment in the UK; and

(ii) can show that, at the time of his application, at least one full-time member of staff of the local religious community which the applicant is applying to join in the UK has a sufficient knowledge of English; and

- (iii) submits a letter from a senior member or senior representative of the local religious community which has invited him to the UK, confirming that he has been offered employment as religious worker in a non-pastoral role in that religious community, and confirming the duration of that employment; and
- (ii) does not intend to take employment except as a visiting religious worker or religious worker in a non-pastoral role, whichever is the basis of his application; and
- (iii) does not intend to undertake employment as a Minister of Religion, Missionary or Member of a Religious Order, as described in paragraphs 169-177 of these Rules; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds, or will, with any dependants, be maintained and accommodated adequately by the religious community employing him; and
- (v) intends to leave the UK at the end of his leave in this category; and
- (vi) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### **Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

177C. Leave to enter the United Kingdom as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

- (a) as a visiting religious worker, for a period not exceeding 6 months; or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 12 months;

provided the Immigration Officer is satisfied that each of the requirements of paragraph 177B is met.

### **Refusal of leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

177D. Leave to enter as a visiting religious worker or a religious worker in a non pastoral role is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 177B is met.

### **Requirements for an extension of stay as a visiting religious worker or a religious worker in a non pastoral role**

177E. The requirements to be met by a person seeking an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

- (i) entered the United Kingdom with a valid entry clearance in this capacity or was given leave to enter as a visiting religious worker or a religious worker in a non-pastoral role; and
- (ii) intends to continue employment as a visiting religious worker or a religious worker in a non pastoral role; and
- (iii) if seeking an extension of stay as a visiting religious worker:
  - (a) meets the requirement of paragraph 177B(i)(a)(i) above; and
  - (b) submits a letter from a senior member or senior representative of one or more local religious communities in the UK confirming that he is still wanted to perform religious duties as a visiting religious worker at one or more locations in the UK and confirming the expected duration of that employment; and
  - (c) would not, as the result of an extension of stay, be granted leave as a visiting religious worker which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or
- (iv) if seeking an extension of stay as a religious worker in a non-pastoral role:
  - (a) meets the requirements of paragraph 177B(i)(b)(i) and (ii); and

(b) submits a letter from a senior member or senior representative of the local religious community for which he works in the UK confirming that his employment as a religious worker in a non-pastoral role in that religious community will continue, and confirming the duration of that employment; and

(c) would not, as the result of an extension of stay, remain in the UK for a period of more than 24 months as a religious worker in a non-pastoral role; and

(v) meets the requirements of paragraph 177B (ii) to (v); and

### **Extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

177F. An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

(a) as a visiting religious worker, for a period not exceeding 6 months; or

(b) as a religious worker in a non-pastoral role, for a period not exceeding 24 months;

if the Secretary of State is satisfied that each of the requirements of paragraph 177E is met.

### **Refusal of an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

177G. An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 177E is met.

### **N) Airport based operational ground staff of overseas-owned airlines**

## Requirements for leave to enter the United Kingdom as a member of the operational ground staff of an overseas-owned airline

178. The requirements to be met by a person seeking leave to enter the United Kingdom as a member of the operational ground staff of an overseas owned airline are that he:

- (i) has been transferred to the United Kingdom by an overseas-owned airline operating services to and from the United Kingdom to take up duty at an international airport as station manager, security manager or technical manager; and
- (ii) intends to work full time for the airline concerned; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants without recourse to public funds; and
- (v) holds a valid United Kingdom entry clearance for entry in this capacity.

## Leave to enter as a member of the operational ground staff of an overseas owned airline

179. A person seeking leave to enter the United Kingdom as a member of the operational ground staff of an overseas owned airline may be given leave to enter for a period not exceeding 2 years, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

Refusal of leave to enter as a member of the operational ground staff of an overseas owned airline

180. Leave to enter as a member of the operational ground staff of an overseas owned airline is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## **Requirements for an extension of stay as a member of the operational ground staff of an overseas owned airline**

181. The requirements to be met by a person seeking an extension of stay as a member of the operational ground staff of an overseas owned airline are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a member of the operational ground staff of an overseas owned airline; and
- (ii) is still engaged in the employment for which entry was granted; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 178 (ii)-(iv).

## **Extension of stay as a member of the operational ground staff of an overseas owned airline**

182. An extension of stay as a member of the operational ground staff of an overseas owned airline may be granted for a period not exceeding 3 years, provided the Secretary of State is satisfied that each of the requirements of paragraph 181 is met.

## **Refusal of extension of stay as a member of the operational ground staff of an overseas owned airline**

183. An extension of stay as a member of the operational ground staff of an overseas owned airline is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 181 is met.

## **O) Retired persons of independent means**



## Requirements for leave to enter the United Kingdom as a retired person of independent means

263. The requirements to be met by a person seeking leave to enter the United Kingdom as a retired person of independent means are that he:

- (i) is at least 60 years old; and
- (ii) has under his control and disposable in the United Kingdom an income of his own of not less than £25,000 per annum; and
- (iii) is able and willing to maintain and accommodate himself and any dependants indefinitely in the United Kingdom from his own resources with no assistance from any other person and without taking employment or having recourse to public funds; and
- (iv) can demonstrate a close connection with the United Kingdom; and
- (v) intends to make the United Kingdom his main home; and
- (vi) holds a valid United Kingdom entry clearance for entry in this capacity.

## Leave to enter as a retired person of independent means

264. A person seeking leave to enter the United Kingdom as a retired person of independent means may be admitted subject to a condition prohibiting employment for a period not exceeding 5 years, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

## Refusal of leave to enter as a retired person of independent means

265. Leave to enter as a retired person of independent means is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## **Requirements for an extension of stay as a retired person of independent means**

266. The requirements for an extension of stay as a retired person of independent means are that the applicant:

- (i) entered the United Kingdom with a valid United Kingdom entry clearance as a retired person of independent means; and
- (ii) meets the requirements of paragraph 263 (ii)-(iv); and
- (iii) has made the United Kingdom his main home.

## **Extension of stay as a retired person of independent means**

266A. The requirements for an extension of stay as a retired person of independent means for a person in the United Kingdom as a work permit holder are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) -(v).

266B. The requirements for an extension of stay as a retired person of independent means for a person in the United Kingdom as a highly skilled migrant are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266C. The requirements for an extension of stay as a retired person of independent means for a person in the United Kingdom to establish themselves or remain in business are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as a person intending to establish themselves or remain in business in accordance with paragraphs 201 to 208 of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266D. The requirements for an extension of stay as a retired person of independent means for a person in the United Kingdom as an innovator are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as an innovator in accordance with paragraphs 210A to 210F of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266E. The requirements for an extension of stay as a retired person of independent means for a person in the UK as a Tier 1 (General) Migrant, Tier 1 (Entrepreneur) Migrant or Tier 1 (Investor) Migrant are that the applicant:

- (i) entered the UK or was granted leave to remain as a Tier 1 (General) Migrant, Tier 1 (Entrepreneur) Migrant or Tier 1 (Investor) Migrant; and
- (ii) meets the requirements of paragraphs 263(i) to (v).

267. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment, may be granted so as to bring the person's stay in this category up to a maximum of 5 years in aggregate, provided the Secretary of State is satisfied that each of the requirements of paragraph 266 is met. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment, may be granted for a maximum period of 5 years, provided the Secretary of State is satisfied that each of the requirements of paragraph 266A, 266B, 266C, 266D or 266E is met.

### **Refusal of extension of stay as a retired person of independent means**

268. An extension of stay as a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 266, 266A, 266B, 266C, 266D or 266E is met.

### **Indefinite leave to remain for a retired person of independent means**

269. Indefinite leave to remain may be granted, on application, to a person admitted as a retired person of independent means provided he:

- (i) has spent a continuous period of 5 years in the United Kingdom in this capacity; and
- (ii) has met the requirements of paragraph 266 throughout the 5 year period and continues to do so.

### **Refusal of indefinite leave to remain for a retired person of independent means**

270. Indefinite leave to remain in the United Kingdom for a retired person of independent means is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 269 is met.

## **Part 3**

### **Immigration rules as at 30 March 2009 relating to Students, Student Nurses, Students Re-sitting an Examination, Students Writing-Up a Thesis, Postgraduate Doctors or Dentists, Sabbatical Officers and applicants under the Sectors-Based Scheme**

## Specified forms and procedures for applications or claims in connection with immigration

34B. Where an application form is specified, it must be sent by prepaid post to the United Kingdom Border Agency of the Home Office, or submitted in person at a public enquiry office of the United Kingdom Border Agency of the Home Office, save for the following exceptions:

- (i) an application may not be submitted at a public enquiry office of the United Kingdom Border Agency of the Home Office if it is an application for:
- (f) limited leave to remain as a Tier 5 (Temporary Worker) Migrant.

## Requirements for leave to enter as a student

57. The requirements to be met by a person seeking leave to enter the United Kingdom as a student are that he:

- (i) has been accepted for a course of study, or a period of research, which is to be provided by or undertaken at an organisation which is included on the Register of Education and Training Providers, and is at either;
  - (a) a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the United Kingdom Border Agency when requested; or
  - (b) a bona fide private education institution; or
  - (c) an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the United Kingdom Border Agency when requested; and
- (ii) is able and intends to follow either:
  - (a) a recognised full-time degree course or postgraduate studies at a publicly funded institution of further or higher education; or

- (b) a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms part of an overseas degree course; or
- (c) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject, or directly related subjects; or
- (d) a full-time course of study at an independent fee paying school; and
- (iii) if under the age of 16 years is enrolled at an independent fee paying school on a full time course of studies which meets the requirements of the Education Act 1944; and
- (iv) if he has been accepted to study externally for a degree at a private education institution, he is also registered as an external student with the UK degree awarding body; and
- (v) he holds a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of research, he intends to undertake and the institution at which he wishes to undertake it; if he intends to undertake either,
  - (i) postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to these Rules; or
  - (ii) postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 to these Rules; or
  - iii) a period of study or research, as described in paragraph 57(ii)(b), in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to these Rules, that forms part of an overseas postgraduate qualification; and
- (vi) intends to leave the United Kingdom at the end of his studies; and
- (vii) does not intend to engage in business or to take employment, except part-time or vacation work undertaken with the consent of the Secretary of State; and

(viii) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment or engaging in business or having recourse to public funds; and

(ix) holds a valid United Kingdom entry clearance for entry in this capacity.

### Leave to enter as a student

58. A person seeking leave to enter the United Kingdom as a student may be admitted for an appropriate period depending on the length of his course of study and his means, and with a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer on arrival a valid United Kingdom entry clearance for entry in this capacity.

### Refusal of leave to enter as a student

59. Leave to enter as a student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 57 is met.

### Requirements for an extension of stay as a student

60. The requirements for an extension of stay as a student are that the applicant:

(i)(a) was last admitted to the United Kingdom in possession of a valid student entry clearance in accordance with paragraphs 57-62 or valid prospective student entry clearance in accordance with paragraphs 82-87 of these Rules; or

(b) has previously been granted leave to enter or remain in the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of these Rules; or

- (c) if he has been accepted on a course of study at degree level or above, has previously been granted leave to enter or remain in the United Kingdom in accordance with paragraphs 87A-87F, 128-135, 135O-135T and 143A to 143F or 245V to 245ZA of these Rules; or
- (d) has valid leave as a student in accordance with paragraphs 57-62 of these Rules; and
- (ii) meets the requirements for admission as a student set out in paragraph 57 (i)-(viii); and
- (iii) has produced evidence of his enrolment on a course which meets the requirements of paragraph 57; and
- (iv) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
- (v) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations; and
- (vi) would not, as a result of an extension of stay, spend more than 2 years on short courses below degree level (ie courses of less than 1 years duration, or longer courses broken off before completion); and
- (vii) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the United Kingdom and satisfactory evidence that sufficient sponsorship funding is available.

## Extension of stay as a student

61. An extension of stay as a student may be granted, subject to a restriction on his freedom to take employment, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 60.

## Refusal of extension of stay as a student



62. An extension of stay as a student is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 60 is met.

## Student nurses

### Definition of student nurse

63. For the purposes of these Rules the term student nurse means a person accepted for training as a student nurse or midwife leading to a registered nursing qualification.

Requirements for leave to enter as a student nurse

64. The requirements to be met by a person seeking leave to enter the United Kingdom as a student nurse are that the person:

- (i) comes within the definition set out in paragraph 63 above; and
- (ii) has been accepted for a course of study in a recognised nursing educational establishment offering nursing training which meets the requirements of the Nursing and Midwifery Council.
- (iii) did not obtain acceptance on the course of study referred to in (ii) above by misrepresentation;
- (iv) is able and intends to follow the course; and
- (v) does not intend to engage in business or take employment except in connection with the training course; and
- (vi) intends to leave the United Kingdom at the end of the course; and
- (vii) has sufficient funds available for accommodation and maintenance for himself and any dependants without engaging in business or taking employment (except in connection with the training course) or having recourse to public funds. The possession of a Department of Health bursary may be taken into account in assessing whether the student meets the maintenance requirement.

## **Leave to enter the United Kingdom as a student nurse**

65. A person seeking leave to enter the United Kingdom as a student nurse may be admitted for the duration of the course, with a restriction on his freedom to take employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 64 is met.

## **Refusal of leave to enter as a student nurse**

66. Leave to enter as a student nurse is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 64 is met.

## **Requirements for an extension of stay as a student nurse**

67. The requirements for an extension of stay as a student nurse are that the applicant:

- (i) was last admitted to the United Kingdom in possession of a valid student entry clearance, or valid prospective student entry clearance in accordance with paragraphs 82 to 87 of these Rules, if he is a person specified in Appendix 1 to these Rules; and
- (ii) meets the requirements set out in paragraph 64 (i)-(vii); and
- (iii) has produced evidence of enrolment at a recognised nursing educational establishment; and
- (iv) can provide satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
- (v) would not, as a result of an extension of stay, spend more than 4 years in obtaining the relevant qualification; and

(vi) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the United Kingdom and evidence that sufficient sponsorship funding is available.

### **Extension of stay as a student nurse**

68. An extension of stay as a student nurse may be granted, subject to a restriction on his freedom to take employment, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 67.

### **Refusal of extension of stay as a student nurse**

69. An extension of stay as a student nurse is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 67 is met.

### **Re-sits of examinations**

#### **Requirements for leave to enter to re-sit an examination**

69A. The requirements to be met by a person seeking leave to enter the United Kingdom in order to re-sit an examination are that the applicant:

(i) (a) meets the requirements for admission as a student set out in paragraph 57(i)-(viii); or

\_\_\_ (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(viii)

save, for the purpose of paragraphs (i) (a) or (b) above, where leave was last granted in accordance with paragraphs 57-62 of these Rules before 30 November 2007, the requirements of paragraph 57(v) do not apply; and

(ii) has produced written confirmation from the education institution or independent fee paying school which he attends or attended in the previous academic year that he is required to re-sit an examination; and

(iii) can provide satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and

(iv) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the United Kingdom and satisfactory evidence that sufficient sponsorship funding is available; and

(v) has not previously been granted leave to re-sit the examination.

### **Leave to enter to re-sit an examination**

69B. A person seeking leave to enter the United Kingdom in order to re-sit an examination may be admitted for a period sufficient to enable him to re-sit the examination at the first available opportunity with a condition restricting his freedom to take employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 69A is met.

### **Refusal of leave to enter to re-sit an examination**

69C. Leave to enter to re-sit an examination is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69A is met.

## **Requirements for an extension of stay to re-sit an examination**

69D. The requirements for an extension of stay to re-sit an examination are that the applicant:

- (i) was admitted to the United Kingdom with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph 69A (i)-(v).

## **Extension of stay to re-sit an examination**

69E. An extension of stay to re-sit an examination may be granted for a period sufficient to enable the applicant to re-sit the examination at the first available opportunity, subject to a restriction on his freedom to take employment, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 69D.

## **Refusal of extension of stay to re-sit an examination**

69F. An extension of stay to re-sit an examination is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 69D is met.

## **Writing up a thesis**

### **Requirements for leave to enter to write up a thesis**

69G. The requirements to be met by a person seeking leave to enter the United Kingdom in order to write up a thesis are that the applicant:

- (i) (a) meets the requirements for admission as a student set out in paragraph 57(i)-(viii); or
  - (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(viii)
- save, for the purpose of paragraphs (i) (a) or (b) above, where leave was last granted in accordance with paragraphs 57-62 of these Rules before 30 November 2007, the requirements of paragraph 57(v) do not apply; and
- (ii) can provide satisfactory evidence that he is a postgraduate student enrolled at an education institution as either a full time, part time or writing up student; and
  - (iii) can demonstrate that his application is supported by the education institution; and
  - (iv) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the United Kingdom and satisfactory evidence that sufficient sponsorship funding is available; and
  - (v) has not previously been granted 12 months leave to write up the same thesis.

### **Leave to enter to write up a thesis**

69H. A person seeking leave to enter the United Kingdom in order to write up a thesis may be admitted for 12 months with a condition restricting his freedom to take employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 69G is met.

### **Refusal of leave to enter to write up a thesis**

69I. Leave to enter to write up a thesis is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69G is met.

### **Requirements for an extension of stay to write up a thesis**

69J. The requirements for an extension of stay to write up a thesis are that the applicant:

- (i) was admitted to the United Kingdom with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph 69G (i)-(v).

### **Extension of stay to write up a thesis**

69K. An extension of stay to write up a thesis may be granted for 12 months subject to a restriction on his freedom to take employment, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 69J.

### **Refusal of extension of stay to write up a thesis**

69L. An extension of stay to write up a thesis is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 69J is met.

## **Postgraduate doctors, dentists and trainee general practitioners**

### **Requirements for leave to enter the United Kingdom as a postgraduate doctor or dentist**

70. The requirements to be met by a person seeking leave to enter the UK as a postgraduate doctor or dentist are that the applicant:

(i) has successfully completed and obtained a recognised UK degree in medicine or dentistry from either:

(a) a UK publicly funded institution of further or higher education; or

(b) a UK bona fide private education institution which maintains satisfactory records of enrolment and attendance; and

(ii) has previously been granted leave:

(a) in accordance with paragraphs 57 to 69L of these Rules for the final academic year of the studies referred to in (i) above; and

(b) as a student under paragraphs 57 to 62 of these Rules for at least one other academic year (aside from the final year) of the studies referred to in (i) above; and

(iii) holds a letter from the Postgraduate Dean confirming he has a full-time place on a recognised Foundation Programme; and

(iv) intends to train full time in his post on the Foundation Programme; and

(v) is able to maintain and accommodate himself and any dependants without recourse to public funds; and

(vi) intends to leave the United Kingdom if, on expiry of his leave under this paragraph, he has not been granted leave to remain in the United Kingdom as:

(a) a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules; or

(b) a Tier 2 Migrant

(c) a Tier 1 (General) Migrant or Tier (1) (Entrepreneur) Migrant; and



(vii) if his study at medical school or dental school, or any subsequent studies he has undertaken, were sponsored by a government or international scholarship agency, he has the written consent of his sponsor to enter or remain in the United Kingdom as a postgraduate doctor or dentist; and

(viii) if he has not previously been granted leave in this category has completed his medical or dental degree in the 12 months preceding this application; and

(ix) if he has previously been granted leave as a postgraduate doctor or dentist, is not seeking leave to enter to a date beyond 3 years from that date on which he was first granted leave to enter or remain in this category; and

(x) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British Overseas Territories Citizen, a British Overseas Citizen, a British Protected Person or a person who under the British Nationality Act 1981 is a British Subject.

### **Leave to enter as a postgraduate doctor or dentist**

71. Leave to enter the United Kingdom as a postgraduate doctor or dentist may be granted for the duration of the Foundation Programme, for a period not exceeding 26 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 70 is met.

### **Refusal of leave to enter as a postgraduate doctor or dentist**

72. Leave to enter as a postgraduate doctor or dentist is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 70 is met.

### **Requirements for an extension of stay as a postgraduate doctor or dentist**

73. The requirements to be met by a person seeking an extension of stay as a postgraduate doctor or dentist are that the applicant:

- (i) meets the requirements of paragraph 70 (i) to (vii); and
- (ii) has leave to enter or remain in the United Kingdom as either:
  - (a) a student in accordance with paragraphs 57 to 69L of these Rules; or
  - (b) as a postgraduate doctor or dentist in accordance with paragraphs 70 to 75 of these Rules; or
  - (c) as a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules.
- (iii) if he has not previously been granted leave in this category, has completed his medical or dental degree in the last 12 months;
- (iv) would not, as a result of an extension of stay, remain in the United Kingdom as a postgraduate doctor or dentist to a date beyond 3 years from the date on which he was first given leave to enter or remain in this capacity.

### **Extension of stay as a postgraduate doctor or dentist**

74. An extension of stay as a postgraduate doctor or dentist may be granted for the duration of the Foundation Programme, for a period not exceeding 3 years, provided the Secretary of State is satisfied that each of the requirements of paragraph 73 is met.

### **Refusal of an extension of stay as a postgraduate doctor or dentist**

75. An extension of stay as a postgraduate doctor or dentist is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 73 is met.

### **Requirements for leave to enter the United Kingdom to take the PLAB Test**

75A. The requirements to be met by a person seeking leave to enter in order to take the PLAB Test are that the applicant:

- (i) is a graduate from a medical school and intends to take the PLAB Test in the United Kingdom; and
- (ii) can provide documentary evidence of a confirmed test date or of his eligibility to take the PLAB Test; and
- (iii) meets the requirements of paragraph 41 (iii)-(vii) for entry as a visitor; and
- (iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:
  - (a) as a postgraduate doctor or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules; or

### **Leave to enter to take the PLAB Test**

75B. A person seeking leave to enter the United Kingdom to take the PLAB Test may be admitted for a period not exceeding 6 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75A is met.

### **Refusal of leave to enter to take the PLAB Test**

75C. Leave to enter the United Kingdom to take the PLAB Test is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75A is met.

### **Requirements for an extension of stay in order to take the PLAB Test**

75D. The requirements for an extension of stay in the United Kingdom in order to take the PLAB Test are that the applicant:

- (i) was given leave to enter the United Kingdom for the purposes of taking the PLAB Test in accordance with paragraph 75B of these Rules; and
- (ii) intends to take the PLAB Test and can provide documentary evidence of a confirmed test date; and
- (iii) meets the requirements set out in paragraph 41 (iii)-(vii); and
- (iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:
  - (a) as a postgraduate doctor or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules; or
- (v) would not as a result of an extension of stay spend more than 18 months in the United Kingdom for the purpose of taking the PLAB Test.

### **Extension of stay to take the PLAB Test**

75E. A person seeking leave to remain in the United Kingdom to take the PLAB Test may be granted an extension of stay for a period not exceeding 6 months, provided the Secretary of State is satisfied that each of the requirements of paragraph 75D is met.

### **Refusal of extension of stay to take the PLAB Test**

75F. Leave to remain in the United Kingdom to take the PLAB Test is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75D is met.

### **Requirements for leave to enter to undertake a clinical attachment or dental observer post**

75G. The requirements to be met by a person seeking leave to enter to undertake a clinical attachment or dental observer post are that the applicant:

- (i) is a graduate from a medical or dental school and intends to undertake a clinical attachment or dental observer post in the United Kingdom; and
- (ii) can provide documentary evidence of the clinical attachment or dental observer post which will:
  - (a) be unpaid; and
  - (b) only involve observation, not treatment, of patients; and
- (iii) meets the requirements of paragraph 41 (iii)-(vii) of these Rules; and
- (iv) intends to leave the United Kingdom at the end of his leave granted under this paragraph unless he is granted leave to remain:
  - (a) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75;
  - (v) if he has previously been granted leave in this category, is not seeking leave to enter which, when amalgamated with those previous periods of leave, would total more than 6 months.

### **Leave to enter to undertake a clinical attachment or dental observer post**

75H. A person seeking leave to enter the United Kingdom to undertake a clinical attachment or dental observer post may be admitted for the period of the clinical attachment or dental observer post, up to a maximum of 6 weeks at a time or 6 months in total in this category, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75G is met.

### **Refusal of leave to enter to undertake a clinical attachment or dental observer post**

75J. Leave to enter the United Kingdom to undertake a clinical attachment or dental observer post is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75G is met.

### **Requirements for an extension of stay in order to undertake a clinical attachment or dental observer post**

75K. The requirements to be met by a person seeking an extension of stay to undertake a clinical attachment or dental observer post are that the applicant:

- (i) was given leave to enter or remain in the United Kingdom to undertake a clinical attachment or dental observer post or:
  - (a) for the purposes of taking the PLAB Test in accordance with paragraphs 75A to 75F and has passed both parts of the PLAB Test;
  - (b) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (c) as a work permit holder for employment in the UK as a doctor or dentist in accordance with paragraphs 128 to 135; and
- (ii) is a graduate from a medical or dental school and intends to undertake a clinical attachment or dental observer post in the United Kingdom; and
- (iii) can provide documentary evidence of the clinical attachment or dental observer post which will:
  - (a) be unpaid; and

(b) only involve observation, not treatment, of patients; and

(iv) intends to leave the United Kingdom at the end of his period of leave granted under this paragraph unless he is granted leave to remain:

(a) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or

(v) meets the requirements of paragraph 41 (iii) - (vii) of these Rules; and

(vi) if he has previously been granted leave in this category, is not seeking an extension of stay which, when amalgamated with those previous periods of leave, would total more than 6 months.

### **Extension of stay to undertake a clinical attachment or dental observer post**

75L. A person seeking leave to remain in the United Kingdom to undertake a clinical attachment or dental observer post up to a maximum of 6 weeks at a time or 6 months in total in this category, may be granted an extension of stay for the period of their clinical attachment or dental observer post, provided that the Secretary of State is satisfied that each of the requirements of paragraph 75K is met.

### **Refusal of extension of stay to undertake a clinical attachment or dental observer post**

75M. Leave to remain in the United Kingdom to undertake a clinical attachment or dental observer post is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 75K is met.

### **Requirements for leave to enter as a prospective student**

82. The requirements to be met by a person seeking leave to enter the United Kingdom as a prospective student are that he:

(i) can demonstrate a genuine and realistic intention of undertaking, within 6 months of his date of entry:

(b) a supervised practice placement or midwife adaptation course which would meet the requirements for an extension of stay as an overseas qualified nurse or midwife under paragraphs 69P to 69R of these Rules; and

(ii) intends to leave the United Kingdom on completion of his studies or on the expiry of his leave to enter if he is not able to meet the requirements for an extension of stay:

(b) as an overseas qualified nurse or midwife in accordance with paragraph 69P of these Rules; and

## Students' unions sabbatical officers

### Requirements for leave to enter as a sabbatical officer

87A. The requirements to be met by a person seeking leave to enter the United Kingdom as a sabbatical officer are that the person:

(i) has been elected to a full-time salaried post as a sabbatical officer at an educational establishment at which he is registered as a student;

(ii) meets the requirements set out in paragraph 57 (i)-(ii) or met the requirements set out in paragraph 57 (i)-(ii) in the academic year prior to the one in which he took up or intends to take up sabbatical office; and

(iii) does not intend to engage in business or take employment except in connection with his sabbatical post; and

(iv) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(v) at the end of the sabbatical post he intends to:



- (a) complete a course of study which he has already begun; or
- (b) take up a further course of study which has been deferred to enable the applicant to take up the sabbatical post; or
- (c) leave the United Kingdom; and
- (vi) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor to take up a sabbatical post in the United Kingdom; and
- (vii) has not already completed 2 years as a sabbatical officer.

### **Leave to enter the United Kingdom as a sabbatical officer**

87B. A person seeking leave to enter the United Kingdom as a sabbatical officer may be admitted for a period not exceeding 12 months on conditions specifying his employment provided the Immigration Officer is satisfied that each of the requirements of paragraph 87A is met.

### **Refusal of leave to enter the United Kingdom as a sabbatical officer**

87C. Leave to enter as a sabbatical officer is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 87A is met.

### **Requirements for an extension of stay as a sabbatical officer**

87D. The requirements for an extension of stay as a sabbatical officer are that the applicant:

- (i) was admitted to the United Kingdom with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph 87A (i)-(vi); and
- (iii) would not, as a result of an extension of stay, remain in the United Kingdom as a sabbatical officer to a date beyond 2 years from the date on which he was first given leave to enter the United Kingdom in this capacity.

### **Extension of stay as a sabbatical officer**

87E. An extension of stay as a sabbatical officer may be granted for a period not exceeding 12 months on conditions specifying his employment provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 87D.

### **Refusal of extension of stay as a sabbatical officer**

87F. An extension of stay as a sabbatical officer is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 87D is met

### **Requirements for leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme**

135I. The requirements to be met by a person seeking leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme are that he:

- (i) holds a valid Home Office immigration employment document issued under the Sectors-Based Scheme; and
- (ii) is aged between 18 and 30 inclusive or was so aged at the date of his application for leave to enter; and

- (iii) is capable of undertaking the employment specified in the immigration employment document; and
- (iv) does not intend to take employment except as specified in his immigration employment document; and
- (v) is able to maintain and accommodate himself adequately without recourse to public funds; and
- (vi) intends to leave the United Kingdom at the end of his approved employment; and
- (vii) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter for the purpose of employment under the Sectors-Based Scheme**

135J. A person seeking leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme may be admitted for a period not exceeding 12 months (normally as specified in his work permit), subject to a condition restricting him to employment approved by the Home Office, provided the Immigration Officer is satisfied that each of the requirements of paragraph 135I is met.

### **Refusal of leave to enter for the purpose of employment under the Sectors-Based Scheme**

135K. Leave to enter the United Kingdom for the purpose of employment under the Sectors-Based Scheme is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135I is met.

### **Requirements for an extension of stay for Sector-Based employment**

135L. The requirements for an extension of stay for Sector-Based employment are that the applicant:

- (i) entered the United Kingdom with a valid Home Office immigration employment document issued under the sectors-Based Scheme and;
- (ii) has written approval from the Home Office for the continuation of his employment under the Sectors-Based Scheme; and
- (iii) meets the requirements of paragraph 135I (ii) to (vi); and
- (iv) would not, as a result of the extension of stay sought, remain in the United Kingdom for Sector-Based Scheme employment to a date beyond 12 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity.

### **Extension of stay for Sectors-Based Scheme employment**

135M. An extension of stay for Sectors-Based Scheme employment may be granted for a period not exceeding the period of approved employment recommended by the Home Office provided the Secretary of State is satisfied that each of the requirements of paragraph 135L are met. An extension of stay is to be subject to a condition restricting the applicant to employment approved by the Home Office.

### **Refusal of extension of stay for Sectors-Based Scheme employment**

135N. An extension of stay for Sector-Based Scheme employment is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 135L is met.

### **245ZG. Period and conditions of grant**

- (b) The cases referred to in paragraph (a) are those where the applicant has, or was last granted, entry clearance, leave to enter or leave to remain as:

(iii) a Minister of Religion, Missionary or Member of a Religious Order, provided he is still working for the same employer,

### Attributes for Tier 1 (Investor) Migrants

47. A regulated financial institution is one which is regulated by the appropriate regulatory body for the country in which the financial institution operates. For example, where a financial institution does business in the UK, the appropriate regulator is the Financial Services Authority.

### Part 4

### Immigration Rules as at 5 April 2012 relating to Overseas qualified nurses or midwives, Seasonal agricultural workers, Work permit employment, Multiple Entry work permit Employment, and Tier 1 (Post Study Work) Migrants

Overseas qualified nurse or midwife

Requirements for leave to enter as an overseas qualified nurse or midwife

69M. Deleted on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 69P.

Leave to enter the United Kingdom as an overseas qualified nurse or midwife

69N. DELETED.

Refusal of leave to enter as an overseas qualified nurse or midwife

69O. DELETED.

### Requirements for an extension of stay as an overseas qualified nurse or midwife

69P. The requirements to be met by a person seeking an extension of stay as an overseas qualified nurse or midwife are that the applicant:

(i)-(iii) Deleted by HC 1113

(iv) has leave to enter or remain as an overseas qualified nurse or midwife in accordance with paragraphs 69M - 69R of these Rules; and

(v) meets the requirements set out in paragraph 69M (i) - (vi); and

(vi) can provide satisfactory evidence of regular attendance during any previous period of supervised practice or midwife adaptation course; and

(vii) if he has previously been granted leave:

(a) as an overseas qualified nurse or midwife under paragraphs 69M - 69R of these Rules, or

(b) to undertake an adaptation course as a student nurse under paragraphs 63 - 69 of these Rules; and is not seeking an extension of stay in this category which, when amalgamated with those previous periods of leave, would total more than 18 months; and

(viii) if his previous studies, supervised practice placement or midwife adaptation programme placement were sponsored by a government or international scholarship agency, he has the written consent of his official sponsor to remain in the United Kingdom as an overseas qualified nurse or midwife.

### Extension of stay as an overseas qualified nurse or midwife

69Q. An extension of stay as an overseas qualified nurse or midwife may be granted for a period not exceeding 18 months, provided that the Secretary of State is satisfied that each of the requirements of paragraph 69P is met.

### Refusal of extension of stay as an overseas qualified nurse or midwife

69R. An extension of stay as an overseas qualified nurse or midwife is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 69P is met.

### Seasonal agricultural workers

#### Requirements for leave to enter as a seasonal agricultural worker

104. The requirements to be met by a person seeking leave to enter the United Kingdom as a seasonal agricultural worker are that he:

- (i) is a student in full time education aged 18 or over; and
- (ii) holds an immigration employment document in the form of a valid Home Office work card issued by the operator of a scheme approved by the Secretary of State; and
- (iii) intends to leave the United Kingdom at the end of his period of leave as a seasonal worker; and
- (iv) does not intend to take employment except as permitted by his work card and within the terms of this paragraph; and
- (v) is not seeking leave to enter on a date less than 3 months from the date on which an earlier period of leave to enter or remain granted to him in this capacity expired; and
- (vi) is able to maintain and accommodate himself without recourse to public funds.

### Leave to enter as a seasonal agricultural worker

105. A person seeking leave to enter the United Kingdom as a seasonal agricultural worker may be admitted with a condition restricting his freedom to take employment for a period not exceeding 6 months providing the Immigration Officer is satisfied that each of the requirements of paragraph 104 is met.

### Refusal of leave to enter as a seasonal agricultural worker

106. Leave to enter the United Kingdom as a seasonal agricultural worker is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 104 is met.

### Requirements for extension of stay as a seasonal agricultural worker

107. The requirements for an extension of stay as a seasonal agricultural worker are that the applicant:

- (i) entered the United Kingdom as a seasonal agricultural worker under paragraph 105; and
- (ii) meets the requirements of paragraph 104 (iii)-(vi); and
- (iii) would not, as a result of an extension of stay sought, remain in the United Kingdom as a seasonal agricultural worker beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity.

### Extension of stay as a seasonal agricultural worker



108. An extension of stay as a seasonal agricultural worker may be granted with a condition restricting his freedom to take employment for a period which does not extend beyond 6 months from the date on which he was given leave to enter the United Kingdom on this occasion in this capacity, provided the Secretary of State is satisfied that the applicant meets each of the requirements of paragraph 107.

### Refusal of extension of stay as a seasonal worker

109. An extension of stay as a seasonal worker is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 107 is met.

### Work permit employment

#### Requirements for leave to enter the United Kingdom for work permit employment

128. The requirements to be met by a person coming to the United Kingdom to seek or take employment (unless he is otherwise eligible for admission for employment under these Rules or is eligible for admission as a seaman under contract to join a ship due to leave British waters) are that he:

- (i) holds a valid Home Office work permit; and
- (ii) is not of an age which puts him outside the limits for employment; and
- (iii) is capable of undertaking the employment specified in the work permit; and
- (iv) does not intend to take employment except as specified in his work permit; and
- (v) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(vi) in the case of a person in possession of a work permit which is valid for a period of 12 months or less, intends to leave the United Kingdom at the end of his approved employment; and

(vii) holds a valid United Kingdom entry clearance for entry in this capacity except where he holds a work permit valid for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### Leave to enter for work permit employment

129. A person seeking leave to enter the United Kingdom for the purpose of work permit employment may be admitted for a period not exceeding the period of employment approved by the Home Office (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 128(i)-(vi) is met.

### Refusal of leave to enter for employment

130. Leave to enter for the purpose of work permit employment is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 128(i)-(vi) is met.

### Requirements for an extension of stay for work permit employment

131. The requirements for an extension of stay to seek or take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) are that the applicant:

- (i) entered the United Kingdom with a valid work permit under paragraph 129; and
- (ii) has written approval from the Home Office for the continuation of his employment; and
- (iii) meets the requirements of paragraph 128 (ii)-(v).

131A. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student are that the applicant:

- (i) entered the United Kingdom or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and
- (ii) has obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and
- (iii) holds a valid Home Office immigration employment document for employment; and
- (iv) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (v) meets each of the requirements of paragraph 128 (ii) to (vi).

131B. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student nurse overseas qualified nurse or midwife, postgraduate doctor or postgraduate dentist are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a student nurse in accordance with paragraphs 63 to 69 of these Rules; or

(ia) entered the United Kingdom or was given leave to remain as an overseas qualified nurse or midwife in accordance with paragraphs 69M to 69R of these Rules; and

(ii) entered the United Kingdom or was given leave to remain as a postgraduate doctor or a postgraduate dentist in accordance with paragraphs 70 to 75 of these Rules; and

(iii) holds a valid Home Office immigration employment document for employment as a nurse, doctor or dentist; and

(iv) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(v) meets each of the requirements of paragraph 128 (ii) to (vi).

131C The requirements for an extension of stay to take employment for a Science and Engineering Graduate Scheme or International Graduates Scheme participant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a Science and Engineering Graduate Scheme or International Graduates Scheme participant in accordance with paragraphs 135O to 135T of these Rules; and

(ii) holds a valid Home Office immigration employment document for employment; and

(iii) meets each of the requirements of paragraph 128 (ii) to (vi).

131D. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a working holidaymaker are that the applicant:

(i) entered the United Kingdom as a working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and

- (ii) he has spent more than 12 months in total in the UK in this capacity; and
- (iii) holds a valid Home Office immigration employment document for employment in an occupation listed on the Work Permits (UK) shortage occupations list; and
- (iv) meets each of the requirements of paragraph 128 (ii) to (vi).

131E The requirements for an extension of stay to take employment for a highly skilled migrant are that the applicant:

- (i) entered the United Kingdom or was given leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135E of these Rules; and
- (ii) holds a valid work permit; and
- (iii) meets each of the requirements of paragraph 128(ii) to (vi).

131F The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for an Innovator are that the applicant:

- (i) entered the United Kingdom or was given leave to remain as an Innovator in accordance with paragraphs 210A to 210E of these Rules; and
- (ii) holds a valid Home Office immigration employment document for employment; and
- (iii) meets each of the requirements of paragraph 128(ii) to (vi).

131G. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for an individual who has leave to enter or leave to remain in the United Kingdom to take the PLAB Test or to undertake a clinical attachment or dental observer post are that the applicant:

- (i) entered the United Kingdom or was given leave to remain for the purposes of taking the PLAB Test in accordance with paragraphs 75A to 75F of these Rules; or

(ii) entered the United Kingdom or was given leave to remain to undertake a clinical attachment or dental observer post in accordance with paragraphs 75G to 75M of these Rules; and

(iii) holds a valid Home Office immigration employment document for employment as a doctor or dentist; and

(iv) meets each of the requirements of paragraph 128 (ii) to (vi).

131H. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) in the case of a person who has leave to enter or remain as a Fresh Talent: Working in Scotland scheme participant are that the applicant:

(i) entered the United Kingdom or was given leave to remain as a Fresh Talent: Working in Scotland scheme participant in accordance with paragraphs 143A to 143F of these Rules; and

(ii) holds a valid Home Office immigration employment document for employment in Scotland; and

(iii) has the written consent of his official sponsor to such employment if the studies which led to him being granted leave under the Fresh Talent: Working in Scotland scheme in accordance with paragraphs 143A to 143F of these Rules, or any studies he has subsequently undertaken, were sponsored by a government or international scholarship agency; and

(iv) meets each of the requirements of paragraph 128 (ii) to (vi).

131I. The requirements for an extension of stay to take employment for a Tier 1 Migrant are that the applicant:

(i) entered the UK or was given leave to remain as a Tier 1 Migrant, and

(ii) holds a valid work permit; and

(iii) meets each of the requirements of paragraph 128(ii) to (vi).

## Extension of stay for work permit employment

132. An extension of stay for work permit employment may be granted for a period not exceeding the period of approved employment recommended by the Home Office provided the Secretary of State is satisfied that each of the requirements of paragraphs 131, 131A, 131B, 131C, 131D, 131E, 131F, 131G, 131H or 131I is met. An extension of stay is to be subject to a condition restricting the applicant to employment approved by the Home Office.

133. An extension of stay for employment is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraphs 131, 131A, 131B, 131C, 131D, 131E, 131F, 131G, 131H or 131I is met (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules).

## Multiple Entry work permit employment

### Requirements for leave to enter for Multiple Entry work permit employment

199A. The requirements to be met by a person coming to the United Kingdom to seek or take Multiple Entry work permit employment are that he:

- (i) holds a valid work permit;
- (ii) is not of an age which puts him outside the limits for employment;
- (iii) is capable of undertaking the employment specified in the work permit;
- (iv) does not intend to take employment except as specified in his work permit;
- (v) is able to maintain and accommodate himself adequately without recourse to public funds; and

(vi) intends to leave the United Kingdom at the end of the employment covered by the Multiple Entry work permit and holds a valid United Kingdom Entry clearance for entry into this capacity excepts where he holds a work permit valid for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

### Leave to enter for Multiple Entry work permit employment

199B. A person seeking leave to enter the United Kingdom for the purpose of Multiple Entry work permit employment may be admitted for a period not exceeding 2 years provided that the Immigration Officer is satisfied that each of the requirements of paragraph 199A are met.

### Refusal of leave to enter for Multiple Entry work permit employment

199C. Leave to enter for the purpose of Multiple Entry work permit employment is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 199A is met.

## Tier 1 (Post-Study Work) Migrants

### 245F. Purpose

The purpose of this route is to encourage international graduates who have studied in the UK to stay on and do skilled or highly skilled work.



## 245FA. Entry to the UK

All migrants arriving in the UK and wishing to enter as a Tier 1 (Post-Study Work) Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

## 245FB. Requirements for entry clearance

To qualify for entry clearance as a Tier 1 (Post-Study Work) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal.
- (b) The applicant must not previously have been granted entry clearance or leave to remain as a Tier 1 (Post-Study Work) Migrant as a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme), or as a Participant in the Fresh Talent: Working in Scotland Scheme.
- (c) The applicant must have a minimum of 75 points under paragraphs 66 to 72 of Appendix A.
- (d) The applicant must have a minimum of 10 points under paragraphs 1 to 3 of Appendix B.
- (e) The applicant must have a minimum of 10 points under paragraphs 1 to 2 of Appendix C.
- (f) If:

- (i) the studies that led to the qualification for which the applicant obtains points under paragraphs 66 to 72 of Appendix A were sponsored by a Government or international scholarship agency, and
- (ii) those studies came to an end 12 months ago or less the applicant must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to show that this requirement has been met.

### 245FC. Period and conditions of grant

Entry clearance will be granted for a period of 2 years and will be subject to the following conditions:

- (a) no recourse to public funds,
- (b) registration with the police, if this is required by paragraph 326 of these Rules, and
- (c) no Employment as a Doctor or Dentist in Training, unless the applicant has obtained a degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System.

### 245FD. Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (Post-Study Work) Migrant, an applicant must meet the requirements listed below. Subject to paragraph 245FE(a)(i), if the applicant meets these requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must not previously have been granted entry clearance or leave to remain as a Tier 1 (Post-Study Work) migrant.
- (c) The applicant must have a minimum of 75 points under paragraphs 66 to 72 of Appendix A.
- (d) The applicant must have a minimum of 10 points under paragraphs 1 to 3 of Appendix B.
- (e) The applicant must have a minimum of 10 points under paragraphs 1 to 2 of Appendix C.
- (f) The applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain:
  - (i) as a Participant in the Fresh Talent: Working in Scotland Scheme,
  - (ii) as a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
  - (iii) as a Student, provided the applicant has not previously been granted leave in any of the categories referred to in paragraphs (i) and (ii) above,
  - (iv) as a Student Nurse, provided the applicant has not previously been granted leave in any of the categories referred to in paragraphs (i) and (ii) above,
  - (v) as a Student Re-Sitting an Examination, provided the applicant has not previously been granted leave in any of the categories referred to in paragraphs (i) and (ii) above,
  - (vi) as a Student Writing Up a Thesis, provided the applicant has not previously been granted leave as a Tier 1 Migrant or in any of the categories referred to in paragraphs (i) and (ii) above,
  - (vii) as a Tier 4 Migrant, provided the applicant has not previously been granted leave as a Tier 1 (Post-Study Work) Migrant or in any of the categories referred to in paragraphs (i) and (ii) above, or

(viii) as a Postgraduate Doctor or Dentist, provided the applicant has not previously been granted leave as a Tier 1 (Post-Study Work) Migrant or in any of the categories referred to in paragraphs (i) and (ii) above.

(g) An applicant who has, or was last granted leave as a Participant in the Fresh Talent: Working in Scotland Scheme must be a British National (Overseas), British overseas territories citizen, British Overseas citizen, British protected person or a British subject as defined in the British Nationality Act 1981.

(h) If:

(i) the studies that led to the qualification for which the applicant obtains points under paragraphs 66 to 72 of Appendix A were sponsored by a Government or international scholarship agency, and

(ii) those studies came to an end 12 months ago or less the applicant must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to show that this requirement has been met.

## 245FE. Period and conditions of grant

(a) Leave to remain will be granted:

(i) for a period of the difference between 2 years and the period of the last grant of entry clearance, leave to enter or remain, to an applicant who has or was last granted leave as a Participant in the Fresh Talent: Working in Scotland Scheme, as a Participant in the International Graduates Scheme (or its predecessor the Science and Engineering Graduates Scheme). If this calculation results in no grant of leave then leave to remain is to be refused;

(ii) for a period of 2 years, to any other applicant.

(b) Leave to remain under this route will be subject to the following conditions:

- (i) no access to public funds,
- (ii) registration with the police, if this is required by paragraph 326 of these Rules, and
- (iii) no Employment as a Doctor or Dentist in Training, unless the applicant:
  - (1) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System; or
  - (2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or
  - (3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training.

## Appendix A - Attributes for Tier 1 (Post-Study Work) Migrants

66. An applicant applying for entry clearance or leave to remain as a Tier 1 (Post-Study Work) Migrant must score 75 points for attributes.

67. Available points are shown in Table 10.

68. Notes to accompany the table appear below the table.

Table 10

Qualifications	Points
<p>The applicant has been awarded:</p> <ul style="list-style-type: none"> <li>(a) a UK recognised bachelor or postgraduate degree, or</li> <li>(b) a UK postgraduate certificate in education or Professional Graduate Diploma of Education, or</li> <li>(c) a Higher National Diploma ('HND') from a Scottish institution.</li> </ul>	20
<ul style="list-style-type: none"> <li>(a) The applicant studied for his award at 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</li> <li>(b) If the applicant is claiming points for having been awarded a Higher National Diploma from a Scottish Institution, he studied for that diploma at a Scottish publicly funded institution of further or higher education, or a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance.</li> </ul> <p>The Scottish institution must:</p> <ul style="list-style-type: none"> <li>(i) be on the list of Education and Training Providers list on the Department of Business, Innovation and Skills website, or</li> </ul>	20

(ii) hold a Sponsor licence under Tier 4 of the Points Based System.	
The applicant's periods of UK study and/or research towards his eligible award were undertaken whilst he had entry clearance, leave to enter or leave to remain in the UK that was not subject to a restriction preventing him from undertaking a course of study and/or research.	20
The applicant made the application for entry clearance or leave to remain as a Tier 1 (Post-Study Work) Migrant within 12 months of obtaining the relevant qualification or within 12 months of completing a United Kingdom Foundation Programme Office affiliated Foundation Programme as a postgraduate doctor or dentist.	15
The applicant is applying for leave to remain and has, or was last granted, leave as a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme) or as a Participant in the Fresh Talent: Working in Scotland Scheme.	75

### Qualification: notes

69. Specified documents must be provided as evidence of the qualification and, where relevant, completion of the United Kingdom Foundation Programme Office affiliated Foundation Programme as a postgraduate doctor or dentist.

70. A qualification will have been deemed to have been 'obtained' on the date on which the applicant was first notified in writing, by the awarding institution, that the qualification had been awarded.

71. If the institution studied at is removed from one of the relevant lists referred to in Table 10, or from the Tier 4 Sponsor Register, no points will be awarded for a qualification obtained on or after the date the institution was removed from the relevant list or from the Tier 4 Sponsor Register.

72. To qualify as an HND from a Scottish institution, a qualification must be at level 8 on the Scottish Credit and Qualifications Framework.

## Part 5

### Immigration Rules relating to prospective students as at 30 September 2013

#### Requirements for leave to enter as a prospective student

82. The requirements to be met by a person seeking leave to enter the United Kingdom as a prospective student are that he:

(i) can demonstrate a genuine and realistic intention of undertaking, within 6 months of his date of entry:

(a) a course of study which would meet the requirements for an extension of stay as a student under paragraph 245ZX or paragraph 245ZZC; and

(b) DELETED

(ii) intends to leave the United Kingdom on completion of his studies or on the expiry of his leave to enter if he is not able to meet the requirements for an extension of stay:

(a) as a student in accordance with paragraph 245ZX or paragraph 245ZZC; and

(b) DELETED

(iii) is able without working or recourse to public funds to meet the costs of his intended course and accommodation and the maintenance of himself and any dependants while making arrangements to study and during the course of his studies; and



(iv) holds a valid United Kingdom entry clearance for entry in this capacity.

### **Requirements for extension of stay as a prospective student**

85. Six months is the maximum permitted leave which may be granted to a prospective student. The requirements for an extension of stay as a prospective student are that the applicant:

(i) was admitted to the United Kingdom with a valid prospective student entry clearance; and

(ii) meets the requirements of paragraph 82; and

(iii) would not, as a result of an extension of stay, spend more than 6 months in the United Kingdom; and

(iv) must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

### **Extension of stay as a prospective student**

86. An extension of stay as a prospective student may be granted, with a prohibition on employment, provided the Secretary of State is satisfied that each of the requirements of paragraph 85 is met.

### **Refusal of extension of stay as a prospective student**

87. An extension of stay as a prospective student is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 85 is met.

### **Leave to enter as a prospective student**

83. A person seeking leave to enter the United Kingdom as a prospective student may be admitted for a period not exceeding 6 months with a condition prohibiting employment, provided he is able to produce to the Immigration Officer on arrival a valid United Kingdom entry clearance for entry in this capacity.

### **Refusal of leave to enter as a prospective student**

84. Leave to enter as a prospective student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 82 is met.

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# Immigration Rules

## Appendix FM

### Family members

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## Appendix FM family members

### General

#### Section GEN: General

#### Purpose

GEN.1.1. This route is for those seeking to enter or remain in the UK on the basis of their family life with a person who is a British Citizen, is settled in the UK, is in the UK with limited leave as a refugee or person granted humanitarian protection (and the applicant cannot seek leave to enter or remain in the UK as their family member under Part 11 of these rules), is in the UK with limited leave under Appendix EU, or is in the UK with limited leave as a worker or business person by virtue of either Appendix ECAA Extension of

Stay or under the provisions of the relevant 1973 Immigration Rules (or Decision 1/80) that underpinned the European Community Association Agreement (ECAA) with Turkey prior to 1 January 2021. It sets out the requirements to be met and, in considering applications under this route, it reflects how, under Article 8 of the Human Rights Convention, the balance will be struck between the right to respect for private and family life and the legitimate aims of protecting national security, public safety and the economic well-being of the UK; the prevention of disorder and crime; the protection of health or morals; and the protection of the rights and freedoms of others (and in doing so also reflects the relevant public interest considerations as set out in Part 5A of the Nationality, Immigration and Asylum Act 2002). It also takes into account the need to safeguard and promote the welfare of children in the UK, in line with the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009.

## Definitions

GEN.1.2. For the purposes of this Appendix "partner" means-

- (i) the applicant's spouse;
- (ii) the applicant's civil partner;
- (iii) the applicant's fiancé(e) or proposed civil partner; or
- (iv) a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application, unless a different meaning of partner applies elsewhere in this Appendix.

GEN.1.3. For the purposes of this Appendix

- (a) "application for leave to remain" also includes an application for variation of leave to enter or remain by a person in the UK;
- (b) references to a person being present and settled in the UK also include a person who is being admitted for settlement on the same occasion as the applicant;
- (c) references to a British Citizen in the UK also include a British Citizen who is coming to the UK with the applicant as their partner or parent;

(d) references to a person being “in the UK with limited leave under Appendix EU” mean an EEA national in the UK who holds valid limited leave to enter or remain granted under paragraph EU3 of Appendix EU to these Rules on the basis of meeting condition 1 in paragraph EU14 of that Appendix; and (

e) references to a person being “in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay” mean a person granted such leave by virtue of either Appendix ECAA Extension of Stay or under the provisions of the relevant 1973 Immigration Rules (or Decision 1/80) that underpinned the European Community Association Agreement (ECAA) with Turkey prior to 1 January 2021.

GEN.1.4. In this Appendix "specified" means specified in Appendix FM-SE, unless otherwise stated.

GEN.1.5. If the Entry Clearance Officer, or Secretary of State, has reasonable cause to doubt the genuineness of any document submitted in support of an application, and having taken reasonable steps to verify the document, is unable to verify that it is genuine, the document will be discounted for the purposes of the application.

GEN.1.6. For the purposes of paragraph E-ECP.4.1.(a); E-LTRP.4.1.(a); E-LTRP.4.1A.(a); E-ECPT. 4.1(a); E-LTRPT.5.1.(a); and E-LTRPT.5.1A.(a) the applicant must be a national of Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; Malta; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; or the United States of America.

GEN.1.7. In this Appendix references to paragraphs are to paragraphs of this Appendix unless the context otherwise requires.

GEN.1.8. Paragraphs 277-280, 289AA, 295AA and 296 of Part 8 of these Rules shall apply to this Appendix.

GEN.1.9. In this Appendix:

(a) the requirement to make a valid application will not apply when the Article 8 claim is raised:

(i) as part of an asylum claim, or as part of a further submission in person after an asylum claim has been refused;

(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Home Office staff at the migrant's place of detention; or

(iii) in an appeal (subject to the consent of the Secretary of State where applicable); and

(b) where an application or claim raising Article 8 is made in any of the circumstances specified in paragraph GEN.1.9.(a), or is considered by the Secretary of State under paragraph A277C of these rules, the requirements of paragraphs R-LTRP.1.1.(c) and R-LTRPT.1.1.(c) are not met.

GEN.1.10. Where paragraph GEN.3.1.(2) or GEN.3.2.(3) applies, and the applicant is granted entry clearance or leave to enter or remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2. or D-LTRPT.1.2., that grant of entry clearance or leave to enter or remain will be subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition.

GEN.1.11. Where entry clearance or leave to enter or remain is granted under this Appendix (and without prejudice to the specific provision that is made in this Appendix in respect of a no recourse to public funds condition), that leave may be subject to such conditions as the decision-maker considers appropriate in a particular case.

GEN.1.11A. Where entry clearance or leave to remain as a partner, child or parent is granted under paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2. or D-LTRPT.1.2., it will normally be granted subject to a condition of no recourse to public funds, unless the applicant has provided the decision-maker with:

(a) satisfactory evidence that the applicant is destitute as defined in section 95 of the Immigration and Asylum Act 1999; or

(b) satisfactory evidence that there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income.

GEN.1.12. In this Appendix, "decision-maker" refers, as the case may be, to the Secretary of State, an Immigration Officer or an Entry Clearance Officer.

GEN.1.13. For the purposes of paragraphs D-LTRP.1.1., D-LTRP.1.2., DILRP.1.2., D-LTRPT.1.1., D-LTRPT.1.2., and D-ILRPT.1.2. (excluding a grant of limited leave to remain as a fiancé(e) or proposed civil partner), where at the date of application the applicant has

extant leave as a partner or parent (as applicable) granted under this Appendix, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under that paragraph (which may therefore exceed 30 months).

GEN.1.14. Where a person aged 18 or over is granted entry clearance or limited leave to enter or remain under this Appendix, or where a person granted such entry clearance or limited leave to enter or remain will be aged 18 before that period of entry clearance or limited leave expires, the entry clearance or leave will, in addition to any other conditions which may apply, be granted subject to the conditions in Appendix ATAS of these rules.

GEN.1.15. Where, pursuant to paragraph D-ILRP.1.2., D-ILRP.1.3., D-ILRPT.1.2. or D-ILRPT.1.3., a person who has made an application for indefinite leave to remain under this Appendix does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under those provisions or paragraphs 276ADE(1) to 276DH:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;
- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and
- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application fee paid in respect of the application for indefinite leave to remain.

## Leave to enter

GEN.2.1. Subject to paragraph GEN.2.3., the requirements to be met by a person seeking leave to enter the UK under this route are that the person-

- (a) must have a valid entry clearance for entry under this route; and

(b) must produce to the Immigration Officer on arrival a valid national passport or other document satisfactorily establishing their identity and nationality.

GEN.2.2. If a person does not meet the requirements of paragraph GEN.2.1. entry will be refused.

GEN.2.3.(1). Where an applicant for leave to enter the UK remains in the UK on immigration bail and the requirements of sub-paragraph (2) are met, paragraph GEN.1.10., D-LTRP.1.2., D-LTRC.1.1. or D-LTRPT.1.2. (as appropriate) will apply, as if paragraph D-LTRP.1.2., D-LTRC.1.1. or D-LTRPT.1.2. (where relevant) provided for the granting of leave to enter not leave to remain (and except that the references to leave to remain and limited leave to remain are to be read as leave to enter).

(2). The requirements of this sub-paragraph are met where:

(a) the applicant satisfies the requirements in paragraph R-LTRP.1.1.(a), (b) and (d), paragraph R-LTRC.1.1.(a), (b) and (d) or paragraph R-LTRPT.1.1.(a), (b) and (d), as if those were requirements for leave to enter not leave to remain (and except that the references to leave to remain and indefinite leave to remain are to be read as leave to enter); or

(b) a parent of the applicant has been granted leave to enter in accordance with this paragraph and the applicant satisfies the requirements in paragraph R-LTRC.1.1.(a), (b) and (d), as if those were requirements for leave to enter not leave to remain and as if paragraph R-LTRC.1.1.(d)(iii) referred to a parent of the applicant being or having been granted leave to enter in accordance with this paragraph (and except that the references to leave to remain are to be read as leave to enter).

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## Exceptional circumstances

GEN.3.1.(1) Where:

(a) the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1. (in the context of an application for limited leave to remain as a partner), E-ECC.2.1. or E-LTRC.2.1. applies, and is not met from the specified sources referred to in the relevant paragraph; and

(b) it is evident from the information provided by the applicant that there are exceptional circumstances which could render refusal of entry clearance or leave to remain a breach of Article 8 of the European Convention on Human Rights, because such refusal could result in unjustifiably harsh consequences for the applicant, their partner or a relevant child; then

the decision-maker must consider whether such financial requirement is met through taking into account the sources of income, financial support or funds set out in paragraph 21A(2) of Appendix FM-SE (subject to the considerations in sub-paragraphs (3) to (8) of that paragraph).

(2) Where the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1. (in the context of an application for limited leave to remain as a partner), E-ECC.2.1. or E-LTRC.2.1. is met following consideration under sub-paragraph (1) (and provided that the other relevant requirements of the Immigration Rules are also met), the applicant will be granted entry clearance or leave to remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1. or D-LTRC.1.1. or paragraph 315 or 316B of the Immigration Rules.

GEN.3.2.(1) Subject to sub-paragraph (4), where an application for entry clearance or leave to enter or remain made under this Appendix, or an application for leave to remain which has otherwise been considered under this Appendix, does not otherwise meet the requirements of this Appendix or Part 9 of the Rules, the decision-maker must consider whether the circumstances in sub-paragraph (2) apply.

(2) Where sub-paragraph (1) above applies, the decision-maker must consider, on the basis of the information provided by the applicant, whether there are exceptional circumstances which would render refusal of entry clearance, or leave to enter or

remain, a breach of Article 8 of the European Convention on Human Rights, because such refusal would result in unjustifiably harsh consequences for the applicant, their partner, a relevant child or another family member whose Article 8 rights it is evident from that information would be affected by a decision to refuse the application.

(3) Where the exceptional circumstances referred to in sub-paragraph (2) above apply, the applicant will be granted entry clearance or leave to enter or remain under, as appropriate, paragraph D-ECP.1.2., D-LTRP.1.2., D-ECC.1.1., D-LTRC.1.1., D-ECPT.1.2., D-LTRPT.1.2., D-ECDR.1.1. or D-ECDR.1.2.

(4) This paragraph does not apply in the context of applications made under section BPILR or DVILR.

GEN.3.3.(1) In considering an application for entry clearance or leave to enter or remain where paragraph GEN.3.1. or GEN.3.2. applies, the decision-maker must take into account, as a primary consideration, the best interests of any relevant child.

(2) In paragraphs GEN.3.1. and GEN.3.2., and this paragraph, “relevant child” means a person who:

(a) is under the age of 18 years at the date of the application;

and

(b) it is evident from the information provided by the applicant would be affected by a decision to refuse the application.

## Family life with a partner

### Section EC-P: Entry clearance as a partner

EC-P.1.1. The requirements to be met for entry clearance as a partner are that-

(a) the applicant must be outside the UK;

(b) the applicant must have made a valid application for entry clearance as a partner;

(c) the applicant must not fall for refusal under any of the grounds in Section S-EC: Suitability—entry clearance; and

- (d) the applicant must meet all of the requirements of Section E-ECP:  
Eligibility for entry clearance as a partner.

## Section S-EC: Suitability-entry clearance

S-EC.1.1. The applicant will be refused entry clearance on grounds of suitability if any of paragraphs S-EC.1.2. to 1.9. apply.

S-EC.1.2. The Secretary of State has personally directed that the exclusion of the applicant from the UK is conducive to the public good.

S-EC.1.3. The applicant is currently the subject of a deportation order.

S-EC.1.4. The exclusion of the applicant from the UK is conducive to the public good because they have:

- (a) been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or
- (b) been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence; or
- (c) been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.

S-EC.1.5. The exclusion of the applicant from the UK is conducive to the public good because, for example, the applicant's conduct (including convictions which do not fall within paragraph S-EC.1.4.), character, associations, or other reasons, make it undesirable to grant them entry clearance.

S-EC.1.6. The applicant has failed without reasonable excuse to comply with a requirement to-

- (a) attend an interview;

- (b) provide information;
- (c) provide physical data; or
- (d) undergo a medical examination or provide a medical report.

S-EC.1.7. It is undesirable to grant entry clearance to the applicant for medical reasons.

S-EC.1.8. The applicant left or was removed from the UK as a condition of a caution issued in accordance with section 22 of the Criminal Justice Act 2003 less than 5 years prior to the date on which the application is decided.

S-EC.1.9. The Secretary of State considers that the applicant's parent or parent's partner poses a risk to the applicant. That person may be considered to pose a risk to the applicant if, for example, they -

- (a) have a conviction as an adult, whether in the UK or overseas, for an offence against a child;
- (b) are a registered sex offender and have failed to comply with any notification requirements; or
- (c) are required to comply with a sexual risk order made under the Anti-Social Behaviour, Crime and Policing Act 2014 and have failed to do so.

S-EC.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-EC.2.2. to 2.5. apply.

S-EC.2.2. Whether or not to the applicant's knowledge-

- (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or
- (b) there has been a failure to disclose material facts in relation to the application.

S-EC.2.3. DELETED

S-EC.2.4. A maintenance and accommodation undertaking has been requested or required under paragraph 35 of these Rules or otherwise and has not been provided.

S-EC.2.5. The exclusion of the applicant from the UK is conducive to the public good because:

- (a) within the 12 months prior to the date on which the application is decided, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
- (b) in the view of the Secretary of State:
  - (i) the person's offending has caused serious harm; or
  - (ii) the person is a persistent offender who shows a particular disregard for the law.

S-EC.3.1. The applicant may be refused on grounds of suitability if the applicant has failed to pay litigation costs awarded to the Home Office.

S-EC.3.2. The applicant may be refused on grounds of suitability if one or more relevant NHS bodies has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

## Section E-ECP: Eligibility for entry clearance as a partner

E-ECP.1.1. To meet the eligibility requirements for entry clearance as a partner all of the requirements in paragraphs E-ECP.2.1. to 4.2. must be met.

## Relationship requirements

E-ECP.2.1. The applicant's partner must be-

- (a) a British Citizen in the UK, subject to paragraph GEN.1.3.(c); or
- (b) present and settled in the UK, subject to paragraph GEN.1.3.(b); or
- (c) in the UK with refugee leave or with humanitarian protection; or
- (d) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN 1.3.(d); or
- (e) in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay, in accordance with paragraph GEN.1.3.(e).

E-ECP.2.2. The applicant must be aged 18 or over at the date of application.

E-ECP.2.3. The partner must be aged 18 or over at the date of application.

E-ECP.2.4. The applicant and their partner must not be within the prohibited degree of relationship.

E-ECP.2.5. The applicant and their partner must have met in person.

E-ECP.2.6. The relationship between the applicant and their partner must be genuine and subsisting.

E-ECP.2.7. If the applicant and partner are married or in a civil partnership it must be a valid marriage or civil partnership, as specified.

E-ECP.2.8. If the applicant is a fiancé(e) or proposed civil partner they must be seeking entry to the UK to enable their marriage or civil partnership to take place in the United Kingdom.

E-ECP.2.9. (i) Any previous relationship of the applicant or their partner must have broken down permanently, unless it is a relationship which falls within paragraph 278(i) of these Rules; and

(ii) If the applicant is a fiancé(e) or proposed civil partner, neither the applicant nor their partner can be married to, or in a civil partnership with, another person at the date of application.

E-ECP.2.10. The applicant and partner must intend to live together permanently in the UK.

## Financial requirements

E-ECP.3.1. The applicant must provide specified evidence, from the sources listed in paragraph E-ECP.3.2., of-

(a) a specified gross annual income of at least-

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii) an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of-

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-ECP.3.2.(a)-(d) and the total amount required under paragraph E-ECP.3.1.(a); or

(c) the requirements in paragraph E-ECP.3.3. being met.

In this paragraph “child” means a dependent child of the applicant or the applicant’s partner who is-

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance as a dependant of the applicant or the applicant’s partner, or is in the UK with leave as their dependant;

(c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and

(d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-ECP.3.2. When determining whether the financial requirement in paragraph E-ECP.

3.1. is met only the following sources will be taken into account-

(a) income of the partner from specified employment or self-employment, which, in respect of a partner returning to the UK with the applicant, can include specified employment or self-employment overseas and in the UK;

(b) specified pension income of the applicant and partner;

(c) any specified maternity allowance or bereavement benefit received by the partner in the UK or any specified payment relating to service in HM Forces received by the applicant or partner;

(d) other specified income of the applicant and partner; and

(e) specified savings of the applicant and partner.

E-ECP.3.3. The requirements to be met under this paragraph are-

(a) the applicant's partner must be receiving one or more of the following -

(i) disability living allowance;

(ii) severe disablement allowance;

(iii) industrial injury disablement benefit;

(iv) attendance allowance;

(v) carer's allowance;

(vi) personal independence payment;



- (vii) Armed Forces Independence Payment or Guaranteed Income Payment under Compensation Scheme; the Armed Forces
- (viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pensions Scheme; or Pension under the War
- (ix) Police Injury Pension; and

(b) the applicant must provide evidence that their partner is able to maintain and accommodate themselves, the applicant and any dependants adequately in the UK without recourse to public funds.

E-ECP.3.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

## English language requirement

E-ECP.4.1. The applicant must provide specified evidence that they-

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
- (b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
- (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet or

exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or

(d) are exempt from the English language requirement under paragraph E-ECP.4.2.

E-ECP.4.2. The applicant is exempt from the English language requirement if at the date of application-

(a) the applicant is aged 65 or over;

(b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement;

or

(c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement prior to entry to the UK.

## Section D-ECP: Decision on application for entry clearance as a partner

D-ECP.1.1. Except where paragraph GEN.3.1.(2) or GEN.3.2.(3) of this Appendix applies, an applicant who meets the requirements for entry clearance as a partner (other than as a fiancé(e) or proposed civil partner) will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months in the UK with leave to enter granted on the basis of such entry clearance or with limited leave to remain as a partner granted under paragraph D-LTRP.1.1. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner); or, where the applicant is a fiancé(e) or proposed civil partner, the applicant will be granted entry clearance for a period not exceeding 6 months, and subject to a prohibition on employment and a condition of no recourse to public funds.

D-ECP.1.2. Where paragraph GEN.3.1.(2) or GEN.3.2.(3) of this Appendix applies, an applicant who meets the requirements for entry clearance as a partner (other than as a fiancé(e) or proposed civil partner) will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with leave to enter granted on the basis of such entry clearance or of entry clearance granted under paragraph D-ECP.1.1. or with limited leave to remain as a partner granted under paragraph D-LTRP.1.1. or D-LTRP.1.2. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner); or, where the applicant is a fiancé(e) or proposed civil partner, the applicant will be granted entry clearance for a period not exceeding 6 months, and subject to a prohibition on employment and a condition of no recourse to public funds.

D-ECP.1.3. If the applicant does not meet the requirements for entry clearance as a partner, the application will be refused.

## Section R-LTRP: Requirements for limited leave to remain as a partner

R-LTRP.1.1. The requirements to be met for limited leave to remain as a partner are-

- (a) the applicant and their partner must be in the UK;
- (b) the applicant must have made a valid application for limited or indefinite leave to remain as a partner; and either
- (c)
  - (i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and
  - (ii) the applicant meets all of the requirements of Section E-LTRP:

Eligibility for leave to remain as a partner; or

- (d)

- (i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and
- (ii) the applicant meets the requirements of paragraphs E-LTRP.1.2-1.12. and E-LTRP.2.1.-2.2.; and
- (iii) paragraph EX.1. applies.

## Section S-LTR: Suitability-leave to remain

S-LTR.1.1. The applicant will be refused limited leave to remain on grounds of suitability if any of paragraphs S-LTR.1.2. to 1.8. apply.

S-LTR.1.2. The applicant is currently the subject of a deportation order.

S-LTR.1.3. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years.

S-LTR.1.4. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 4 years but at least 12 months, unless a period of 10 years has passed since the end of the sentence.

S-LTR.1.5. The presence of the applicant in the UK is not conducive to the public good because, in the view of the Secretary of State, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law.

S-LTR.1.6. The presence of the applicant in the UK is not conducive to the public good because their conduct (including convictions which do not fall within paragraphs S-LTR.1.3. to 1.5.), character, associations, or other reasons, make it undesirable to allow them to remain in the UK.

S-LTR.1.7. The applicant has failed without reasonable excuse to comply with a requirement to-

- (a) attend an interview;
- (b) provide information;

(c) provide physical data; or

(d) undergo a medical examination or provide a medical report.

S-LTR.1.8. The presence of the applicant in the UK is not conducive to the public good because the Secretary of State:

(a) has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or

(b) has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for regarding them as a danger to the security of the UK; or

(c) considers that they are a person to whom sub-paragraph (a) or (b) would apply except that (i) the person has not made a protection claim, or (ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or

(d) has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the UK.

S-LTR.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-LTR.2.2. to 2.5. apply.

S-LTR.2.2. Whether or not to the applicant's knowledge –

(a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or

(b) there has been a failure to disclose material facts in relation to the application.

S-LTR.2.3. DELETED

S-LTR.2.4. A maintenance and accommodation undertaking has been requested under paragraph 35 of these Rules and has not been provided.

S-LTR.2.5. The Secretary of State has given notice to the applicant and their partner under section 50(7)(b) of the Immigration Act 2014 that one or both of them have not complied with the investigation of their proposed marriage or civil partnership.

S-LTR.3.1. When considering whether the presence of the applicant in the UK is not conducive to the public good any legal or practical reasons why the applicant cannot presently be removed from the UK must be ignored.

S-LTR.4.1. The applicant may be refused on grounds of suitability if any of paragraphs S-LTR.4.2. to S-LTR.4.5. apply.

S-LTR.4.2. The applicant has made false representations or failed to disclose any material fact in a previous application for entry clearance, leave to enter, leave to remain or a variation of leave, or in a previous human rights claim; or did so in order to obtain from the Secretary of State or a third party a document required to support such an application or claim (whether or not the application or claim was successful).

S-LTR.4.3. The applicant has previously made false representations or failed to disclose material facts for the purpose of obtaining a document from the Secretary of State that indicates that he or she has a right to reside in the United Kingdom.

S-LTR.4.4. The applicant has failed to pay litigation costs awarded to the Home Office.

S-LTR.4.5. One or more relevant NHS bodies has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

## Section E-LTRP: Eligibility for limited leave to remain as a partner

E-LTRP.1.1. To qualify for limited leave to remain as a partner all of the requirements of paragraphs E-LTRP.1.2. to 4.2. must be met.

### Relationship requirements

E-LTRP.1.2. The applicant's partner must be-

- (a) a British Citizen in the UK;
- (b) present and settled in the UK; or
- (c) in the UK with refugee leave or with humanitarian protection;
- (d) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN.1.3.(d); or
- (e) in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay, in accordance with paragraph GEN.1.3.(e).

E-LTRP.1.3. The applicant must be aged 18 or over at the date of application.

E-LTRP.1.4. The partner must be aged 18 or over at the date of application.

E-LTRP.1.5. The applicant and their partner must not be within the prohibited degree of relationship.

E-LTRP.1.6. The applicant and their partner must have met in person.

E-LTRP.1.7. The relationship between the applicant and their partner must be genuine and subsisting.

E-LTRP.1.8. If the applicant and partner are married or in a civil partnership it must be a valid marriage or civil partnership, as specified.

E-LTRP.1.9. Any previous relationship of the applicant or their partner must have broken down permanently, unless it is a relationship which falls within paragraph 278(i) of these Rules.

E-LTRP.1.10. The applicant and their partner must intend to live together permanently in the UK and, in any application for further leave to remain as a partner (except where the applicant is in the UK as a fiancé(e) or proposed civil partner) and in any application for indefinite leave to remain as a partner, the applicant must provide evidence that, since entry clearance as a partner was granted under paragraph D-ECP1.1. or since the last grant of limited leave to remain as a partner, the applicant and their partner have lived together in the UK or there is good reason, consistent with a continuing intention to live together permanently in the UK, for any period in which they have not done so.

E-LTRP.1.11. If the applicant is in the UK with leave as a fiancé(e) or proposed civil partner and the marriage or civil partnership did not take place during that period of leave, there must be good reason why and evidence that it will take place within the next 6 months.

E-LTRP.1.12. The applicant's partner cannot be the applicant's fiancé(e) or proposed civil partner, unless the applicant was granted entry clearance as that person's fiancé(e) or proposed civil partner.

## Immigration status requirements

E-LTRP.2.1. The applicant must not be in the UK-

(a) as a visitor; or

(b) with valid leave granted for a period of 6 months or less, unless that leave is as a fiancé(e) or proposed civil partner, or was granted pending the outcome of family court or divorce proceedings

E-LTRP.2.2. The applicant must not be in the UK-

(a) on immigration bail, unless:



(i) the Secretary of State is satisfied that the applicant arrived in the UK more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or

(b) in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded), unless paragraph EX.1. applies.

## Financial requirements

E-LTRP.3.1. The applicant must provide specified evidence, from the sources listed in paragraph E-LTRP.3.2., of-

(a) a specified gross annual income of at least-

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii) an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of-

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRP.3.2.(a)-(f) and the total amount required under paragraph E-LTRP.3.1.(a); or

(c) the requirements in paragraph E-LTRP.3.3. being met, unless paragraph EX.1. applies.

In this paragraph “child” means a dependent child of the applicant or the applicant’s partner who is-

- (a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;
- (b) applying for entry clearance or leave to remain as a dependant of the applicant or the applicant's partner, or is in the UK with leave as their dependant;
- (c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and
- (d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-LTRP.3.2. When determining whether the financial requirement in paragraph E-LTRP.

3.1. is met only the following sources may be taken into account-

- (a) income of the partner from specified employment or self-employment;
- (b) income of the applicant from specified employment or self-employment unless they are working illegally;
- (c) specified pension income of the applicant and partner;
- (d) any specified maternity allowance or bereavement benefit received by the applicant and partner in the UK or any specified payment relating to service in HM Forces received by the applicant or partner;
- (e) other specified income of the applicant and partner;
- (f) income from the sources at (b), (d) or (e) of a dependent child of the applicant or of the applicant's partner under paragraph E-LTRP.3.1. who is aged 18 years or over; and
- (g) specified savings of the applicant, partner and a dependent child of the applicant or of the applicant's partner under paragraph E-LTRP.3.1. who is aged 18 years or over.

E-LTRP.3.3. The requirements to meet this paragraph are-

(a) the applicant's partner must be receiving one or more of the following -

(i) disability living allowance;

(ii) severe disablement allowance;

(iii) industrial injury disablement benefit;

(iv) attendance allowance;

(v) carer's allowance;

(vi) personal independence payment;

(vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme;

(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or

(ix) Police Injury Pension; and

(b) the applicant must provide evidence that their partner is able to maintain and accommodate themselves, the applicant and any dependants adequately in the UK without recourse to public funds.

E-LTRP.3.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively, unless paragraph EX.1. applies: accommodation will not be regarded as adequate if-

(a) it is, or will be, overcrowded; or

(b) it contravenes public health regulations.

## English language requirement

E-LTRP.4.1. If the applicant has not met the requirement in a previous application for entry clearance or leave to remain as a partner or parent, the applicant must provide specified evidence that they-

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
  - (b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
  - (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or
  - (d) are exempt from the English language requirement under paragraph E-LTRP.4.2.;
- unless paragraph EX.1. applies.

E-LTRP.4.1A. Where the applicant:

- (i) in a previous application for entry clearance or leave to remain as a partner or parent, met the English language requirement in paragraph E-ECP.4.1.(b), E-LTRP.4.1.(b) or E-LTRPT.5.1.(b) on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages;
- (ii) was granted entry clearance or leave to remain as a partner or parent; and
- (iii) now seeks further leave to remain as a partner after 30 months in the UK with leave as a partner;

then, the applicant must provide specified evidence that they:

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
- (b) have passed an English language test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
- (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A2 of the Common European Framework of Reference for Languages or above; or
- (d) are exempt from the English language requirement under paragraph E-LTRP.4.2.

E-LTRP.4.2. The applicant is exempt from the English language requirement in paragraph E-LTRP.4.1. or E-LTRP.4.1A. if at the date of application-

- (a) the applicant is aged 65 or over;
- (b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or
- (c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement.

## Section D-LTRP: Decision on application for limited leave to remain as a partner

D-LTRP.1.1. If the applicant meets the requirements in paragraph R-LTRP.1.1.(a) to (c) for limited leave to remain as a partner the applicant will be granted limited leave to remain for a period not exceeding 30 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months with such leave or in the UK with leave to enter granted on the basis of entry clearance granted under paragraph D-ECP1.1. (excluding in all cases any period of

leave to enter or limited leave to remain as a fiancé (e) or proposed civil partner); or, if paragraph E-LTRP.1.11. applies, the applicant will be granted limited leave for a period not exceeding 6 months and subject to a condition of no recourse to public funds and a prohibition on employment.

D-LTRP.1.2. If the applicant meets the requirements in paragraph R-LTRP.1.1.(a), (b) and (d) for limited leave to remain as a partner, or paragraph GEN.3.1.(2) or GEN.3.2.(3) applies to an applicant for leave to remain as a partner, the applicant will be granted leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with such leave, with limited leave to remain as a partner granted under paragraph D-LTRP.1.1., or in the UK with leave to enter granted on the basis of entry clearance as a partner granted under paragraph D-ECP1.1. or D-ECP.1.2. (excluding in all cases any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner), or, if paragraph E-LTRP.1.11. applies, the applicant will be granted limited leave for a period not exceeding 6 months and subject to a condition of no recourse to public funds and a prohibition on employment.

D-LTRP.1.3. If the applicant does not meet the requirements for limited leave to remain as a partner the application will be refused.

## Section R-ILRP: Requirements for indefinite leave to remain (settlement) as a partner

R-ILRP.1.1. The requirements to be met for indefinite leave to remain as a partner are that-

- (a) the applicant and their partner must be in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as a partner;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability for indefinite leave to remain; and
- (d) DELETED
- (e) the applicant must meet all of the requirements of Section E-ILRP: Eligibility for indefinite leave to remain as a partner.

## Section S-ILR: Suitability for indefinite leave to remain

S-ILR.1.1. The applicant will be refused indefinite leave to remain on grounds of suitability if any of paragraphs S-ILR.1.2. to 1.10. apply.

S-ILR.1.2. The applicant is currently the subject of a deportation order.

S-ILR.1.3. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years.

S-ILR.1.4. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 4 years but at least 12 months, unless a period of 15 years has passed since the end of the sentence.

S-ILR.1.5. The presence of the applicant in the UK is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence.

S-ILR.1.6. The applicant has, within the 24 months prior to the date on which the application is decided, been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record.

S-ILR.1.7. The presence of the applicant in the UK is not conducive to the public good because, in the view of the Secretary of State, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law.

S-ILR.1.8. The presence of the applicant in the UK is not conducive to the public good because their conduct (including convictions which do not fall within paragraphs S-ILR.1.3. to 1.6.), character, associations, or other reasons, make it undesirable to allow them to remain in the UK.

S-ILR.1.9. The applicant has failed without reasonable excuse to comply with a requirement to-

- (a) attend an interview;
- (b) provide information;
- (c) provide physical data; or
- (d) undergo a medical examination or provide a medical report.

S-ILR.1.10. The presence of the applicant in the UK is not conducive to the public good because the Secretary of State

- (a) has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph 339D of these Rules to exclude them from humanitarian protection; or
- (b) has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for regarding them as a danger to the security of the UK; or
- (c) considers that they are a person to whom sub-paragraph (a) or (b) would apply except that (i) the person has not made a protection claim, or (ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph 339D of these Rules; or
- (d) has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community of the UK.

S-ILR.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-ILR.2.2. to 2.4. apply.

S-ILR.2.2. Whether or not to the applicant's knowledge –

- (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or
- (b) there has been a failure to disclose material facts in relation to the application.



S-ILR.2.3. DELETED

S-ILR.2.4. A maintenance and accommodation undertaking has been requested under paragraph 35 of these Rules and has not been provided.

S-ILR.3.1. When considering whether the presence of the applicant in the UK is not conducive to the public good, any legal or practical reasons why the applicant cannot presently be removed from the UK must be ignored.

S-ILR.4.1. The applicant may be refused on grounds of suitability if any of paragraphs S-ILR.4.2. to S-ILR.4.4. apply.

S-ILR.4.2. The applicant has made false representations or failed to disclose any material fact in a previous application for entry clearance, leave to enter, leave to remain or a variation of leave, or in a previous human rights claim; or did so in order to obtain from the Secretary of State or a third party a document required to support such an application or claim (whether or not the application or claim was successful).

S-ILR.4.3. The applicant has previously made false representations or failed to disclose material facts for the purpose of obtaining a document from the Secretary of State that indicates that he or she has a right to reside in the United Kingdom.

S-ILR.4.4. The applicant has failed to pay litigation costs awarded to the Home Office.

S-ILR.4.5. One or more relevant NHS bodies has notified the Secretary of State that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £500.

## Section E-ILRP: Eligibility for indefinite leave to remain as a partner

E-ILRP.1.1. To meet the eligibility requirements for indefinite leave to remain as a partner all of the requirements of paragraphs E-ILRP.1.2. to 1.6. must be met.

E-ILRP.1.2. The applicant must be in the UK with valid leave to remain as a partner under this Appendix (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded).

E-ILRP.1.3. (1) Subject to sub-paragraph (2), the applicant must, at the date of application, have completed a continuous period of either:

(a) at least 60 months in the UK with:

(i) leave to enter granted on the basis of entry clearance as a partner granted under paragraph D-ECP.1.1.; or

(ii) limited leave to remain as a partner granted under paragraph D-LTRP.1.1.; or

(iii) a combination of (i) and (ii);

or

(b) at least 120 months in the UK with:

(i) leave to enter granted on the basis of entry clearance as a partner granted under paragraph D-ECP.1.1. or D-ECP.1.2.; or

(ii) limited leave to remain as a partner granted under paragraph D-LTRP.1.1. or D-LTRP.1.2.; or

(iii) a combination of (i) and (ii).

(1A) In respect of an application falling within sub-paragraph (1)(a) above, the applicant must meet all of the requirements of Section E-LTRP: Eligibility for leave to remain as a partner (except that paragraph E-LTRP.1.2. cannot be met on the basis set out in sub-paragraph (c), (d) or (e) of that paragraph, and in applying paragraph E-LTRP.3.1.(b)(ii) delete the words “2.5 times”).

(1B) In respect of an application falling within sub-paragraph (1)(b) above:

(a) the applicant must meet all of the requirements of paragraphs E-LTRP.1.2.-1.12. (except that paragraph E-LTRP.1.2. cannot be met on the basis set out in sub-paragraph (c), (d) or (e) of that paragraph) and E-LTRP.2.1. - 2.2.; and

(b) paragraph EX.1. must apply.

(2) In calculating periods of leave for the purposes of sub-paragraph (1) above, any period of leave to enter or limited leave to remain as a fiancé(e) or proposed civil partner will be excluded.

E-ILRP.1.4. In calculating the periods under paragraph E-ILRP.1.3. only the periods when the applicant's partner is the same person as the applicant's partner for the previous period of limited leave shall be taken into account.

E-ILRP.1.5. In calculating the periods under paragraph E-ILRP.1.3. the words “in the UK” in that paragraph shall not apply to any period(s) to which the evidence in paragraph 26A of Appendix FM-SE applies.

E-ILRP.1.5A. In calculating the periods under paragraph E-ILRP.1.3., any current period of overstaying will be disregarded where paragraph 39E of these Rules applies. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

E-ILRP.1.6. The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with the requirements of Appendix KoLL of these Rules.

## Section D-ILRP: Decision on application for indefinite leave to remain as a partner

D-ILRP.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a partner the applicant will be granted indefinite leave to remain.

D-ILRP.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a partner only for one or both of the following reasons-

- (a) paragraph S-ILR.1.5. or S-ILR.1.6. applies;
- (b) the applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL,

subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-ILRP.1.3. If the applicant does not meet all the eligibility requirements for indefinite leave to remain as a partner, and does not qualify for further limited leave to remain as a partner under paragraph DILRP. 1.2., the application will be refused, unless the applicant meets the requirements in paragraph R-LTRP.1.1.(a), (b) and (d) for limited leave to remain as a partner. Where they do, and subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months under paragraph D-LTRP.1.2. and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

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## Section EX: Exceptions to certain eligibility requirements for leave to remain as a partner or parent

EX.1. This paragraph applies if

(a)

(i) the applicant has a genuine and subsisting parental relationship with a child who-

(aa) is under the age of 18 years, or was under the age of 18 years when the applicant was first granted leave on the basis that this paragraph applied;

(bb) is in the UK;

(cc) is a British Citizen or has lived in the UK continuously for at least the 7 years immediately preceding the date of application ;and

(ii) taking into account their best interests as a primary consideration, it would not be reasonable to expect the child to leave the UK; or

(b) the applicant has a genuine and subsisting relationship with a partner who is in the UK and is a British Citizen, settled in the UK, or in the UK with refugee leave, or humanitarian protection, in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), or in the UK with limited leave as a worker or business person under Appendix ECAA Extension of Stay in accordance with paragraph GEN.1.3.(e), and there are insurmountable obstacles to family life with that partner continuing outside the UK.

EX.2. For the purposes of paragraph EX.1.(b) “insurmountable obstacles” means the very significant difficulties which would be faced by the applicant or their partner in continuing their family life together outside the UK and which could not be overcome or would entail very serious hardship for the applicant or their partner.

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## Bereaved partner

### Section BPILR: Indefinite leave to remain (settlement) as a bereaved partner

BPILR.1.1. The requirements to be met for indefinite leave to remain in the UK as a bereaved partner are that-

- (a) the applicant must be in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as a bereaved partner;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability-indefinite leave to remain; and
- (d) the applicant must meet all of the requirements of Section E-BPILR:

Eligibility for indefinite leave to remain as a bereaved partner.

### Section E-BPILR: Eligibility for indefinite leave to remain as a bereaved partner

E-BPILR.1.1. To meet the eligibility requirements for indefinite leave to remain as a bereaved partner all of the requirements of paragraphs E-BPILR1.2. to 1.4. must be met.

E-BPILR.1.2. The applicant's last grant of limited leave must have been granted under this Appendix as-

- (a) a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person settled in the UK, or a person in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d); or
- (b) a bereaved partner.

E-BPILR.1.3. The person who was the applicant's partner at the time of the last grant of limited leave as a partner must have died.

E-BPILR.1.4. At the time of the partner's death the relationship between the applicant and the partner must have been genuine and subsisting and each of the parties must have intended to live permanently with the other in the UK.

## Section D-BPILR: Decision on application for indefinite leave to remain as a bereaved partner

D-BPILR.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a bereaved partner the applicant will be granted indefinite leave to remain.

D-BPILR.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a bereaved partner only because paragraph S-ILR.1.5. or S-ILR.1.6. applies, the applicant will be granted further limited leave to remain for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-BPILR.1.3. If the applicant does not meet the requirements for indefinite leave to remain as a bereaved partner, or limited leave to remain as a bereaved partner under paragraph D-BPILR.1.2., the application will be refused.

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## Victim of domestic abuse

### Section DVILR: Indefinite leave to remain (settlement) as a victim of domestic abuse

DVILR.1.1. The requirements to be met for indefinite leave to remain in the UK as a victim of domestic abuse are that-

- (a) the applicant must be in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as a victim of domestic abuse;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability-indefinite leave to remain; and
- (d) the applicant must meet all of the requirements of Section E-DVILR:  
Eligibility for indefinite leave to remain as a victim of domestic abuse.

### Section E-DVILR: Eligibility for indefinite leave to remain as a victim of domestic abuse

E-DVILR.1.1. To meet the eligibility requirements for indefinite leave to remain as a victim of domestic abuse all of the requirements of paragraphs E-DVILR.1.2. and 1.3. must be met.

E-DVILR.1.2. The applicant's first grant of limited leave under this Appendix must have been as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person present and settled in the UK, a person with refugee leave, or a person in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), under paragraph D-ECP.1.1., D-LTRP.1.1., or D-LTRP.1.2. of this Appendix, or as a partner of a refugee granted under paragraph 352A, and any subsequent grant of limited leave must have been:

- (a) granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person present and settled in the UK, a person with refugee leave, or a person in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix; or

- (b) granted to enable access to public funds pending an application under DVILR and the preceding grant of leave was granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen, a person present and settled in the UK, a person with refugee leave, or a person in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), under paragraph D-ECP.1.1., DLTRP.1.1. or D-LTRP.1.2. of this Appendix; or
- (c) granted under paragraph D-DVILR.1.2.

E-DVILR.1.3. The applicant must provide evidence that during the last period of limited leave as a partner of a British Citizen, a person present and settled in the UK, a person with refugee leave, or a person in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), under paragraph D-ECP.1.1., DLTRP.1.1 or D-LTRP.1.2 of this Appendix, or during their only period of leave under paragraph 352A, the applicant's relationship with their partner broke down permanently as a result of domestic abuse.

## Section D-DVILR: Decision on application for indefinite leave to remain as a victim of domestic abuse

D-DVILR.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a victim of domestic abuse the applicant will be granted indefinite leave to remain.

D-DVILR.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic abuse only because paragraph S-ILR.1.5. or S-ILR.1.6. applies, the applicant will be granted further limited leave to remain for a period not exceeding 30 months.

D-DVILR.1.3. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic abuse, or further limited leave to remain under paragraph D-DVILR.1.2. the application will be refused.

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## Family life as a child of a person with limited leave as a partner or parent

This route is for a child whose parent is applying under this Appendix for entry clearance or leave, or who has limited leave, as a partner or parent. For further provision on a child seeking to enter or remain in the UK for the purpose of their family life see Part 8 of these Rules.

### Section EC-C: Entry clearance as a child

EC-C.1.1. The requirements to be met for entry clearance as a child are that-

- (a) the applicant must be outside the UK;
- (b) the applicant must have made a valid application for entry clearance as a child;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-EC: Suitability for entry clearance; and
- (d) the applicant must meet all of the requirements of Section E-ECC:  
Eligibility for entry clearance as a child.

### Section E-ECC: Eligibility for entry clearance as a child

E-ECC.1.1. To meet the eligibility requirements for entry clearance as a child all of the requirements of paragraphs E-ECC.1.2. to 2.4. must be met.

## Relationship requirements

E-ECC.1.2. The applicant must be under the age of 18 at the date of application.

E-ECC.1.3. The applicant must not be married or in a civil partnership.

E-ECC.1.4. The applicant must not have formed an independent family unit.

E-ECC.1.5. The applicant must not be leading an independent life.

E-ECC.1.6. One of the applicant's parents must be in the UK with limited leave to enter or remain, or be being granted, or have been granted, entry clearance, as a partner or a parent under this Appendix (referred to in this section as the "applicant's parent"), and

(a) the applicant's parent's partner under Appendix FM is also a parent of the applicant; or

(b) the applicant's parent has had and continues to have sole responsibility for the child's upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care.

## Financial requirement

E-ECC.2.1. Where a parent of the applicant has, or is applying or has applied for, entry clearance or limited leave to enter or remain as a partner under this Appendix, the applicant must provide specified evidence, from the sources listed in paragraph E-ECC.2.2., of-

(a) a specified gross annual income of at least-

(i) £18,600;

(ii) an additional £3,800 for the first child; and

(iii) an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times the amount which is the difference between the gross annual income from the sources listed in paragraph E-ECC.2.2.(a)-(f) and the total amount required under paragraph E-ECC.2.1.(a); or

(c) the requirements in paragraph E-ECC.2.3. being met.

In this paragraph “child” means the applicant and any other dependent child of the applicant’s parent or the applicant’s parent’s partner who is-

(a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;

(b) applying for entry clearance as a dependant of the applicant’s parent or of the applicant’s parent’s partner, or is in the UK with leave as their dependant;

(c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and

(d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-ECC.2.2. When determining whether the financial requirement in paragraph E-ECC.2.1. is met only the following sources may be taken into account-

(a) income of the applicant's parent's partner from specified employment or self-employment, which, in respect of an applicant's parent's partner returning to the UK with the applicant, can include specified employment or self-employment overseas and in the UK;

- (b) income of the applicant's parent from specified employment or self employment if they are in the UK unless they are working illegally;
- (c) specified pension income of the applicant's parent and that parent's partner;
- (d) any specified maternity allowance or bereavement benefit received by the applicant's parent and that parent's partner in the UK or any specified payment relating to service in HM Forces received by the applicant's parent and that parent's partner;
- (e) other specified income of the applicant's parent and that parent's partner;
- (f) income from the sources at (b), (d) or (e) of a dependent child of the applicant's parent under paragraph E-ECC.2.1. who is aged 18 years or over; and
- (g) specified savings of the applicant's parent, that parent's partner and a dependent child of the applicant's parent under paragraph E-ECC.2.1. who is aged 18 years or over.

E-ECC.2.3. The requirements to be met under this paragraph are-

- (a) the applicant's parent's partner must be receiving one or more of the following-
  - (i) disability living allowance;
  - (ii) severe disablement allowance;
  - (iii) industrial injury disablement benefit;
  - (iv) attendance allowance;
  - (v) carer's allowance;
  - (vi) personal independence payment;
  - (vii) Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme;
  - (viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or
  - (ix) Police Injury Pension; and

(b) the applicant must provide evidence that their parent's partner is able to maintain and accommodate themselves, the applicant's parent, the applicant and any dependants adequately in the UK without recourse to public funds.

E-ECC.2.3A. Where a parent of the applicant has, or is applying or has applied for, entry clearance or limited leave to enter or remain as a parent under this Appendix, the applicant must provide evidence that that parent is able to maintain and accommodate themselves, the applicant and any other dependants adequately in the UK without recourse to public funds.

E-EEC.2.4. The applicant must provide evidence that there will be adequate accommodation, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

Section D-ECC: Decision on application for entry clearance as a child

D-ECC.1.1. If the applicant meets the requirements for entry clearance as a child they will be granted entry clearance of a duration which will expire at the same time as the leave granted to the applicant's parent, and will be subject to the same conditions in respect of recourse to public funds as that parent.

D-ECC.1.2. If the applicant does not meet the requirements for entry clearance as a child the application will be refused.

## Section R-LTRC: Requirements for leave to remain as a child

R-LTRC.1.1. The requirements to be met for leave to remain as a child are that-

- (a) the applicant must be in the UK;
- (b) the applicant must have made a valid application for leave to remain as a child;

and either

(c)

- (i) the applicant must not fall for refusal under any of the grounds in Section S-LTR: Suitability-leave to remain; and
- (ii) the applicant meets all of the requirements of Section E-LTRC: Eligibility for leave to remain as a child;
- (iii) a parent of the applicant has been or is at the same time being granted leave to remain under paragraph D-LTRP.1.1. or D-LTRPT.1.1. or indefinite leave to remain under this Appendix (except as an adult dependent relative); or

and

(d)

- (i) the applicant must not fall for refusal under any of the grounds in Section S-LTR: Suitability-leave to remain; and
- (ii) the applicant meets the requirements of paragraphs E-LTRC.1.2.-1.6.; and
- (iii) a parent of the applicant has been or is at the same time being granted leave to remain under paragraph D-LTRP.1.2. , D-ILRP.1.2., D-LTRPT.1.2. or D-ILRPT.1.2. or indefinite leave to remain under this Appendix (except as an adult dependent relative).

## Section E-LTRC: Eligibility for leave to remain as a child

E-LTRC.1.1. To qualify for limited leave to remain as a child all of the requirements of paragraphs E-LTRC.1.2. to 2.4. must be met (except where paragraph R-LTRC.1.1.(d)(ii) applies).



## Relationship requirements

E-LTRC.1.2. The applicant must be under the age of 18 at the date of application or when first granted leave as a child under this route.

E-LTRC.1.3. The applicant must not be married or in a civil partnership.

E-LTRC.1.4. The applicant must not have formed an independent family unit.

E-LTRC.1.5. The applicant must not be leading an independent life.

E-LTRC.1.6. One of the applicant's parents (referred to in this section as the "applicant's parent") must be in the UK and have leave to enter or remain or indefinite leave to remain, or is at the same time being granted leave to remain or indefinite leave to remain, under this Appendix (except as an adult dependent relative), and

- (a) the applicant's parent's partner under Appendix FM is also a parent of the applicant; or
- (b) the applicant's parent has had and continues to have sole responsibility for the child's upbringing or the applicant normally lives with this parent and not their other parent; or
- (c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care.

## Financial requirements

E-LTRC.2.1. Where a parent of the applicant has, or is applying or has applied for, limited leave to remain as a partner under this Appendix, the applicant must provide specified evidence, from the sources listed in paragraph E-LTRC.2.2., of -

- (a) a specified gross annual income of at least-

- (i) £18,600;
- (ii) an additional £3,800 for the first child; and
- (iii) an additional £2,400 for each additional child; alone or in combination with

(b) specified savings of-

(i) £16,000; and

(ii) additional savings of an amount equivalent to 2.5 times (or if the parent is applying for indefinite leave to remain 1 times) the amount which is the difference between the gross annual income from the sources listed in paragraph E-LTRC.2.2.(a)-(f) and the total amount required under paragraph E-LTRC.2.1.(a); or

(c) the requirements in paragraph E-LTRC.2.3. being met.

In this paragraph “child” means the applicant and any other dependent child of the applicant’s parent or the applicant’s parent’s partner who is-

- (a) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;
- (b) applying for entry clearance as a dependant of the applicant’s parent or of the applicant’s parent’s partner, or is in the UK with leave as their dependant;
- (c) not a British Citizen, settled in the UK, or in the UK with valid limited leave to enter or remain granted under paragraph EU3 or EU3A of Appendix EU to these Rules; and
- (d) not an EEA national with a right to be admitted to or reside in the UK under the Immigration (European Economic Area) Regulations 2016.

E-LTRC.2.2. When determining whether the financial requirement in paragraph E-LTRC.2.1. is met only the following sources may be taken into account-

- (a) income of the applicant's parent's partner from specified employment or self-employment;
- (b) income of the applicant's parent from specified employment or self employment;
- (c) specified pension income of the applicant's parent and that parent's partner;
- (d) any specified maternity allowance or bereavement benefit received by the applicant's parent and that parent's partner in the UK or any specified payment relating to service in HM Forces received by the applicant's parent and that parent's partner;
- (e) other specified income of the applicant's parent and that parent's partner;
- (f) income from the sources at (b), (d) or (e) of a dependent child of the applicant's parent under paragraph E-LTRC.2.1. who is aged 18 years or over; and
- (g) specified savings of the applicant's parent, that parent's partner and a dependent child of the applicant's parent under paragraph E-ECC.2.1. who is aged 18 years or over.

E-LTRC.2.3. The requirements to be met under this paragraph are-

- (a) the applicant's parent's partner must be receiving one or more of the following -

- (i) disability living allowance;
- (ii) severe disablement allowance;
- (iii) industrial injury disablement benefit;
- (iv) attendance allowance;
- (v) carer's allowance;
- (vi) personal independence payment;
- (vii) Armed Forces Independence Payment or Guaranteed Income Payment under

Compensation Scheme;

the Armed Forces

(viii) Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme; or  
(ix) Police Injury Pension; and

(b) the applicant must provide evidence that their parent's partner is able to maintain and accommodate themselves, the applicant's parent, the applicant and any dependants adequately in the UK without recourse to public funds.

E-LTRC.2.3A. Where a parent of the applicant has, or is applying or has applied for, limited leave to remain as a parent under this Appendix, the applicant must provide evidence that that parent is able to maintain and accommodate themselves, the applicant and any other dependants adequately in the UK without recourse to public funds.

E-LTRC.2.4. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

## Section D-LTRC: Decision on application for leave to remain as a child

D-LTRC.1.1. If the applicant meets the requirements for leave to remain as a child the applicant will be granted leave to remain of a duration which will expire at the same time as the leave granted to the applicant's parent, and will be subject to the same conditions in respect of recourse to public funds as that parent. To qualify for indefinite leave to remain as a child of a person with indefinite leave to remain as a partner or parent, the applicant must meet the requirements of paragraph 298 of these rules.

D-LTRC.1.2. If the applicant does not meet the requirements for leave to remain as a child the application will be refused.

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## Family life as a parent of a child in the UK

### Section EC-PT: Entry clearance as a parent of a child in the UK

EC-PT.1.1. The requirements to be met for entry clearance as a parent are that-

- (a) the applicant must be outside the UK;
- (b) the applicant must have made a valid application for entry clearance as a parent;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-EC: Suitability—entry clearance; and
- (d) the applicant must meet all of the requirements of Section E-ECPT:  
Eligibility for entry clearance as a parent.

### Section E-ECPT: Eligibility for entry clearance as a parent

E-ECPT.1.1. To meet the eligibility requirements for entry clearance as a parent all of the requirements in paragraphs E-ECPT.2.1. to 4.2. must be met.

### Relationship requirements

E-ECPT.2.1. The applicant must be aged 18 years or over.

E-ECPT.2.2. The child of the applicant must be-

- (a) under the age of 18 years at the date of application;

(b) living in the UK; and

(c) a British Citizen, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d).

E-ECPT.2.3. Either -

(a) the applicant must have sole parental responsibility for the child; or

(b) the parent or carer with whom the child normally lives must be-

(i) a British Citizen in the UK, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d);

(ii) not the partner of the applicant; and

(iii) the applicant must not be eligible to apply for entry clearance as a partner under this Appendix.

E-ECPT.2.4.

(a) The applicant must provide evidence that they have either-

(i) sole parental responsibility for the child; or

(ii) direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK; and

(b) The applicant must provide evidence that they are taking, and intend to continue to take, an active role in the child's upbringing.

## Financial requirements

E-ECPT.3.1. The applicant must provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds

E-ECPT.3.2. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively: accommodation will not be regarded as adequate if-

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

## English language requirement

E-ECPT.4.1. The applicant must provide specified evidence that they-

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
- (b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
- (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or
- (d) are exempt from the English language requirement under paragraph E-ECPT.4.2.

E-ECPT.4.2. The applicant is exempt from the English language requirement if at the date of application-



- (a) the applicant is aged 65 or over;
- (b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or
- (c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement prior to entry to the UK.

### Section D-ECPT: Decision on application for entry clearance as a parent

D-ECPT.1.1. If the applicant meets the requirements for entry clearance as a parent (except where paragraph GEN.3.2.(3) applies), the applicant will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months in the UK with leave to enter granted on the basis of such entry clearance or with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1.

D-ECPT.1.2. If paragraph GEN.3.2.(3) applies to an applicant for entry clearance as a parent, the applicant will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the person should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with leave to enter granted on the basis of such entry clearance or of entry clearance granted under paragraph D-ECPT.1.1. or with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1. or D-LTRPT.1.2.

D-ECPT.1.3. If the applicant does not meet the requirements for entry clearance as a parent, the application will be refused.

### Section R-LTRPT: Requirements for limited leave to remain as a parent

R-LTRPT.1.1. The requirements to be met for limited leave to remain as a parent are-

- (a) the applicant and the child must be in the UK;

(b) the applicant must have made a valid application for limited or indefinite leave to remain as a parent or partner; and either

(c)

(i) the applicant must not fall for refusal under Section S-LTR: Suitability leave to remain; and

(ii) the applicant meets all of the requirements of Section ELTRPT: Eligibility for leave to remain as a parent, or

(d)

(i) the applicant must not fall for refusal under S-LTR: Suitability leave to remain; and

(ii) the applicant meets the requirements of paragraphs E-LTRPT.2.2-2.4. and E-LTRPT.3.1.-3.2.; and

(iii) paragraph EX.1. applies.

## Section E-LTRPT: Eligibility for limited leave to remain as a parent

E-LTRPT.1.1. To qualify for limited leave to remain as a parent all of the requirements of paragraphs E-LTRPT.2.2. to 5.2. must be met.

### Relationship requirements

E-LTRPT.2.2. The child of the applicant must be-

(a) under the age of 18 years at the date of application, or where the child has turned 18 years of age since the applicant was first granted entry clearance or leave to remain as a parent under this Appendix, must not have formed an independent family unit or be leading an independent life;

(b) living in the UK; and

(c) , settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)

(d) has lived in the UK continuously for at least the 7 years immediately preceding the date of application and paragraph EX.1. applies.

E-LTRPT.2.3. Either-

(a) the applicant must have sole parental responsibility for the child or the child normally lives with the applicant and not their other parent (who is a British Citizen, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)), and the applicant must not be eligible to apply for leave to remain as a partner under this Appendix; or

(b) the parent or carer with whom the child normally lives must be-

(i) a British Citizen in the UK, settled in the UK, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d);

(ii) not the partner of the applicant (which here includes a person who has been in a relationship with the applicant for less than two years prior to the date of application); and

(iii) the applicant must not be eligible to apply for leave to remain as a partner under this Appendix.

E-LTRPT.2.4.

(a) The applicant must provide evidence that they have either-

(i) sole parental responsibility for the child, or that the child normally lives with them; or

(ii) direct access (in person) to the child, as agreed with the parent or carer with whom the child normally lives or as ordered by a court in the UK; and

(b) The applicant must provide evidence that they are taking, and intend to continue to take, an active role in the child's upbringing.

## Immigration status requirement

E-LTRPT.3.1. The applicant must not be in the UK-

(a) as a visitor; or

(b) with valid leave granted for a period of 6 months or less, unless that leave was granted pending the outcome of family court or divorce proceedings;

E-LTRPT.3.2. The applicant must not be in the UK –

(a) on immigration bail, unless:

(i) the Secretary of State is satisfied that the applicant arrived in the UK more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or

(b) in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded), unless paragraph EX.1. applies.

## Financial requirements

E-LTRPT.4.1. The applicant must provide evidence that they will be able to adequately maintain and accommodate themselves and any dependants in the UK without recourse to public funds, unless paragraph EX.1. applies.

E-LTRPT.4.2. The applicant must provide evidence that there will be adequate accommodation in the UK, without recourse to public funds, for the family, including other family members who are not included in the application but who live in the same household, which the family own or occupy exclusively, unless paragraph EX.1. applies: accommodation will not be regarded as adequate if-

- (a) it is, or will be, overcrowded; or
- (b) it contravenes public health regulations.

## English language requirement

E-LTRPT.5.1. If the applicant has not met the requirement in a previous application for entry clearance or leave to remain as a parent or partner, the applicant must provide specified evidence that they-

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
- (b) have passed an English language test in speaking and listening at a minimum of level A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
- (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A1 of the Common European Framework of Reference for Languages or above; or
- (d) are exempt from the English language requirement under paragraph E-LTRPT.5.2.; unless paragraph EX.1. applies.

E-LTRPT.5.1A. Where the applicant:

- (i) in a previous application for entry clearance or leave to remain as a parent or partner, met the English language requirement in paragraph E-ECP.4.1.(b), E-LTRP.4.1.(b), E-ECPT.4.1.(b) or E-LTRPT.5.1.(b) on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages; and
- (ii) was granted entry clearance or leave to remain as a parent or partner; and
- (iii) now seeks further leave to remain as a parent after 30 months in the UK with leave as a parent;

then, the applicant must provide specified evidence that they:

- (a) are a national of a majority English speaking country listed in paragraph GEN.1.6.;
- (b) have passed an English language test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State;
- (c) have an academic qualification which is either a Bachelor's or Master's degree or PhD awarded by an educational establishment in the UK; or, if awarded by an educational establishment outside the UK, is deemed by UK NARIC to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level A2 of the Common European Framework of Reference for Languages or above; or
- (d) are exempt from the English language requirement under paragraph E-LTRPT.5.2.

E-LTRPT.5.2. The applicant is exempt from the English language requirement in paragraph E-LTRPT.5.1. or E-LTRPT.5.1A. if at the date of application-

- (a) the applicant is aged 65 or over;
- (b) the applicant has a disability (physical or mental condition) which prevents the applicant from meeting the requirement; or
- (c) there are exceptional circumstances which prevent the applicant from being able to meet the requirement.

## Section D-LTRPT: Decision on application for limited leave to remain as a parent

D-LTRPT.1.1. If the applicant meets the requirements in paragraph R-LTRPT.1.1.(a) to (c) for limited leave to remain as a parent the applicant will be granted limited leave to remain for a period not exceeding 30 months, and subject to a condition of no recourse to public funds, and they will be eligible to apply for settlement after a continuous period of at least 60 months with such leave or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.

D-LTRPT.1.2. If the applicant meets the requirements in paragraph R-LTRPT.1.1. (a), (b) and (d) for limited leave to remain as a parent, or paragraph GEN.3.2.(3) applies to an applicant for leave to remain as a parent, the applicant will be granted leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the decision-maker considers, with reference to paragraph GEN.1.11A., that the applicant should not be subject to such a condition, and they will be eligible to apply for settlement after a continuous period of at least 120 months in the UK with such leave, with limited leave to remain as a parent granted under paragraph D-LTRPT.1.1., or in the UK with leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1. or D-ECPT.1.2.

D-LTRPT.1.3. If the applicant does not meet the requirements for limited leave to remain as a parent the application will be refused.

## Section R-ILRPT: Requirements for indefinite leave to remain (settlement) as a parent

R-ILRPT.1.1. The requirements to be met for indefinite leave to remain as a parent are that-

- (a) the applicant must be in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as a parent;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability-indefinite leave to remain; and
- (d) DELETED

- (e) the applicant must meet all of the requirements of Section E-ILRPT:  
Eligibility for indefinite leave to remain as a parent.

## Section E-ILRPT: Eligibility for indefinite leave to remain as a parent

E-ILRPT.1.1. To meet the eligibility requirements for indefinite leave to remain as a parent all of the requirements of paragraphs E-ILRPT.1.2. to 1.5. must be met.

E-ILRPT.1.2. The applicant must be in the UK with valid leave to remain as a parent under this Appendix (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded).

E-ILRPT.1.3. (1) The applicant must at the date of application have completed a continuous period of either:

(a) at least 60 months in the UK with:

(i) leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1.; or

(ii) limited leave to remain as a parent granted under paragraph D-LTRPT.1.1.; or

(iii) a combination of (i) and (ii);

or

(b) at least 120 months in the UK with:

(i) leave to enter granted on the basis of entry clearance as a parent granted under paragraph D-ECPT.1.1. or D-ECPT.1.2.;

or



- (ii) limited leave to remain as a parent granted under paragraph D-LTRPT.1.1. or D-LTRPT.1.2.; or
- (iii) a combination of (i) and (ii).

(1A) In respect of an application falling within sub-paragraph (1)(a) above, the applicant must meet all of the requirements of Section E-LTRPT: Eligibility for leave to remain as a parent (except that paragraph E-LTRPT.2.2.(c) cannot be met on the basis of a person being in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)).

(1B) In respect of an application falling within sub-paragraph (1)(b) above:

(a) the applicant must meet all of the requirements of paragraphs E-LTRPT.2.2.- 2.4. (except that paragraph E-LTRPT.2.2.(c) cannot be met on the basis of a person being in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d)) and E-LTRPT.3.1.- 3.2.; and

E-ILRPT.1.4. DELETED.

E-ILRPT.1.5. The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with the requirements of Appendix KoLL of these Rules.

E-ILRPT.1.5A. In calculating the periods under paragraph E-ILRPT.1.3., any current period of overstaying will be disregarded where paragraph 39E of these Rules applies. Any previous period of overstaying between periods of leave will also be disregarded where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.

## Section D-ILRPT: Decision on application for indefinite leave to remain as a parent

D-ILRPT.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a parent the applicant will be granted indefinite leave to remain.

D-ILRPT.1.2. If the applicant does not meet the requirements for indefinite leave to remain as a parent only for one or both of the following reasons-

- (a) paragraph S-ILR.1.5. or S-ILR.1.6. applies; or
- (b) the applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom in accordance with Appendix KoLL,

subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a parent for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-ILRPT.1.3. If the applicant does not meet all the eligibility requirements for indefinite leave to remain as a parent, and does not qualify for further limited leave to remain under paragraph D-ILRPT.1.2., the application will be refused, unless the applicant meets the requirements in paragraph R-LTRPT.1.1.(a), (b) and (d) for limited leave to remain as a parent. Where they do, and subject to compliance with any requirement notified under paragraph GEN.1.15.(b), the applicant will be granted further limited leave to remain as a parent for a period not exceeding 30 months under paragraph D-LTRPT.1.2. and subject to a condition of no recourse to public funds unless the Secretary of State considers that the person should not be subject to such a condition.

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## Adult dependent relative

### Section EC-DR: Entry clearance as an adult dependent relative

EC-DR.1.1. The requirements to be met for entry clearance as an adult dependent relative are that-

- (a) the applicant must be outside the UK;
- (b) the applicant must have made a valid application for entry clearance as an adult dependent relative;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-EC: Suitability for entry clearance; and
- (d) the applicant must meet all of the requirements of Section E-ECDR:  
Eligibility for entry clearance as an adult dependent relative.

### Section E-ECDR: Eligibility for entry clearance as an adult dependent relative

E-ECDR.1.1. To meet the eligibility requirements for entry clearance as an adult dependent relative all of the requirements in paragraphs E-ECDR.2.1. to 3.2. must be met.

### Relationship requirements

E-ECDR.2.1. The applicant must be the-

- (a) parent aged 18 years or over;
- (b) grandparent;

(c) brother or sister aged 18 years or over; or

(d) son or daughter aged 18 years or over

of a person ("the sponsor") who is in the UK.

E-ECDR.2.2. If the applicant is the sponsor's parent or grandparent they must not be in a subsisting relationship with a partner unless that partner is also the sponsor's parent or grandparent and is applying for entry clearance at the same time as the applicant.

E-ECDR.2.3. The sponsor must at the date of application be-

(a) aged 18 years or over; and

(b)

(i) a British Citizen in the UK; or

(ii) present and settled in the UK; or

(iii) in the UK with refugee leave or humanitarian protection; or

(iv) in the UK with limited leave under Appendix EU, in accordance with paragraph GEN.1.3.(d)".

E-ECDR.2.4. The applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must as a result of age, illness or disability require long-term personal care to perform everyday tasks.

E-ECDR.2.5. The applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because-

(a) it is not available and there is no person in that country who can reasonably provide it; or

(b) it is not affordable.

## Financial requirements

E-ECDR.3.1. The applicant must provide evidence that they can be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds.

E-ECDR.3.2. If the applicant's sponsor is a British Citizen or settled in the UK, the applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period of 5 years from the date the applicant enters the UK if they are granted indefinite leave to enter.

## Section D-ECDR: Decision on application for entry clearance as an adult dependent relative

D-ECDR.1.1. If the applicant meets the requirements for entry clearance as an adult dependent relative of a British Citizen or person settled in the UK they will be granted indefinite leave to enter.

D-ECDR.1.2. If the applicant meets the requirements for entry clearance as an adult dependent relative and the sponsor has limited leave the applicant will be granted limited leave of a duration which will expire at the same time as the sponsor's limited leave, and subject to a condition of no recourse to public funds. If the sponsor applies for further limited leave, the applicant may apply for further limited leave of the same duration, if the requirements in EC-DR.1.1. (c) and (d) continue to be met, and subject to no recourse to public funds.

D-ECDR.1.3. If the applicant does not meet the requirements for entry clearance as an adult dependent relative the application will be refused.

## Section R-ILRDR: Requirements for indefinite leave to remain as an adult dependent relative

R-ILRDR.1.1. The requirements to be met for indefinite leave to remain as an adult dependent relative are that-

- (a) the applicant is in the UK;
- (b) the applicant must have made a valid application for indefinite leave to remain as an adult dependent relative;
- (c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability-indefinite leave to remain; and
- (d) the applicant must meet all of the requirements of Section E-ILRDR:  
Eligibility for indefinite leave to remain as an adult dependent relative.

## Section E-ILRDR: Eligibility for indefinite leave to remain as an adult dependent relative

E-ILRDR.1.1. To qualify for indefinite leave to remain as an adult dependent relative all of the requirements of paragraphs E-ILRDR.1.2. to 1.5. must be met.

E-ILRDR.1.2. The applicant must be in the UK with valid leave to remain as an adult dependent relative (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded).

E-ILRDR.1.3. The applicant's sponsor must at the date of application be:

- (a) present and settled in the UK; or
- (b) in the UK with refugee leave or as a person with humanitarian protection, or in the UK with limited leave under Appendix EU in accordance with paragraph GEN.1.3.(d), and have made an application for indefinite leave to remain.

E-ILRDR.1.4. The applicant must provide evidence that they can be adequately maintained, accommodated and cared for in the UK by the sponsor without recourse to public funds.

E-ILRDR.1.5. The applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period ending 5 years from the date the applicant entered the UK with limited leave as an adult dependent relative.

## Section D-ILRDR: Decision on application for indefinite leave to remain as an adult dependent relative

D-ILRDR.1.1. If the applicant meets the requirements for indefinite leave to remain as an adult dependent relative and the applicant's sponsor is settled in the UK, the applicant will be granted indefinite leave to remain as an adult dependent relative.

D-ILRDR.1.2. If the applicant does not meet the requirements for indefinite leave to remain as an adult dependent relative because paragraph S-ILR.1.5. or S-ILR.1.6. applies, the applicant will be granted further limited leave to remain as an adult dependent relative for a period not exceeding 30 months, and subject to a condition of no recourse to public funds.

D-ILRDR.1.3. If the applicant's sponsor has made an application for indefinite leave to remain and that application is refused, the applicant's application for indefinite leave to remain will be refused. If the sponsor is granted limited leave, the applicant will be granted further limited leave as an adult dependent relative of a duration which will expire at the same time as the sponsor's further limited leave, and subject to a condition of no recourse to public funds.

D-ILRDR.1.4. Where an applicant does not meet the requirements for indefinite leave to remain, or further limited leave to remain under paragraphs D-ILRDR.1.2. or 1.3., the application will be refused.

## Deportation and removal

Where the Secretary of State or an immigration officer is considering deportation or removal of a person who claims that their deportation or removal from the UK would be a breach of the right to respect for private and family life under Article 8 of the Human Rights Convention that person may be required to make an application under this Appendix or paragraph 276ADE(1), but if they are not required to make an application Part 13 of these Rules will apply.

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# Immigration Rules

## Appendix FM-SE

Family members - specified evidence

### Family Members - Specified Evidence

A. This Appendix sets out the specified evidence applicants need to provide to meet the requirements of rules contained in Appendix FM and, where those requirements are also contained in other rules, including Appendix Armed Forces, and unless otherwise stated, the specified evidence applicants need to provide to meet the requirements of those rules.

B. Where evidence is not specified by Appendix FM, but is of a type covered by this Appendix, the requirements of this Appendix shall apply.

C. In this Appendix references to paragraphs are to paragraphs of this Appendix unless the context otherwise requires.

D. (a) In deciding an application in relation to which this Appendix states that specified documents must be provided, the Entry Clearance Officer or Secretary of State ("the decision-maker") will consider documents that have been submitted with the application, and will only consider documents submitted after the application where sub-paragraph (b), (e) or (f) applies.

(b) If the applicant:

(i) Has submitted:

(aa) A sequence of documents and some of the documents in the sequence have been omitted (e.g. if one bank statement from a series is missing);

(bb) A document in the wrong format (for example, if a letter is not on letterhead paper as specified); or

(cc) DELETED

(dd) A document which does not contain all of the specified information; or

(ii) Has not submitted a specified document,

the decision-maker may contact the applicant or his representative in writing or otherwise, and request the document(s) or the correct version(s). The material requested must be received at the address specified in the request within a reasonable timescale specified in the request.

(c) The decision-maker will not request documents where he or she does not anticipate that addressing the error or omission referred to in sub-paragraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted:

(i) A document in the wrong format; or

(ii) DELETED

(iii) A document that does not contain all of the specified information, but the missing information is verifiable from:

(1) other documents submitted with the application,

(2) the website of the organisation which issued the document, or

(3) the website of the appropriate regulatory body,

the application may be granted exceptionally, providing the decision-maker is satisfied that the document(s) is genuine and that the applicant meets the requirement to which the document relates.

(e) Where the decision-maker is satisfied that there is a valid reason why a specified document(s) cannot be supplied, e.g. because it is not issued in a particular country or has been permanently lost, he or she may exercise discretion not to apply the requirement for the document(s) or to request alternative or additional information or document(s) be submitted by the applicant.

(f) Before making a decision under Appendix FM or this Appendix, the decision-maker may contact the applicant or their representative in writing or otherwise to request further information or documents. The material requested must be received at the address specified in the request within a reasonable timescale specified in the request.

E. A reference in this Appendix to the provision of evidence from a UK government department includes evidence from a body performing an equivalent function to such a department.

## Evidence of Financial Requirements under Appendix FM

A1. To meet the financial requirement under paragraphs E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. and E-LTRC.2.1. of Appendix FM, the applicant must meet:

- (a) The level of financial requirement applicable to the application under Appendix FM; and
- (b) The requirements specified in Appendix FM and this Appendix as to:
  - (i) The permitted sources of income and savings;
  - (ii) The time periods and permitted combinations of sources applicable to each permitted source relied upon; and
  - (iii) The evidence required for each permitted source relied upon.

1. In relation to evidencing the financial requirements in Appendix FM the following general provisions shall apply:

- (a) Bank statements must:
  - (i) be from a financial institution to which Appendix Finance applies.
  - (ii) DELETED.
  - (iii) in relation to personal bank statements be only in the name of:

- (1) the applicant's partner, the applicant or both as appropriate; or
- (2) if the applicant is a child the applicant parent's partner, the applicant's parent or both as appropriate; or
- (3) if the applicant is an adult dependent relative, the applicant's sponsor or the applicant, unless otherwise stated.

(iv) cover the period(s) specified.

(v) be:

- (1) on official bank stationery; or
- (2) electronic bank statements which are either accompanied by a letter from the bank on its headed stationery confirming that the documents are authentic or which bear the official stamp of the issuing bank on every page.

(aa) Where a bank statement is specified in this Appendix, a building society statement, a building society pass book, a letter from the applicant's bank or building society, or a letter from a financial institution regulated by the Financial Conduct Authority and the Prudential Regulation Authority or, for overseas accounts, the appropriate regulatory body for the country in which the institution operates and the funds are located, may be submitted as an alternative to a bank statement(s) provided that:

- (1) the requirements in paragraph 1(a)(i)-(iv) are met as if the document were a bank statement; and
- (2) a building society pass book must clearly show:
  - (i) the account number;
  - (ii) the building society's name and logo; and
  - (iii) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements; and/or
- (3) a letter must be on the headed stationery of the bank, building society or other financial institution and must clearly show:

- (i) the account number,
- (ii) the date of the letter;
- (iii) the financial institution's name and logo; and
- (iv) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements.

(b) Promises of third party support will not be accepted, except in the limited circumstances set out in paragraph 21A (and to the extent permitted by that paragraph). Existing sources of third party support will be accepted in the form of:

- (i) payments from a former partner of the applicant for the maintenance of the applicant or any children of the applicant and the former partner, and payments from a former partner of the applicant's partner for the maintenance of that partner;
- (ii) income from a dependent child who has turned 18, remains in the same UK household as the applicant and continues to be counted towards the financial requirement under Appendix FM;
- (iii) gift of cash savings (whose source must be declared) evidenced at paragraph 1(a)(iii), provided that the cash savings have been held by the person or persons at paragraph 1(a)(iii) for at least 6 months prior to the date of application and are under their control; and
- (iv) a maintenance grant or stipend associated with undergraduate study or postgraduate study or research.

(bb) Payslips must be:

- (i) formal payslips issued by the employer and showing the employer's name; or
- (ii) accompanied by a letter from the employer, on the employer's headed paper and signed by a senior official, confirming the payslips are authentic;

(c) The employment or self employment income of an applicant will be taken into account if they are in the UK, aged 18 years or over and working legally, and prospective employment income will not be taken into account (except that of an applicant's partner or parent's partner who is returning to employment or self-employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM, or where paragraph 21A of this Appendix so permits).

(cc) The income of an applicant or sponsor working in the UK in salaried or non-salaried employment or in self-employment can include income from work undertaken overseas, provided paragraph E-LTRP.1.10 of Appendix FM and the other requirements of this Appendix are met.

(d) All income and savings must be lawfully derived.

(e) Savings must be held in cash.

(f) Income or cash savings in a foreign currency will be converted to pounds sterling using the closing spot exchange rate which appears on [www.oanda.com](http://www.oanda.com)\* on the date of application.

(g) Where there is income or cash savings in different foreign currencies, each will be converted into pounds sterling before being added together, and then added to any UK income or savings to give a total amount.

(h) DELETED

(i) Evidence of profit from the sale of a business, property, investment, bond, stocks, shares or other asset will:

(i) not be accepted as evidence of income, but

(ii) the associated funds will be accepted as cash savings subject to the requirements of this Appendix and Appendix FM.

(j) Where any specified documents provided are not in English or Welsh, the applicant must provide document in the original language and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Secretary of State. The translation must be dated and include:

(i) confirmation that it is an accurate translation of the document;

(ii) the full name and signature of the translator or an authorised official of the translation company;

(iii) the translator or translation company's contact details; and

(iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company's credentials.

(k) Where the gross (pre-tax) amount of any income cannot be properly evidenced, the net (post-tax) amount will be counted, including towards a gross income requirement.

(l) Where this Appendix requires the applicant to provide specified evidence relating to a period which ends with the date of application, that evidence, or the most recently dated part of it, must be dated no earlier than 28 days before the date of application.

(m) Cash income on which the correct tax has been paid may be counted as income under this Appendix, subject to the relevant evidential requirements of this Appendix.

(n) The gross amount of any cash income may be counted where the person's specified bank statements show the net amount which relates to the gross amount shown on their payslips (or in the relevant specified evidence provided in addition to the specified bank statements in relation to non-employment income). Otherwise, only the net amount shown on the specified bank statements may be counted.

(o) In this Appendix, a reference to the "average" is a reference to the mean average.

2. In respect of salaried employment in the UK (except where paragraph 9 applies), all of the following evidence must be provided:

(a) Payslips covering:

(i) a period of 6 months prior to the date of application if the person has been employed by their current employer for at least 6 months (and where paragraph 13(b) of this Appendix does not apply); or

(ii) any period of salaried employment in the period of 12 months prior to the date of application if the person has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a) of this Appendix), or in the financial year(s) relied upon by a self-employed person.

(b) A letter from the employer(s) who issued the payslips at paragraph 2(a) confirming:

- (i) the person's employment and gross annual salary;
- (ii) the length of their employment;
- (iii) the period over which they have been or were paid the level of salary relied upon in the application; and
- (iv) the type of employment (permanent, fixed-term contract or agency).

(c) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 2(a), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(d) Where the person is a director of a limited company based in the UK, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies House.

(e) Where a person appointed as a non-executive director of a limited company based in the UK, which is not a company of the type specified in paragraph 9(a), is paid a fee instead of a salary, this income may be treated and evidenced as though it were income received for employment in that capacity.

2A. (i) In respect of salaried employment in the UK (paragraph 2 of this Appendix), statutory or contractual maternity, paternity, adoption or sick pay in the UK (paragraph 5 or 6 of this Appendix), or a director's salary paid to a self-employed person (paragraph 9 of this Appendix), the applicant may, in addition to the payslips and personal bank statements required under that paragraph, submit the P60 for the relevant period(s) of employment relied upon (if issued). If they do not, the Entry Clearance Officer or Secretary of State may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Secretary of State may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.

(ii) In respect of salaried employment in the UK (paragraph 2 of this Appendix), or statutory or contractual maternity, paternity, adoption or sick pay in the UK (paragraph 5 or 6 of this Appendix), the applicant may, in addition to the letter from the employer(s) required under that paragraph, submit a signed contract of employment. If they do not, the Entry Clearance Officer or Secretary of State may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Secretary of State may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.



3. In respect of salaried employment outside of the UK, evidence should be a reasonable equivalent to that set out in paragraph 2 and (where relevant) paragraph 2A. In respect of an equity partner whose income from the partnership is treated as salaried employment under paragraph 17, the payslips and employer's letter referred to in paragraph 2 may be replaced by other evidence providing the relevant information in paragraph 2 (which may include, but is not confined to, a letter on official stationery from an accountant, solicitor or business manager acting for the partnership).

4. In respect of a job offer in the UK (for an applicant's partner or parent's partner returning to salaried employment in the UK at paragraphs E-ECP.3.2.(a) and E-ECC.2.2.(a) of Appendix FM) a letter from the employer must be provided:

- (a) confirming the job offer, the gross annual salary and the starting date of the employment which must be within 3 months of the applicant's partner's return to the UK; or
- (b) enclosing a signed contract of employment, which must have a starting date within 3 months of the applicant's partner's return to the UK.

5. In respect of statutory or contractual maternity, paternity or adoption pay all of the following, and in respect of parental leave in the UK only the evidence at paragraph 5(c), must be provided:

- (a) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 5(b), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.
- (b) Payslips covering:
  - (i) a period of 6 months prior to the date of application or to the commencement of the maternity, paternity or adoption leave, if the applicant has been employed by their current employer for at least 6 months (and where paragraph 13(b) does not apply); or
  - (ii) any period of salaried employment in the period of 12 months prior to the date of application or to the commencement of the maternity, paternity or adoption leave, if the applicant has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)).

(c) A letter from the employer confirming:

- (i) the length of the person's employment;
- (ii) the gross annual salary and the period over which it has been paid at this level;
- (iii) the entitlement to maternity, paternity, parental or adoption leave; and
- (iv) the date of commencement and the end-date of the maternity, paternity, parental or adoption leave.

6. In respect of statutory or contractual sick pay in the UK all of the following must be provided:

(a) Personal bank statements corresponding to the same period(s) as the payslips at paragraph 6(b), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(b) Payslips covering:

- (i) a period of 6 months prior to the date of application or to the commencement of the sick leave, if the applicant has been employed by their current employer for at least 6 months (and where paragraph 13(b) does not apply); or,
- (ii) any period of salaried employment in the period of 12 months prior to the date of application or to the commencement of the sick leave, if the applicant has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)).

(c) A letter from employer confirming:

- (i) the length of the person's employment;
- (ii) the gross annual salary and the period over which it has been paid at this level;
- (iii) that the person is in receipt of statutory or contractual sick pay; and
- (iv) the date of commencement of the sick leave.

7. In respect of self-employment in the UK as a partner, as a sole trader or in a franchise all of the following must be provided:

(a) Evidence of the amount of tax payable, paid and unpaid for the last full financial year.

- (b) The following documents for the last full financial year, or for the last two such years (where those documents show the necessary level of gross profit as an average of those two years):
- (i) annual self-assessment tax return to HMRC (a copy or print-out); and
  - (ii) Statement of Account (SA300 or SA302).
- (c) Proof of registration with HMRC as self-employed if available.
- (d) Each partner's Unique Tax Reference Number (UTR) and/or the UTR of the partnership or business.
- (e) Where the person holds or held a separate business bank account(s), bank statements for the same 12-month period as the tax return(s).
- (f) personal bank statements for the same 12-month period as the tax return(s) showing that the income from self-employment has been paid into an account in the name of the person or in the name of the person and their partner jointly.
- (g) Evidence of ongoing self-employment through the provision of at least one of the following: a bank statement dated no more than three months earlier than the date of application showing transactions relating to ongoing trading, or evidence dated no more than three months earlier than the date of application of the renewal of a licence to trade or of ongoing payment of business rates, business-related insurance premiums, employer National Insurance contributions or franchise payments to the parent company.
- (h) One of the following documents must also be submitted:
- (i) (aa) If the business is required to produce annual audited accounts, such accounts for the last full financial year; or
  - (bb) If the business is not required to produce annual audited accounts, unaudited accounts for the last full financial year and an accountant's certificate of confirmation, from an accountant who is a member of a UK Recognised Supervisory Body (as defined in the Companies Act 2006) or who is a member of the Institute of Financial Accountants, The Association of Authorised Public Accountants, The Chartered Institute of Public Finance and Accountancy, The Chartered Institute of Management Accountants, the Association of International Accountants and The Association of Accounting Technicians;

(ii) A certificate of VAT registration and the VAT return for the last full financial year (a copy or print-out) confirming the VAT registration number, if turnover is in excess of £79,000 or was in excess of the threshold which applied during the last full financial year;

(iii) Evidence to show appropriate planning permission or local planning authority consent is held to operate the type/class of business at the trading address (where this is a local authority requirement); or

(iv) A franchise agreement signed by both parties.

(i) The document referred to in paragraph 7(h)(iv) must be provided if the organisation is a franchise.

8. In respect of self-employment outside of the UK, evidence should be a reasonable equivalent to that set out in paragraph 7.

8A. In respect of prospective self-employment in the UK (for an applicant's partner or parent's partner who, in respect of paragraph E-ECP.3.2.(a) or E-ECC.2.2.(a) of Appendix FM, is in self-employment outside the UK at the date of application and is returning to the UK to continue that self-employment), one of the following must be provided, with a starting date within three months of the person's return to the UK:

(a) An application to the appropriate authority for a licence to trade;

(b) Details of the purchase or rental of business premises;

(c) A signed employment contract or a signed contract for the provision of services; or

(d) A partnership or franchise agreement signed by the relevant parties to the agreement.

9. In respect of income from employment and/or shares in a limited company based in the UK of a type specified in paragraph 9(a), the requirements of paragraph 9(b)-(e) shall apply in place of the requirements of paragraphs 2 and 10(b).

(a) The specified type of limited company is one in which:

(i) the person is either a director or employee of the company, or both or of another company within the same group; and

(ii) shares are held (directly or indirectly) by the person, their partner or the following family members of the person or their

partner: parent, grandparent, child, stepchild, grandchild, brother, sister, uncle, aunt, nephew, niece or first cousin; and  
(iii) any remaining shares are held (directly or indirectly) by fewer than five other persons.

(b) All of the following must be provided:

- (i) Company Tax Return CT600 (a copy or print-out) for the last full financial year and evidence this has been filed with HMRC, such as electronic or written acknowledgment from HMRC.
- (ii) Evidence of registration with the Registrar of Companies at Companies House.
- (iii) If the company is required to produce annual audited accounts, such accounts for the last full financial year.
- (iv) If the company is not required to produce annual audited accounts, unaudited accounts for the last full financial year and an accountant's certificate of confirmation, from an accountant who is a member of a UK Recognized Supervisory Body (as defined in the Companies Act 2006) or who is a member of the Institute of Financial Accountants, The Association of Authorised Public Accountants, The Chartered Institute of Public Finance and Accountancy, The Chartered Institute of Management Accountants, the Association of International Accountants and The Association of Accounting Technicians.
- (v) Corporate/business bank statements covering the same 12-month period as the Company Tax Return CT600.
- (vi) A current Appointment Report from Companies House.
- (vii) One of the following documents must also be provided:
  - (1) A certificate of VAT registration and the VAT return for the last full financial year (a copy or print-out) confirming the VAT registration number, if turnover is in excess of £79,000 or was in excess of the threshold which applied during the last full financial year.
  - (2) Proof of ownership or lease of business premises.
  - (3) Proof of registration with HMRC as an employer for the purposes of PAYE and National Insurance, proof of PAYE reference number and Accounts Office reference number. This evidence may be in the form of a certified copy of the documentation issued by HMRC.

(c) Where the person is either listed as a director of the company, or is an employee of the company, or both, and receives a salary from the company, all of the following documents must also be provided:

(i) Payslips and P60 (if issued) covering the same period as the Company Tax Return CT600.

(ii) Personal bank statements covering the same 12-month period as the Company Tax Return CT600 showing that the salary as a director or employee of the company (or both) was paid into an account in the name of the person or in the name of the person and their partner jointly.

(d) Where the person receives dividends from the company, all of the following documents must also be provided:

(i) Dividend vouchers for all dividends declared in favour of the person during or in respect of the period covered by the Company Tax Return CT600 showing the company's and the person's details with the person's net dividend amount and tax credit.

(ii) Personal bank statement(s) showing that those dividends were paid into an account in the name of the person or in the name of the person and their partner jointly.

(e) For the purposes of paragraph 19(a), evidence of ongoing employment as a director or other employee of the company or of ongoing receipt of dividend income from the company must be provided. This evidence may include payslips (or dividend vouchers) and personal bank statements showing that, in the period since the latest 12-month period covered by the Company Tax Return CT600, the person's salary as a director or employee of the company (or both) (or dividend income from the company) was paid into an account in the name of the person or in the name of the person and their partner jointly. Alternative evidence may include evidence of ongoing payment of business rates, business-related insurance premiums or employer National Insurance contributions in relation to the company.

10. In respect of non-employment income all the following evidence, in relation to the form of income relied upon, must be provided:

(a) To evidence property rental income:

(i) Confirmation that the person or the person and their partner jointly own the property for which the rental income is received, through:

- (1) A copy of the title deeds of the property or of the title register from the Land Registry (or overseas equivalent);  
or
- (2) A mortgage statement.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income relied upon was paid into an account in the name of the person or of the person and their partner jointly.

(iii) A rental agreement or contract.

(b) To evidence dividends (except where paragraph 9 applies) or other income from investments, stocks, shares, bonds or trust funds:

(i) A certificate showing proof of ownership and the amount(s) of any investment(s).

(ii) A portfolio report (for a financial institution regulated by the Financial Conduct Authority (and the Prudential Regulation Authority where applicable) in the UK) or a dividend voucher showing the company and person's details with the person's net dividend amount and tax credit.

(iii) personal bank statements for or from the 12-month period prior to the date of application showing that the income relied upon was paid into an account in the name of the person or of the person and their partner jointly.

(iv) Where the person is a director of a limited company based in the UK, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies House.

(c) To evidence interest from savings:

(i) personal bank statements for or from the 12-month period prior to the date of application showing the amount of the savings held and that the interest was paid into an account in the name of the person or of the person and their partner jointly.

(d) To evidence maintenance payments (from a former partner of the applicant to maintain their and the applicant's child or children or the applicant, or from a former partner of the applicant's partner to maintain the applicant's partner):

(i) Evidence of a maintenance agreement through any of the following:

- (1) A court order;
- (2) Written voluntary agreement; or
- (3) Child Support Agency documentation.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income relied upon was paid into an account in the name of the person or the person and their partner jointly.

(e) To evidence a pension:

(i) Official documentation from:

- (1) The Department for Work and Pensions (in respect of the Basic State Pension and the Additional or Second State Pension) or other government department or agency, including the Veterans Agency;
- (2) An overseas pension authority; or
- (3) A pension company,  
confirming pension entitlement and amount (and, where applicable, reflecting any funds withdrawn from the pension account or fund).

(ii) At least one personal bank statement in the 12-month period prior to the date of application showing payment of the pension into the person's account.

(iii) For the purposes of sub-paragraph (i), War Disablement Pension, War Widow's/Widower's Pension and any other pension or equivalent payment for life made under the War Pensions Scheme, the Armed Forces Compensation Scheme or the Armed Forces Attributable Benefits Scheme may be treated as a pension, unless excluded under paragraph 21 of this Appendix.



(f) To evidence UK Maternity Allowance, Bereavement Allowance, Bereavement Payment and Widowed Parent's Allowance:

(i) Department for Work and Pensions documentation confirming the person or their partner is or was in receipt of the benefit in the 12-month period prior to the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income was paid into the person's account.

(ff) Subject to paragraph 12, to evidence payments under the War Pensions Scheme, the Armed Forces Compensation Scheme or the Armed Forces Attributable Benefits Scheme which are not treated as a pension for the purposes of paragraph 10(e)(i):

(i) Veterans Agency or Department for Work and Pensions documentation in the form of an award notification letter confirming the person or their partner is or was in receipt of the payment at the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the income was paid into the person's account.

(g) To evidence a maintenance grant or stipend (not a loan) associated with undergraduate study or postgraduate study or research:

(i) Documentation from the body or company awarding the grant or stipend confirming that the person is currently in receipt of the grant or stipend or will be within 3 months of the date of application, confirming that the grant or stipend will be paid for a period of at least 12 months or for at least one full academic year from the date of application or from the date on which payment of the grant or stipend will commence, and confirming the annual amount of the grant or stipend. Where the grant or stipend is or will be paid on a tax-free basis, the amount of the gross equivalent may be counted as income under this Appendix.

(ii) personal bank statements for any part of the 12-month period prior to the date of the application during which the person has been in receipt of the grant or stipend showing the income was paid into the person's account.

(h) To evidence ongoing insurance payments (such as, but not exclusively, payments received under an income protection policy):

(i) documentation from the insurance company confirming:

(a) that in the 12 months prior to the date of application the person has been in receipt of insurance payments and the amount and frequency of the payments.

(b) the reason for the payments and their expected duration.

(c) that, provided any relevant terms and conditions continue to be met, the payment(s) will continue for at least the 12 months following the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the insurance payments were paid into the person's account.

(i) To evidence ongoing payments (other than maintenance payments under paragraph 10(d)) arising from a structured legal settlement (such as, but not exclusively, one arising from settlement of a personal injury claim):

(i) documentation from a court or the person's legal representative confirming:

(a) that in the 12 months prior to the date of application the person has been in receipt of structured legal settlement payments and the amount and frequency of those payments.

(b) the reason for the payments and their expected duration.

(c) that the payment(s) will continue for at least the 12 months following the date of application.

(ii) personal bank statements for or from the 12-month period prior to the date of application showing the payments were paid into the person's account, either directly or via the person's legal representative.

11. In respect of cash savings the following must be provided:

(a) personal bank statements showing that at least the level of cash savings relied upon in the application has been held in an account(s) in the name of the person or of the person and their partner jointly throughout the period of 6 months prior to the date of application.

(b) A declaration by the account holder(s) of the source(s) of the cash savings.

11A. In respect of cash savings:

(a) The savings may be held in any form of bank/savings account (whether a current, deposit or investment account, provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating), provided that the account allows the savings to be accessed immediately (with or without a penalty for withdrawing funds without notice). This can include savings held in a pension savings account which can be immediately withdrawn.

(b) Paid out competition winnings or a legacy which has been paid can contribute to cash savings.

(c) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can have been transferred from investments, stocks, shares, bonds or trust funds within the period of 6 months prior to the date of application, provided that:

(i) The funds have been in the ownership and under the control of the applicant, their partner or both jointly for at least the period of 6 months prior to the date of application.

(ii) The ownership of the funds in the form of investments, stocks, shares, bonds or trust funds; the cash value of the funds in that form at or before the beginning of the period of 6 months prior to the date of application; and the transfer of the funds into cash, are evidenced by a portfolio report or other relevant documentation from a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating.

(iii) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months prior to the date of application in paragraph 11(a) will be reduced by the amount of that period in which the relevant funds were held in the form of investments, stocks, shares, bonds or trust funds.

(iv) For the purposes of sub-paragraph 11A(c), “investments” includes funds held in an investment account or pension account or fund which does not meet the requirements of paragraphs 11 and 11A(a).

(d) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can be from the proceeds of the sale of property, in the form only of a dwelling, other building or land, which took place within the period of 6 months prior to the date of application, provided that:

(i) The property (or relevant share of the property) was owned at the beginning of the period of 6 months prior to the date of application and at the date of sale by the applicant, their partner or both jointly.

(ii) Where ownership of the property was shared with a third party, only the proceeds of the sale of the share of the property owned by the applicant, their partner or both jointly may be counted.

(iii) The funds deposited as cash savings are the net proceeds of the sale, once any mortgage or loan secured on the property (or relevant share of the property) has been repaid and once any taxes and professional fees associated with the sale have been paid.

(iv) The decision-maker is satisfied that the requirements in sub-paragraphs (i)-(iii) are met on the basis of information and documents submitted in support of the application. These may include for example:

- (1) Registration information or documentation (or a copy of this) from the Land Registry (or overseas equivalent).
- (2) A letter from a solicitor (or other relevant professional, if the sale takes place overseas) instructed in the sale of the property confirming the sale price and other relevant information.
- (3) A letter from a lender (a bank or building society) on its headed stationery regarding the repayment of a mortgage or loan secured on the property.
- (4) Confirmation of payment of taxes or professional fees associated with the sale.
- (5) Any other relevant evidence that the requirements in subparagraphs (i)-(iii) are met.

(v) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months mentioned in paragraph 11(a) will be reduced by the amount of time which passed between the start of that 6-month period and the deposit of the proceeds of the sale in an account mentioned in paragraph 11(a).

12. Where a person is in receipt of Carer's Allowance, Disability Living Allowance, Severe Disablement Allowance, Industrial Injuries Disablement Benefit, Attendance Allowance or Personal Independence Payment or Armed Forces Independence Payment or Guaranteed Income Payment under the Armed Forces Compensation Scheme or Constant Attendance Allowance, Mobility Supplement or War Disablement Pension under the War Pensions Scheme, or a Police Injury Pension all the following must be provided:

- (a) Official documentation from the Department for Work and Pensions, Veterans Agency or Police Pension Authority confirming the current entitlement and the amount currently received.
- (b) At least one personal bank statement in the 12-month period prior to the date of application showing payment of the amount of the benefit or allowance to which the person is currently entitled into their account.

12A. Where the financial requirement the applicant must meet under Appendix FM relates to adequate maintenance, paragraphs 2 to 12 apply only to the extent and in the manner specified by this paragraph. Where such a financial requirement applies, the applicant must provide the following evidence:

- (a) Where the current salaried employment in the UK of the applicant or their partner, parent, parent's partner or sponsor is relied upon:
  - (i) A letter from the employer confirming the employment, the gross annual salary and the annual salary after income tax and National Insurance contributions have been paid, how long the employment has been held, and the type of employment (permanent, fixed-term contract or agency).
  - (ii) Payslips covering the period of 6 months prior to the date of application or such shorter period as the current employment has been held.
  - (iii) personal bank statement covering the same period as the payslips, showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.

(b) Where statutory or contractual maternity, paternity, adoption or sick pay in the UK of the applicant or their partner, parent, parent's partner or sponsor are relied upon, paragraph 5(b)(i) and (c) or paragraph 6(b)(i) and (c) apply as appropriate.

(c) Where self-employment in the UK of the applicant or their partner, parent, parent's partner or sponsor, or income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies, is relied upon, paragraph 7 or 9 applies as appropriate.

(d) Where the non-employment income of the applicant or their partner, parent, parent's partner or sponsor is relied upon, paragraph 10 applies and paragraph 10 shall apply as if it referred to any UK welfare benefit or tax credit relied upon and to HMRC as well as Department for Work and Pensions or other official documentation.

(e) Where the cash savings of the applicant or their partner, parent, parent's partner or sponsor are relied upon, paragraphs 11 and 11A apply.

(f) The monthly housing and Council Tax costs for the accommodation in the UK in which the applicant (and any other family members who are or will be part of the same household) lives or will live if the application is granted.

(g) Where the applicant is an adult dependent relative applying for entry clearance, the applicant must in addition provide details of the care arrangements in the UK planned for them by their sponsor (which can involve other family members in the UK), of the cost of these arrangements and of how that cost will be met by the sponsor.

12B. Where the financial requirement an applicant must meet under Part 8 (excluding an applicant who is a family member of a Relevant Points Based System Migrant) or under Appendix FM relates to adequate maintenance and where cash savings are relied upon to meet the requirement in full or in part, the decision-maker will:

- (a) Establish the total cash savings which meet the requirements of paragraphs 11 and 11A;
- (b) Divide this figure by the number of weeks of limited leave which would be issued if the application were granted, or by 52 if the application is for indefinite leave to enter or remain;
- (c) Add the figure in sub-paragraph 12B(b) to the weekly net income (before the deduction of housing costs) available to meet the requirement.

## Calculating Gross Annual Income under Appendix FM

13. Based on evidence that meets the requirements of this Appendix, and can be taken into account with reference to the applicable provisions of Appendix FM, gross annual income under paragraphs E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. and E-LTRC.2.1. will, subject to paragraph 21A of this Appendix, be calculated in the following ways:

(a) Where the person is in salaried employment in the UK at the date of application, has been employed by their current employer for at least 6 months and has been paid throughout the period of 6 months prior to the date of application at a level of gross annual salary which equals or exceeds the level relied upon in paragraph 13(a)(i), their gross annual income will be (where paragraph 13(b) does not apply) the total of:

- (i) The level of gross annual salary relied upon in the application;
- (ii) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and
- (iii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.

(b) Where the person is in salaried employment in the UK at the date of application and has been employed by their current employer for less than 6 months (or at least 6 months but the person does not rely on paragraph 13(a)), their gross annual income will be the total of:

- (i) The gross annual salary from employment as it was at the date of application;
- (ii) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and
- (iii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.

In addition, the requirements of paragraph 15 must be met.

(c) Where the person is the applicant's partner, is in salaried employment outside of the UK at the date of application, has been employed by their current employer for at least 6 months, and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

- (i) On the basis set out in paragraph 13(a); and also
- (ii) On that basis but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning.

(d) Where the person is the applicant's partner, has been in salaried employment outside of the UK within 12 months of the date of application, and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

- (i) On the basis set out in paragraph 13(a) but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning; and also
- (ii) On the basis set out in paragraph 15(b).

(e) Where the person is self-employed, their gross annual income will be the total of their gross income from their self-employment (and that of their partner if that person is in the UK with permission to work), from any salaried or non-salaried employment they have had or their partner has had (if their partner is in the UK with permission to work), from specified non-employment income received by them or their partner, and from income from a UK or foreign State pension or a private pension received by them or their partner, in the last full financial year or as an average of the last two full financial years. The requirements of this Appendix for specified evidence relating to these forms of income shall apply as if references to the date of



application were references to the end of the relevant financial year(s). The relevant financial year(s) cannot be combined with any financial year(s) to which paragraph 9 applies and vice versa.

(f) Where the person is self-employed, they cannot combine their gross annual income at paragraph 13(e) with specified savings in order to meet the level of income required under Appendix FM.

(g) Where the person is not relying on income from salaried employment or self-employment, their gross annual income will be the total of:

- (i) The gross amount of any specified non-employment income (other than pension income) received by them or their partner in the 12 months prior to the date of application; and
- (ii) The gross annual income from a UK or foreign State pension or a private pension received by them or their partner.

(h) Where the person is the applicant's partner and is in self-employment outside the UK at the date of application and is returning to the UK to take up salaried employment in the UK starting within 3 months of their return, the person's gross annual income will be calculated:

- (i) On the basis set out in paragraph 13(a) but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the UK to which they are returning; and also
- (ii) On the basis set out in paragraph 13(e).

(i) Any period of unpaid maternity, paternity, adoption, parental or sick leave in the 12 months prior to the date of application will not be counted towards any period relating to employment, or any period relating to income from employment, for which this Appendix provides.

(j) The provisions of paragraph 13 which apply to self-employment and to a person who is self-employed also apply to income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies and to a person in receipt of such income.

(k) Where the application relies on the employment income of the applicant and the sponsor, all of that income must be calculated either under subparagraph 13(a) or under sub-paragraph 13(b) and paragraph 15, and not under a combination of these methods.

14. Where the requirements of this Appendix and Appendix FM are met by the combined income or cash savings of more than one person, the income or the cash savings must only be counted once unless stated otherwise.

15. In respect of paragraph 13(b) and paragraph 13(d), the provisions in this paragraph also apply:

(a) In order to evidence the level of gross annual income required by Appendix FM, the person must meet the requirements in paragraph 13(b) or paragraph 13(d)(i); and

(b) The person must also meet the level of gross annual income required by Appendix FM on the basis that their income is the total of:

(i) The gross income from salaried employment in the UK or overseas earned by the person in the 12 months prior to the date of application;

(ii) The gross amount of any specified non-employment income (other than pension income) received by the person or their partner in the 12 months prior to the date of application;

(iii) The gross amount received from a UK or foreign State pension or a private pension by the person or their partner in the 12 months prior to the date of application; and

(iv) The person cannot combine the gross annual income at paragraph 15(b)(i)-(iii) with specified savings in order to meet the level of income required.

16. Where a person is in receipt of maternity, paternity, adoption or sick pay or has been so in the 6 months prior to the date of application, this paragraph applies:

(a) the relevant date for considering the length of employment with their current employer will be the date that the maternity, paternity, adoption or sick leave commenced or the date of application; and

(b) the relevant period for calculating income from their salaried employment will be the period prior to the commencement of the maternity, paternity, adoption or sick pay or to the date of application.

17. If a person is an equity partner, for example in a law firm, the income they draw from the partnership (including where this is in the form of a profit share) will be treated as salaried employment for the purposes of this Appendix and Appendix FM.

17A. Where a person is a subcontractor under the Construction Industry Scheme administered by HMRC and does not rely on paragraph 13(e), the income they receive as a subcontractor under the Construction Industry Scheme may be treated as income from salaried employment for the purposes of this Appendix and Appendix FM. In that case, the requirements for specified evidence in paragraph 2 must be met, subject to applying those requirements so as to reflect the person's status as a subcontractor under the Construction Industry Scheme.

18. When calculating income from salaried employment under paragraphs 12A and 13 to 16, this paragraph applies:

(a) Basic pay, skills-based allowances, and UK location-based allowances will be counted as income provided that:

(i) They are contractual; and

(ii) Where these allowances make up more than 30% of the total salary, only the amount up to 30% is counted.

(b) Overtime, payments to cover travel time, commission-based pay and bonuses (which can include tips and gratuities paid via a tronc scheme registered with HMRC) will be counted as income, where they have been received in the relevant period(s) of employment or self-employment relied upon in the application.

(bb) In respect of a person in salaried employment at the date of application, the amount of income in sub-paragraph (b) which may be added to their gross annual salary, and counted as part of that figure for the purposes of paragraph 13(a)(i) or 13(b)(i), is the annual equivalent of the person's average gross monthly income from that income in their current employment in the 6 months prior to the date of application.

(c) Payments relating to the costs of UK or overseas travel, including (for example) travelling or relocation expenses and subsistence or accommodation allowances, and payments made towards the costs of living overseas, will not be counted as income.

(d) Gross income from non-salaried employment will be calculated on the same basis as income from salaried employment, except as provided in paragraph 18(e) and 18(f), and the requirements of this Appendix for specified evidence relating to salaried employment shall apply as if references to salary were references to income from non-salaried employment. Non-salaried employment includes that paid at an hourly or other rate (and the number and/or pattern of hours required to be worked may vary), or paid an amount which varies according to the work undertaken, whereas salaried employment includes that paid at a minimum fixed rate (usually annual) and is subject usually to a contractual minimum number of hours to be worked.

(e) For the purpose of paragraph 13(a)(i), in respect of a person in non-salaried employment at the date of application "the level of gross annual salary relied upon in the application" shall be no greater than the annual equivalent of the person's average gross monthly income from non-salaried employment in the 6 months prior to the date of application, where that employment was held throughout that period.

(f) For the purpose of paragraph 13(b)(i), "the gross annual salary from employment as it was at the date of application" of a person in non-salaried employment at the date of application shall be considered to be the annual equivalent of:

(aa) the person's gross income from non-salaried employment in the period immediately prior to the date of application, where the employment has been held for a period of no more than one month at the date of application; or

(bb) the person's average gross monthly income from non-salaried employment, where the employment has been held for a period of more than one month at the date of application.

(g) For the purpose of paragraphs 13(c)(ii) and 13(d)(i), "the gross annual salary in the salaried employment in the UK to which they are returning" of a person who is returning to the UK to take up non-salaried employment in the UK starting within 3 months of their return is the gross annual income from that employment, based on the rate or amount of pay, and the standard or core hours of work, set out in the document(s) from the employer provided under paragraph 4. Notwithstanding paragraph 18(b), this

may include the gross "on-target" earnings which may be expected from satisfactory performance in the standard or core hours of work.

19. When calculating income from self-employment under paragraphs 12A and 13(e), and in relation to income from employment and/or shares in a limited company based in the UK of a type to which paragraph 9 applies, this paragraph applies:

- (a) There must be evidence of ongoing self-employment, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment, at the date of application.
- (b) Where the self-employed person is a sole trader or is in a partnership or franchise agreement, the income will be the gross taxable profits from their share of the business in the relevant financial year(s), not including any deductible allowances, expenses or liabilities which may be applied to the gross taxable profits to establish the final tax liability.
- (c) Where income to which paragraph 19 applies is being used to meet the financial requirement for an initial application for leave to remain as a partner under Appendix FM by an applicant who used such income to meet that requirement in an application for entry clearance as a fiancé(e) or proposed civil partner under that Appendix in the last 12 months, the Secretary of State may continue to accept the same level and evidence of income to which paragraph 19 applies that was accepted in granting the application for entry clearance, provided that there is evidence of ongoing self-employment, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment, at the date of the application for leave to remain.
- (d) The financial year(s) to which paragraph 7 refers is the period of the last full financial year(s) to which the required Statement(s) of Account (SA300 or SA302) relates.
- (e) The financial year(s) to which paragraph 9 refers is the period of the last full financial year(s) to which the required Company Tax Return(s) CT600 relates.

20. When calculating income from specified non-employment sources under paragraphs 12A and 13 to 15, this paragraph applies:

- (a) Assets or savings must be in the name of the person, or jointly with their partner.

(b) Any asset or savings on which income is based must be held or owned by the person at the date of application.

(c) Any rental income from property, in the UK or overseas, must be from a property that is:

(i) owned by the person;

(ii) not their main residence and will not be so if the application is granted, except in the circumstances specified in paragraph 20(e); and

(iii) if ownership of the property is shared with a third party, only income received from their share of the property can be counted.

(cc) The amount of rental income from property received before any management fee was deducted may be counted.

(d) Equity in a property cannot be used to meet the financial requirement.

(e) Where the applicant and their partner are resident outside the UK at the date of application, rental income from a property in the UK that will become their main residence if the application is granted may only be counted under paragraph 13(c)(i) and paragraph 13(d)(ii).

(f) Any future entitlement to a maintenance grant or stipend of the type specified in paragraph 10(g) may be counted as though the person had received the annual amount of that grant or stipend in the 12 months prior to the date of application.

20A. When calculating the gross annual income from pension under paragraph 13, the gross annual amount of any pension received may be counted where the pension has become a source of income at least 28 days prior to the date of application.

21. When calculating income under paragraphs 13 to 16, the following sources will not be counted:

(a) Loans and credit facilities.

(b) Income-related benefits: Income Support, income-related Employment and Support Allowance, Pension Credit, Housing Benefit, Council Tax Benefit or Support (or any equivalent) and income-based Jobseeker's Allowance.

(c) The following contributory benefits: contribution-based Jobseeker's Allowance, contribution-based Employment and Support Allowance and Incapacity Benefit.

(cc) Unemployability Allowance, Allowance for a Lowered Standard of Occupation and Invalidity Allowance under the War Pension Scheme.

(d) Child Benefit.

(e) Working Tax Credit.

(f) Child Tax Credit.

(ff) Universal Credit.

(g) Any other source of income not specified in this appendix.

### Other sources of income, financial support or funds in exceptional circumstances

21A(1). Where paragraph GEN.3.1.(1) of Appendix FM applies, the decision-maker is required to take into account the sources of income, financial support or funds specified in sub-paragraph (2).

(2) Subject to sub-paragraphs (3) to (8), the following sources of income, financial support or funds will be taken into account (in addition to those set out in, as appropriate, paragraph E-ECP.3.2., E-LTRP.3.2., E-ECC.2.2. or E-LTRC.2.2. of Appendix FM):

(a) a credible guarantee of sustainable financial support to the applicant or their partner from a third party;

(b) credible prospective earnings from the sustainable employment or self-employment of the applicant or their partner; or

(c) any other credible and reliable source of income or funds for the applicant or their partner, which is available to them at the date of application or which will become available to them during the period of limited leave applied for.

(3) Where the applicant is a child:

(a) other references in this paragraph to “applicant” mean the “applicant’s parent” under paragraph E-ECC.1.6. or E-LTRC.1.6. of Appendix FM; and

(b) references in this paragraph to “partner” refer to the “applicant’s parent’s partner” under those paragraphs.

(4) The onus is on the applicant to satisfy the decision-maker of the genuineness, credibility and reliability of the source of income, financial support or funds relied upon, on the basis of the information and evidence provided, having regard (in particular, but without limitation) to the factors set out below.

(5) The source of income, financial support or funds must not be a loan, unless evidence submitted with the application shows that:

(a) the source is a mortgage on a residential or commercial property in the UK or overseas which at the date of application is owned by the applicant, their partner or both, or by the third party to whom sub-paragraph (2)(a) refers;

(b) the mortgage is provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating; and

(c) the mortgage payments are reasonably affordable by the person(s) responsible for them and are likely to remain so for the period of limited leave applied for.

(6) Any cash savings or any current financial investment or product relied upon by the applicant under sub-paragraph (2)(c) must at the date of application be in the name(s), and under the control, of the applicant, their partner or both.

(7) Any cash savings relied upon by the applicant must enable the financial requirement in paragraph E-ECP.3.1.(b), E-LTRP.3.1.(b), E-ECC.2.1.(b) or E-LTRC.2.1.(b) of Appendix FM (as applicable) to be met, except that the criteria in sub-paragraph (8)(c) apply in place of the requirements in paragraphs 11 and 11A of this Appendix.



(8) In determining the genuineness, credibility and reliability of the source of income, financial support or funds relied upon under subparagraph (2), the decision-maker will take into account all the information and evidence provided, and will consider (in particular):

(a) in respect of a guarantee of sustainable financial support from a third party:

(i) whether the applicant has provided verifiable documentary evidence from the third party in question of their guarantee of financial support;

(ii) whether that evidence is signed, dated and witnessed or otherwise independently verified;

(iii) whether the third party has provided sufficient evidence of their general financial situation to enable the decision-maker to assess the likelihood of the guaranteed financial support continuing for the period of limited leave applied for;

(iv) whether the third party has provided verifiable documentary evidence of the nature, extent and duration of any current or previous financial support which they have provided to the applicant or their partner;

(v) the extent to which this source of financial support is relied upon by the applicant to meet the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. or E-LTRC.2.1. of Appendix FM (as applicable); and

(vi) the likelihood of a change in the third party's financial situation or in their relationship with the applicant or the applicant's partner during the period of limited leave applied for.

(b) in respect of prospective earnings from sustainable employment or self-employment of the applicant or their partner:

(i) whether, at the date of application, a specific offer of employment has been made, or a clear basis for self-employment exists. In either case, such employment or self-employment must be expected to commence within three months of the applicant's arrival in the UK (if the applicant is applying for entry clearance) or within three months of the date of application (if the applicant is applying for leave to remain);

(ii) whether the applicant has provided verifiable documentary evidence of the offer of employment or the basis for self-employment, and, if so, whether that evidence:

(aa) is on the headed notepaper of the company or other organisation offering the employment, or of a company or other organisation which has agreed to purchase the goods or services of the applicant or their partner as a self-employed person;

(bb) is signed, dated and witnessed or otherwise independently verified;

(cc) includes (in respect of an offer of employment) a signed or draft contract of employment;

(dd) includes (in respect of self-employment) any of a signed or draft contract for the provision of goods or services; a signed or draft partnership or franchise agreement; an application to the appropriate authority for a licence to trade; or details of the agreed or proposed purchase or rental of business premises;

(iii) whether, in respect of an offer of employment in the UK, the applicant has provided verifiable documentary evidence:

(aa) of a relevant employment advertisement and employment application;

(bb) of the hours to be worked and the rate of gross pay, which that evidence must establish equals or exceeds the National Living Wage or the National Minimum Wage (as applicable, given the age of the person to be employed) and equals or exceeds the going rate for such work in that part of the UK; and

(cc) which enables the decision-maker to assess the reliability of the offer of employment, including in light of the total size of the workforce and the turnover (annual gross income or sales) of the relevant company or other organisation;

(iv) whether the applicant has provided verifiable documentary evidence that at the date of application, the person to be employed or self-employed is in, or has recently been in, sustained employment or self-employment of the same or a similar type, of the same or a similar level of complexity and at the same or a similar level of responsibility;

(v) whether the applicant has provided verifiable documentary evidence that the person to be employed or self-employed has relevant professional, occupational or educational qualifications and that these are recognised in the UK;

(vi) whether the applicant has provided verifiable documentary evidence that the person to be employed or self-employed has the level of English language skills such prospective employment or self-employment is likely to require;

(vii) the extent to which this source of income is relied upon by the applicant to meet the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. or E-LTRC.2.1. of Appendix FM (as applicable); and

(viii) where an offer of employment is relied upon, and where the proposed employer is a family member or friend of the applicant or their partner, the likelihood of a relevant change in that relationship during the period of limited leave applied for.

(c) in respect of any other credible and reliable source of income or funds for the applicant or their partner:

(i) whether the applicant has provided verifiable documentary evidence of the source;

(ii) whether that evidence is provided by a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating, and is signed, dated and witnessed or otherwise independently verified;

(iii) where the income is or the funds are based on, or derived from, ownership of an asset, whether the applicant has provided verifiable documentary evidence of its current or previous ownership by the applicant, their partner or both;

(iv) whether the applicant has provided sufficient evidence to enable the decision-maker to assess the likelihood of the source of income or funds being available to them during the period of limited leave applied for; and

(v) the extent to which this source of income or funds is relied upon by the applicant to meet the financial requirement in paragraph E-ECP.3.1., E-LTRP.3.1., E-ECC.2.1. or E-LTRC.2.1. of Appendix FM (as applicable).

## Evidence of Marriage or Civil Partnerships

22. A marriage in the United Kingdom must be evidenced by a valid marriage certificate recognised under the laws of England and Wales, Scotland or Northern Ireland.

23. A divorce in the United Kingdom must be evidenced by a decree absolute from a civil court.

24. A civil partnership in the United Kingdom must be evidenced by a civil partnership certificate.

25. The dissolution of a civil partnership in the UK must be evidenced by a final order of civil partnership dissolution from a civil court.

26. Marriages, civil partnerships or evidence of divorce or dissolution from outside the UK must be evidenced by a reasonable equivalent to the evidence detailed in paragraphs 22 to 25, valid under the law in force in the relevant country.

## Evidence of the Applicant Living Overseas with a Crown Servant

26A. Where

(a) An applicant for entry clearance, limited leave to enter or remain or indefinite leave to remain as a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) intends to enter or remain in the UK to begin their probationary period (or has done so) and then to live outside the UK for the time being with their sponsor (or is doing so or has done so) before the couple live together permanently in the UK; and

(b) The sponsor, who is a British Citizen or settled in the UK, is a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council, the Foreign, Commonwealth and Development Office or the Home Office on a tour of duty outside the UK,

the applicant must provide a letter on official stationery from the sponsor's head of mission confirming the information at (a) and (b) and confirming the start date and expected end date of the sponsor's tour of duty outside the UK.

## Evidence of English Language Requirements

27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 or A2 (as the case may be) of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that:

(i) the applicant has passed such a test; and

(ii) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more than two years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre.

Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk.

28. The evidence required to show that a person is a citizen or national of a majority English speaking country is a valid passport or travel document, unless paragraphs 29 and 30 apply. A dual national may invoke either of their nationalities.

29. If the applicant has not provided their passport or travel document other evidence of nationality can be supplied in the following circumstances only (as indicated by the applicant on their application form):

(a) where the passport or travel document has been lost or stolen;

(b) where the passport or travel document has expired and been returned to the relevant authorities; or

(c) where the passport or travel document is with another part of the Home Office.

30. Alternative evidence as proof of nationality, if acceptable, must be either:

(a) A current national identity document; or

(b) A letter from the applicant's national government, Embassy or High Commission confirming the applicant's full name, date of birth and nationality.

31. Evidence of an academic qualification under paragraphs 284(ix)(c), (d) and (e), 290(vii)(c), (d) and (e) and 295D(xi)(c), (d) and (e) of Part 8, paragraph 68(c) of Appendix Armed Forces, and paragraphs E-ECP.4.1.(c), E-LTRP.4.1.(c), E-LTRP.4.1A.(c), E-ECPT.4.1.(c), E-LTRPT.5.1.(c) and E-LTRPT.5.1A.(c) of Appendix FM must be:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification showing:

- (i) the applicant's name;
- (ii) the title of award;
- (iii) the date of award; and
- (iv) the name of the awarding institution; or

(b) if the applicant is awaiting graduation or no longer has the certificate and cannot obtain a new one, either:

(i) an academic reference from the institution awarding the academic qualification that:

- (1) is on official letter headed paper;
- (2) shows the applicant's name;
- (3) shows the title of award;
- (4) explains when the academic qualification has been, or will be, awarded; and
- (5) confirms either the date that the certificate will be issued (if the applicant has not yet graduated) or that the institution is unable to re-issue the certificate of award; or

(ii) an academic transcript that:

- (1) is on official letter headed paper;
- (2) shows the applicant's name;

(3) shows the name of the academic institution;

(4) shows the course title; and

(5) confirms either the date that the certificate will be issued (if the applicant has not yet graduated) or that the institution is unable to re-issue the certificate of award; and

(c) if the qualification was awarded by an educational establishment outside the UK, a document from UK NARIC which confirms that the qualification meets or exceeds the recognised standard of a Bachelor's or Master's degree or PhD in the UK and was taught or researched in English to level A1 or A2 (as the case may be) of the Common Framework of Reference for Languages or above.

32. If the qualification was taken in one of the following countries, it will be assumed for the purpose of paragraph 31 that it was taught or researched in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK, the USA; Malta.

32A. For the avoidance of doubt paragraphs 27 to 32D of this Appendix apply to fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner and same sex partner applications for limited leave to enter or remain made under Part 8 of these Rules where English language requirements apply, regardless of the date of application. Paragraphs 27 to 32D of this Appendix also apply to spouse, civil partner, unmarried partner and same sex partner applications which do not meet the requirements of Part 8 of these Rules for indefinite leave to remain (where the application is for indefinite leave to remain) and are being considered for a grant of limited leave to remain where paragraph A277A(b) of these Rules applies. Any references in paragraphs 27 to 32D of this Appendix to "limited leave to enter or remain" shall therefore be read as referring to all applicants referred to in this paragraph.

32B. Where the decision-maker has:

(a) reasonable cause to doubt that an English language test in speaking and listening at a minimum of level A1 or A2 (as the case may be) of the Common Framework of Reference for Languages relied on at any time to meet a requirement for limited leave to enter or remain in Part 8 or Appendix FM was genuinely obtained; or

- (b) information that the test certificate or result awarded to the applicant has been withdrawn by the test provider for any reason, or
- (c) from an approved test centre,

the decision-maker may discount the test certificate or result and require the applicant to provide a new test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

32C. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result which has ceased by the date of application to be:

- (a) from an approved test provider, or
- (b) in respect of an approved test, or
- (c) from an approved test centre,

the decision-maker will not accept that certificate or result as valid, unless the decision-maker does so in accordance with paragraph 32D of this Appendix and subject to any transitional arrangements made in respect of the test provider, test or test centre in question.

32D. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result and the Home Office has already accepted it as part of a successful previous partner or parent application (but not where the application was refused, even if on grounds other than the English language requirement), the decision-maker will accept that certificate or result as valid if it is:

- (a) from a provider which is no longer approved, or
- (b) from a provider who remains approved but the test the applicant has taken with that provider is no longer approved, or
- (c) from a test centre which is no longer approved, or
- (d) past its validity date (if a validity date is required),



provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made:

- (i) the applicant has had continuous leave (disregarding any current period of overstaying where paragraph 39E of these Rules applies, as well as any previous period of overstaying where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied) as a partner or parent since the Home Office accepted the test certificate as valid; and
- (ii) the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.

## Adult dependent relatives

33. Evidence of the family relationship between the applicant(s) and the sponsor should take the form of birth or adoption certificates, or other documentary evidence.

34. Evidence that, as a result of age, illness or disability, the applicant requires long-term personal care should take the form of:

- (a) Independent medical evidence that the applicant's physical or mental condition means that they cannot perform everyday tasks; and
- (b) This must be from a doctor or other health professional.

35. Independent evidence that the applicant is unable, even with the practical and financial help of the sponsor in the UK, to obtain the required level of care in the country where they are living should be from:

- (a) a central or local health authority;
- (b) a local authority; or
- (c) a doctor or other health professional.

36. If the applicant's required care has previously been provided through a private arrangement, the applicant must provide details of that arrangement and why it is no longer available.

37. If the applicant's required level of care is not, or is no longer, affordable because payment previously made for arranging this care is no longer being made, the applicant must provide records of that payment and an explanation of why that payment cannot continue. If financial support has been provided by the sponsor or other close family in the UK, the applicant must provide an explanation of why this cannot continue or is no longer sufficient to enable the required level of care to be provided.

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# Immigration Rules

## Appendix KoLL

Knowledge of language and life

This is a consolidated version of the Immigration Rules

### Part 1 – general

1.1

#### **Purpose**

This Appendix sets out how an applicant for indefinite leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case

"Specified" in this Appendix means "specified in Part 4 of this appendix"

### Part 2 - knowledge of language and life

2.1 An applicant for indefinite leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom if they meet the requirements set out in paragraphs 2.2 and 2.3. They do not need to satisfy the requirements in 2.2 and 2.3 where the exceptions set out in Part 3 apply of this Appendix

2.2 For the purposes of paragraph 2.1, an applicant demonstrates sufficient knowledge of the English language if:

(a) the applicant has provided specified documentary evidence that:

i) the applicant is a national or citizen of one of the following countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- USA
- Malta.

or

iii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which either:

(1) is a UK Bachelor's degree, Master's degree or PhD; or

(2) is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St

Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; Malta; and provides the specified documents;

or

iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified documentary evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the qualification was taught or researched in English; or

v) DELETED

or

(b) the applicant-

(i) has limited leave to enter or remain in the UK, and

(ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages.

(iii) at the date of application, the provider of that qualification continues to be approved by the Secretary of State.

or

(c) the on line verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level B1 of the Common European Framework of Reference for Languages, which is approved by

the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.

2.3 For the purposes of sub-paragraph (1), an applicant demonstrates sufficient knowledge about life in the United Kingdom if:

- (a) the applicant has passed the test known as the "Life in the UK test" administered by an educational institution or other person approved for this purpose by the Secretary of State; or
- (b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the "Life in the UK test" and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor; or
- (c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the "Citizenship Test" and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

### Part 3 - exceptions

3.1 Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the UK where:

- (a) the applicant is under 18 years of age at the date of his or her application, or
- (b) the applicant is at least 65 years of age at the date of his or her application, or
- (c) in all the circumstances of the case, the decision maker considers 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.

3.2 In the following circumstances an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the UK:

- (a) Where the application for indefinite leave to enter or remain in the United Kingdom is made under:

(i) paragraph 196D, as a dependent partner under Appendix UK Ancestry or Appendix Representative of an Overseas Business and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I -135K), or

(ii) paragraph 199, as a dependent child under Appendix UK Ancestry or Appendix Representative of an Overseas Business and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 128–193 (but not paragraphs 135I-135K), or

(iii) paragraph 248D and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a person exercising rights of access to a child resident in the United Kingdom and that child is under the age of 18 at the day on which the applicant's application for indefinite leave is made under paragraph 248D, or

(iv) paragraph 273D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as a spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or

(v) paragraph 275A and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a person who has or has had leave to enter or remain in the United Kingdom as a retired person of independent means, or

(vi) paragraph 287 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 281 or paragraph 284,

or

(vii) paragraph 295G and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 295B or paragraph 295D, or

(viii) paragraph 298 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years under paragraph 302 or Appendix FM or paragraph 319R or paragraph 319X, or

(ix) paragraph 319E, a dependent partner under Appendix Skilled Worker, Appendix Global Talent, Appendix Innovator, Appendix T2 Minister of Religion, or Appendix T2 Sports person and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the partner of a relevant points based system migrant

(x) paragraph 319J, a dependent child under Appendix Skilled Worker, Appendix Global Talent, Appendix Innovator, Appendix T2 Minister of Religion, or Appendix T2 Sports person and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years as the child of a relevant points based system migrant

(xi) section E-ILRP of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a partner (except where leave is as a fiancé or proposed civil partner) under section D-LTRP of Appendix FM; or

(xii) section E-ILRPT of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the United Kingdom for at least 15 years on the day on which the application is made as a parent under section D-ILRPT of Appendix FM, or

(xiii) paragraph 25 or 31 of Appendix Armed Forces and the applicant has completed, on the date on which the application is made, a continuous period of leave to enter or remain in the United Kingdom of at least 15 years as the partner of a member of HM Forces under that Appendix, or

(xiv) paragraph 45 or 49 of Appendix Armed Forces and the applicant has completed, on the date on which the application is made, a continuous period of leave to enter or remain in the United Kingdom of at least 15 years as the child of a member of HM Forces under that Appendix, and

(b)(i) the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; or



(ii) where paragraph 39C(c) of these Rules applies, the on-line verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level A2 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.

and

(c) the applicant has provided specified documentary evidence from a qualified English language teacher that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR.

and

(d) the applicant is not a national or a citizen of one of the following countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- USA

- Malta.

3.3 Where paragraph 39C(c) of these Rules applies, subject to paragraph 3.2 of this Appendix, an applicant demonstrates sufficient knowledge of the English language and about life in the UK where:

(i) in cases where the applicant failed to satisfy paragraph 2.2 of this Appendix, the on-line verification system operated by an approved English language test provider, as published on the UK Visas and Immigration pages of Gov.uk, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level B1 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application; or

(ii) in cases where the applicant failed to satisfy paragraph 2.3 of this Appendix, he or she has provided specified evidence that he or she has passed the test known as the “Life in the UK test” administered by an educational institution or other person approved for this purpose by the Secretary of State under arrangements approved by the decision-maker or

(iii) in cases where the applicant failed to satisfy paragraphs 2.2 and 2.3 of this Appendix, the requirements set out in sub-paragraphs (i) and (ii) are met.

## Part 4 - specified documents

4.1 Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and of life in the United Kingdom, the applicant must supply the documents or information specified in paragraphs 4.6 to 4.14 below.

4.2 The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in paragraph 39(C)(c) of these Rules or paragraphs 4.3 or 4.6 of the Appendix apply.

4.3 Where an applicant has submitted:

- (i) a document in the wrong format (for example, if a letter is not on letterhead paper as specified); or

(ii) DELETED

(iii) a document which does not contain all of the specified information,

or

(iv) fails to submit a specified document,

the decision-maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Home Office at the address specified in the request within such timescale (which will not be unreasonable) as is specified.

4.4 A decision-maker may decide not to request a document under paragraph 4.3 where he or she does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the United Kingdom because the application may be refused for other reasons.

4.5 Without prejudice to the decision maker's discretion under paragraph 4.2 and also his or her right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits a specified document:

(i) in the wrong format, or

(ii) DELETED

(iii) which does not contain all of the specified information but the missing information is verifiable from,

(aa) other documents submitted with the application,

(bb) the website of the organisation which issued the document,

or

(cc) the website of the appropriate regulatory body;

the application for leave to enter or remain in the United Kingdom may be granted exceptionally providing the decision-maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.

4.6 Where the decision-maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he or she may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).

4.7 The information specified for the purposes of paragraph 2.2(c) of this Appendix is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.8 Subject to paragraphs 4.9 and 4.10 the documentary evidence specified for the purposes of paragraph 2.2 of this Appendix as showing that a person is a national or a citizen of one of the countries listed in paragraph 2.2 is a valid passport or travel document which satisfactorily establishes the applicant's nationality.

4.9 If the applicant cannot provide their passport or travel document other evidence of nationality of the type described in paragraph 4.10 may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where:

- (a) the applicant's passport has been lost or stolen, or
- (b) the applicant's passport has expired and has been returned to the relevant authorities, or
- (c) the applicant's passport is with another part of the Home Office.

4.10 Where paragraph 4.9 applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is:

- (a) a valid national identity document; or
- (b) a letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.

4.11. The evidence specified for the purposes of paragraph 2.2(a)(iii) to 2.2(a)(v) (academic qualification recognised by UK NARIC) is:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:

- (i) the applicant's name,
- (ii) the title of the award,
- (iii) the date of the award,
- (iv) the name of the awarding institution, and,
- (v) for paragraph 2.2(a)(iii) that the qualification was taught in English

or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an academic reference from the institution awarding the academic qualification that:

- (aa) is on official letter headed paper,
- (bb) shows the applicant's name,
- (cc) shows the title of the award,
- (dd) confirms that the qualification was taught in English,
- (ee) states when the academic qualification was (or as the case may be, will be) awarded,

and

(ff) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued.

or

(ii) an academic transcript that;

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the name of the academic institution,

(dd) shows the course title,

(ee) confirms that the qualification was taught in English, and,

(ff) confirms the award given.

4.12 In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK or the USA, Malta.

4.13 The information or evidence specified for the purposes of paragraph 3.2(b)(i) (evidence of English language speaking and listening) is:

(a) the unique reference number assigned by the provider to the English language test taken by the applicant; or

(b) a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or CCEA that:

(i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and

(ii) shows that the level of speaking and listening skills attained by the applicant met ESOL entry level 2; or

c) a certificate that:

(i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and

(ii) shows that the level of speaking and listening skills attained by the applicant met Scottish Credit and Qualifications Framework level 3.

4.13A The information specified for the purposes of paragraph 3.2(b)(ii) (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.14 a) The evidence specified for the purposes of paragraph 3.2(c) (evidence from qualified English teacher) is a letter from the teacher which is signed by him or her and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information:

(i) the applicant's name,

(ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made,

(iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above,

(iv) confirmation that the applicant is considered unlikely to attain B1 level through further study

(v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.

(b) For the purposes of paragraph (a)(ii) "guided learning hours" means the time during which a person is taught or given instruction and does not include any time spent on unsupervised preparation or study.

4.15 The information specified for the purposes of paragraph 2.3 of this Appendix is a unique reference number issued to the applicant by the provider of the "Life in the UK" test.

4.16 The information specified for the purposes of paragraph 3.3(i) of this Appendix (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.

4.17 The evidence specified for the purposes of paragraph 3.3(ii) of this Appendix (evidence of knowledge about life in the UK) is the same as that specified at paragraph 4.15(a) of this Appendix.

## Part 5 - interpretation

5.1 For the purposes of this Appendix "decision maker" means an Entry Clearance Officer or the Secretary of State.

5.2 For the purposes of this Appendix, "qualified English language teacher" means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the CCEA or the Scottish Qualification Authority.

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# Immigration Rules

## Appendix M

Sports Governing Bodies for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker - Creative and Sporting) applications

This is a consolidated version of the Immigration Rules

1. Applicants in these categories must be endorsed by the relevant Governing Body from the table below, and the Certificate of Sponsorship Checking Service entry relating to the application must confirm this endorsement.
2. Each Governing Body may only endorse applicants in the Tier(s) specified in the table.

Sport	Governing body	Tiers
All sports not listed in Appendix M of the Immigration Rules	Home Office	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Aikido	British Aikido	Tier 5 (Temporary Worker – Creative and Sporting)
Archery	Archery GB	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Athletics	UK Athletics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Badminton	Badminton England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Badminton	Badminton Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Baseball / Softball	BaseballSoftball UK	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Boxing	British Boxing Board of Control	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Canoeing	British Canoeing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Chinese Martial Arts	British Council for Chinese Martial Arts	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	England and Wales Cricket Board (ECB)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Curling	Royal Caledonian Curling Club	Tier 2 (Sportsperson)
Cycling	British Cycling	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Equestrianism	British Horse Society	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Fencing	British Fencing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Field Hockey England	England Hockey	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Scotland	Scottish Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Wales	Welsh Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Ireland	Irish Hockey Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football England	The Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Scotland	Scottish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Wales	The Football Association of Wales	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Northern Ireland	Irish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Gymnastics	British Gymnastics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Handball	British Handball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Hockey	Ice Hockey (UK)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Skating	British Ice Skating	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Jockeys and Trainers	British Horseracing Authority	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Judo	British Judo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Kabbadi	England Kabaddi Federation (UK) Registered	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Lacrosse	English Lacrosse	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Motorcycling (except speedway)	Auto-cycle Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Motorsports	The Royal Automobile Club Motor Sports Association Ltd	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Welsh Netball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	England Netball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Northern Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Polo	Hurlingham Polo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rowing	British Rowing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Rugby League	Rugby Football League	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union England	Rugby Football Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Scotland	Scottish Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Wales	Welsh Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Ireland	Ulster Rugby	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Sailing, windsurfing and powerboating	Royal Yachting Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Shooting	British Shooting	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Snooker	World Snooker	Tier 2 (Sportsperson)

Speedway	British Speedway Promoters Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Squash and racketball	England Squash	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Swimming, water polo, diving and synchronised swimming	British Swimming	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Table Tennis	English Table Tennis Federation	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Taekwondo	GB Taekwondo	Tier 2 (Sportsperson)
Tennis	Lawn Tennis Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Tennis	Tennis & Rackets Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Triathlon	British Triathlon	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)



Wheelchair Basketball	British Wheelchair Basketball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Wrestling	British Wrestling Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Yoga	The British Wheel of Yoga	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

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# Immigration Rules

## Appendix N

Approved Tier 5 government authorised exchange schemes

This is a consolidated version of the Immigration Rules

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
AIESEC internships	The scheme is part of AIESEC's global exchange programme in which 4,000 graduates participate every year. It develops the leadership skills of recent graduates from overseas, with typically at least a years' experience in management	AIESEC	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	(marketing, finance, sales), technical (IT, engineering) and development (charity) through work with UK companies and organisations.			
Bar Council	The scheme is an umbrella for three types of programmes involving overseas law, overseas students and lawyers undertaking pupillages (both funded and unfunded) and mini pupillages within barristers chambers and other legal training programmes.	Bar Council	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
BAE Systems Training, Intern and Graduate Programme	Programme designed to allow individuals to train alongside BAE Systems in the UK.	BAE systems	Research and training programme.  Maximum 24 months	UK
BNSC Satellite KHTT Programme	A secondment programme for employees of foreign space agencies to undertake practical training and work experience working alongside specialist UK staff	British National Space Centre (DBIS)	Research and training programmes  Maximum 24 months	All UK
British Council Tech Trainees business internships	British Council Tech Trainees is a training and work experience placement scheme, designed to facilitate work attachments with UK companies for overseas	British Council	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>graduates/professionals who have a degree. British Council Tech Trainees builds mutual links and connectivity between the UK and overseas partners in areas of industrial and technological innovation and cooperation, by giving UK host companies the opportunity to develop current overseas markets and explore new ones through project focussed work attachments for overseas professionals.</p>			

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
British Council – Speak European	This programme will provide practical, on-the-job training to a group of mid-career government employees from Serbia working in key departments of the central government, as well as in local self-government institutions.	British Council	Work experience programme  Maximum 12 months	All UK
BUNAC Blue Card Internships – 'Intern in Britain'	BUNAC has over 40 years' experience of running international work programmes. The Blue Card Internships scheme provides a well-controlled pathway for a wide range of organisations in the UK to offer and to	BUNAC	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	benefit from work experience opportunities (internships) for eligible students and recent graduates.			
Cabinet Office Interchange Programme	To bring in relevant expertise and cutting edge thinking from the private sector and academia to help deliver the Government's Efficiency and Reform agenda.	Cabinet Office	Work experience programme  Maximum 12 months	All UK
Chatham House Fellowship	The scheme provides opportunities for overseas government and non-government experts, drawn from policy communities, the	The Royal Institute of International Affairs (Chatham House)	Research & Training Programmes Maximum 24 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	private sector, academia and civil society, to participate in and undertake research at Chatham House relevant to their government or non-government area(s) of expertise.			
Chevening and Marshall Sherfield Fellowships Programmes	This scheme accommodates two separate scholarship programmes: 1) Chevening Programme – used by scholars and researchers attending the Oxford Centre for Islamic Studies and the Clore Leadership programme and 2) The Marshall	Association of Commonwealth Universities (ACU)	Research and training programmes  Maximum 24 months	All UK



Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>Sherfield Fellowships Programme – an annual scheme whereby the Marshall Aid Commemoration Commission awards Marshall Sherfield Fellowships to Scientists and Engineers from the United States of America, in order for them to undertake post-doctoral research at a British Research Institute or University for a period of one to two years.</p>			
Commonwealth Exchange Programme	The programme offers teachers the opportunity to work in different	Commonwealth Youth Exchange Council (CYEC)	Work experience programme	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>education systems, exchange ideas and knowledge and observe teaching practices in another country. Teachers exchange positions and homes with those from Australia, Canada or New Zealand for between one term and one year. Exchanges to Canada take place from September to August. Those to Australia and New Zealand run from January to December.</p>		Maximum 12 months	
Commonwealth Scholarships and Fellowships Plan	This is an annual scheme made available to developing Commonwealth	Association of Commonwealth Universities	Research and training programmes	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	countries by the Commonwealth Scholarships Commission. Participants undertake academic, medical or professional research fellowships.		Maximum 24 months	
Defence Academy		Defence Academy	Research and training programmes  Maximum 24 months	All UK
De La Rue Internship	Internship Programme for Post Graduate students at the University of West Indies, to build on and consolidate the support De La Rue already provides to high achieving	De La Rue International	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	students in the Caribbean through a scholarship programme			
Engineering work placement scheme	This scheme offers overseas engineering students (both undergraduates and graduates) short work experience opportunities with engineering companies in the UK.	Twin Training International	Work experience programme Maximum 12 months	UK
Erasmus	Erasmus is a European Commission educational exchange programme for higher education students and teachers. It aims to increase student	British Council Wales British Council Scotland British Council British Council Northern Ireland	Work experience programme Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>mobility within Europe through opportunities for work and study and promotes trans-national cooperation projects among universities across Europe. Erasmus Mundus is for joint cooperation and mobility programmes for postgraduate students, researchers and staff.</p>			
<p>European Voluntary Service (Youth in Action Programme)</p>	<p>Part of the European Union's Youth in Action Programme, funded by the European Commission, the EVS scheme offers people aged 18-30</p>	<p>British Council</p>	<p>Work experience programme  Maximum 12 months</p>	<p>All UK</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>the opportunity to undertake voluntary work placements in the social, cultural, environmental and sports sectors for a period of 2 to 12 months. Placements of 2 weeks to 2 months are also available.</p>			
<p>Finance Ministries and Central Banks schemes</p>	<p>The schemes includes secondments by employees of other central banks and financial institutions, research fellowships and PhD research internships for economists who will undertake placements with the Bank of</p>	<p>HM Treasury</p>	<p>Research and training programmes</p> <p>Maximum 24 months</p>	<p>All UK</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	England for between 1 and 18 months' duration.			
Food Standards Australia and New Zealand	A secondment programme for government bodies, to promote cooperation and mutual understanding with the objective of learning from one another's expertise in food safety.	Food Standards Agency	Work experience programme  Maximum 12 months	All UK
Foreign Language Assistants Programme	Working with partner organisations overseas to provide opportunities for young people to work as language assistants in the UK, the programme aims to improve both the	British Council Wales  British Council Scotland  British Council  British Council Northern Ireland	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	language ability of the assistants and students in addition to expanding their cultural awareness.			
Glasgow Caledonian University International exchange programme	To offer students, through the exchange programme, work experience, cultural diversity and personal development to strengthen their employability.	Glasgow Caledonian University	Work experience programme  Maximum 12 months	Scotland
Grundtvig	Grundtvig, part of the European Commission's Lifelong Learning Programme, aims to strengthen the European dimension in adult education and lifelong learning. Funding is open to	Ecorys UK Ltd	Work experience programme  Maximum 12 months	All UK



Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>any organisation based in one of the countries participating in the programme involved in adult education. The programme funds a range of activities: assistantships, in-service training, learner workshops, visits and exchanges.</p>			
<p>Hanban: Mandarin teachers scheme</p>	<p>The scheme is part of Hanban's global exchange programme through which it sponsors volunteer and professional Mandarin teachers to undertake placements at Confucius institutes and classrooms in the UK, and at</p>	<p>Hanban UK Ltd</p>	<p>Overseas Government language programme.</p> <p>Maximum 24 months</p>	<p>All UK</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>institutions in the UK which are covered by Hanban's teaching exchange programme. It is also used to sponsor co-directors to manage the programme in the UK and undertake some language teaching if needed. These roles are not filling teaching vacancies.</p> <p>The scheme aims to build and/or enhance foreign language skills and foster good cultural relations in between the UK and China.</p>			

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Highways Agency Scheme	The scheme is intended to honour the historic and future commitments to facilitating the sharing of experience, scientific information, technology, working practice and organisational cultures between Highways Agency and similar administrations outside of the EEA.	Highways Agency	Work experience programme  Maximum 12 months	All UK
HMRC Exchange Scheme	The scheme facilitates the sharing of experience, working practices and organisational cultures between HM Revenue & Customs and tax,	HM Revenue & Customs	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	customs and similar administrations outside the EEA			
IAESTE	IAESTE UK provides science, engineering and applied arts graduates with training experience relevant to their studies through work placements.	British Council Wales  British Council Scotland  British Council  British Council Northern Ireland	Work experience programme  Maximum 12 months	England  Northern Ireland  Scotland  Wales
Intensive Korean Public School English Teacher Training Programme	A customised in-service continuing professional development programme for very experienced Korean English teachers who have been specially selected.	University of Chichester	Work Experience Programme  Maximum 12 months	England

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
International Cross-Posting Programme for Kazakhstan	The purpose of the International Cross-Posting Programme is to provide an opportunity for key oil workers from Kazakhstan to undertake work experience and training with Shell UK.	UK Trade & Investment	Work experience programme  Maximum 12 months	All UK
International Defence and Security Scheme (IDSS)	The aim of the IDSS scheme is to share knowledge, experience and best practice between the UK and foreign defence, aerospace, security and space industries in cooperative programmes.	ADS Group	Work experience programme  Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
International Fire and Rescue Training Scheme		Capita	Research and training programmes  Maximum 24 months	England with scope to include devolved administrations if required.
International Horticulture Scheme	This is an international horticultural and education skills development and exchange scheme designed to develop practical skills and to further academic studies within the designated establishments of the Royal Botanic Gardens, Kew and the Royal Horticultural Society.	Lantra	Work experience programme  Maximum 12 months	Gardens or establishments linked to the Royal Botanic Gardens, Kew the Royal Horticultural Society's gardens.

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
International Internship Scheme	A scheme for young people and future business leaders to experience working for a UK company which, as they develop in their careers, may encourage investment into the UK and the forging of international partnerships with multinational companies in the UK and abroad.	Fragomen LLP	Work experience programme  Maximum 12 months	All UK
International Optometrists Scheme	Scheme for registration for optometry graduates with a 2.2 degree or above. The scheme ensures they have the knowledge and skills to enter the	College of Optometrists	Research and training programmes  Maximum 24 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	General Optical Council's (GOC) Register and practise optometry without supervision.			
Jamaica Nursing Exchange	The scheme allows nurses from the Jamaican health system to come to the UK to work for a short period of time (between 5-10 months), before returning to Jamaica. The exchange is designed to benefit both the Jamaican nurses and the Jamaican health system, which will benefit from the skills learned in the UK. The placements are	Health Education England	Work experience programme Maximum 10 months	Yorkshire



Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>temporary and administered by Health Education England and the Jamaican Ministry of Health. The nurses will be placed at Leeds Teaching Hospitals NHS Trust.</p>			
<p>Jiangsu Centre for Chinese Studies in Essex</p>	<p>To promote the teaching and learning of Mandarin and an appreciation of Chinese culture in Essex schools and to the wider local community, including businesses; underpin the links of friendship, education, culture and business between the</p>	<p>Essex County Council</p>	<p>Work experience programme  Maximum 12 months</p>	<p>All UK</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	County of Essex and the Province of Jiangsu.			
Khebrat Leadership for Change Programme	This scheme enables Saudi Arabian education professionals to undertake professional learning experience in the UK, through the Saudi national Khebrat programme.	British Council	Work experience programme  Maximum 12 months	All UK
Korean Teacher Exchange Programme	The scheme contributes to the DfE objective of strengthening maths teaching in schools.	Institute of Education University of London	Work experience programme  Maximum 12 months	All UK
Law Society Tier 5 scheme for migrant lawyers	This scheme for migrant lawyers is open to law firms	The Law Society of England and Wales	Work experience programme	England and Wales

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	based in England and Wales. It covers placements, internships and secondments offered to lawyers and law students from other countries coming to the UK for primarily non-economic purposes for limited periods to share knowledge, experience and best practice.		Maximum 12 months	
Leonardo da Vinci	Leonardo is part of the European Commission's Lifelong Learning Programme. UK organisations work with European partners to exchange best practice, increase staff expertise and	Ecorys Ltd	Work experience programme Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	develop learners' skills. The programme is open to any organisation involved in vocational training in the countries participating in the programme and includes activities such as mobility projects, preparatory visits and transfer of innovation.			
Lord Chancellor's Training Scheme for Young Chinese Lawyers	The programme is organised to enable the Chinese lawyers to obtain practical experience in commercial law, litigation and court procedure as well as the management of a legal practice.	British Council	Work experience programme Maximum 12 months	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Mathematics Teacher Exchange Programme (England - China)	Mathematics teachers from China will support the teaching and learning of mathematics, and promote their approaches to the teaching of mathematics, in a network of Maths Hubs across England which are funded by the Department for Education (DfE). There will also be reciprocal arrangements for teachers from England to spend time in schools in China.	National College for Teaching and Leadership, Department for Education	Work experience  12 months	England
Medical Training Initiative	The scheme allows post-graduate medical graduates to undertake a	Academy of Medical Royal Colleges	Research and training programmes	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>fixed period of training or development in the UK, normally within the NHS. It covers all schemes and arrangements sponsored or administered by the medical royal colleges and similar organisations for the training of overseas doctors. MTI placements are temporary and require the approval of the employer and the local postgraduate dean of the relevant medical royal college.</p>		<p>Maximum 24 months</p>	
<p>Medical Training Initiative for Dentistry</p>	<p>International Training Fellows: the Faculty of</p>	<p>The Royal College of Surgeons of England</p>	<p>Research and training programmes</p>	<p>England</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	Dental Surgery (FDS) of the Royal College of Surgeons of England is able to sponsor suitably qualified postgraduate dentists to come to the UK for clinical training in an approved hospital training post.		Maximum 24 months	
Mountbatten Programme		Mountbatten Institute	Work experience programme Maximum 12 months	All UK
National Assembly for Wales Intern Programme	The scheme enables students from Ohio University to undertake intern placements for up to three months	National Assembly for Wales	Work experience programme  Maximum 12 months	Wales

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	with assembly members.			
NIM China Secondee Programme		LGC Ltd	Work experience programme  Maximum 12 months	All UK
NPL Guest Worker and Secondment Scheme	This reciprocal scheme aims to encourage closer collaboration between UK and overseas organisations interested in metrology by allowing scientists, industrial experts and students to undertake placements with the NPL.	National Physical Laboratory (NPL) Management Limited	Research and training programmes  Maximum 24 months	England



Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Overseas Fellows Post	The opportunity is accredited by the General Medical Council and approved by the Royal College of Surgeons of Edinburgh International Medical Graduate Sponsorship Scheme.	National Health Service (NHS) Highland	Research and training programmes  Maximum 24 months	Scotland
REX Programme	The REX programme enables highly qualified teachers from Japan to work temporarily in countries where English is spoken to teach Japanese language and culture.	Ceredigion County Council	Work experience programme  Maximum 12 months	All UK
Scottish Government	A scheme to share knowledge, experience and	Scottish Government	Work Experience Programme	

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Interchange Scheme	best practice with other governments and organisations on the full range of policy areas for which the Scottish Government has responsibility.		Maximum 12	
Scottish Schools Education Research Centre (SSERC)  Work Exchange programme with China	Offers employees of the Educational Equipment Research and Development Centre (EERDC) in China to come to Scotland to share best practices and educational resources with their Scottish counterparts and to develop new educational resources	Scottish Schools Education Research Centre (SSERC)	Work experience programme  Maximum 12 months	Scotland
Serious Fraud Office	This is an exchange	Serious Fraud Office	Work experience	UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>programme between the Serious fraud Office and law enforcement partners in overseas jurisdictions.</p> <p>The programme will help to promote greater co-operation with investigations, and to share and develop investigative techniques and approaches in the fight against fraud and corruption in the UK and overseas.</p>		Maximum 12 months	
Sponsored researchers	A scheme to enable higher education institutions to	Higher education institutions	Research and training programmes	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>engage with sponsored researchers. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted at the sponsoring higher education institution in a supernumerary role. The sponsored researcher may give lectures (which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer,</p>		<p>Maximum 24 months</p>	

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>undertake a period of work-based training/work experience/internship/placement or work on research collaborations. Institutions do not need individual support from the Department for Business, Energy and Industrial Strategy or the Department for Education to operate this scheme.</p>			
<p>The Ofgem International Staff Exchange Scheme</p>	<p>A scheme to promote cooperation and mutual understanding between Ofgem and similar regulatory agencies overseas.</p>	<p>Office of Gas &amp; Electricity Markets (Ofgem)</p>	<p>Work experience programme  Maximum 12 months</p>	<p>England</p>

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Tier 5 interns scheme	Designed for employers, the Tier 5 intern programme is a government approved scheme which allows graduates and undergraduates from countries outside the EEA to gain intern experience working within UK industry and provides organisations with the scope to deploy the brightest and best talent on key initiatives and learn skills they can take back to their home country.	GTI Recruiting Solutions	Work experience programme  Maximum 12 months	All UK
UK Research and Innovation – Science,	A scheme to enable UK Research and Innovation (UKRI)	UK Research and Innovation (UKRI) and the following	Research & Training Programmes	All UK

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
Research and Academia	to engage with sponsored researchers within its own organisation as well as endorsing select Independent Research Organisations to hold a Tier 5 Licence. Sponsored researchers include academics, researchers, scientists, research engineers or other skilled research technology specialists who will be hosted through an approved research institute, in a supernumerary role. The sponsored researcher may give lectures	organisations endorsed by UKRI: <ul style="list-style-type: none"> <li>• Armagh Observatory and Planetarium</li> <li>• Babraham Institute</li> <li>• British Institute of International and Comparative Law</li> <li>• Centre for Ecology and Hydrology</li> <li>• Culham Centre for Fusion Energy/UK Atomic Energy Authority</li> </ul>	Maximum 24 months	

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	<p>(which does not amount to a formal teaching post), act as an examiner, undertake skill development/knowledge transfer, undertake a period of work-based training/work experience/internship/placement or work on research collaborations. UKRI provide endorsement for use of the scheme on behalf of the Department for Business, Energy and Industrial Strategy.</p>	<ul style="list-style-type: none"> <li>• Diamond Light Source Ltd</li> <li>• Earlham Institute</li> <li>• H R Wallingford Ltd</li> <li>• Historic Royal Palaces</li> <li>• Institute for Fiscal Studies</li> <li>• Institute of Development Studies</li> <li>• Institute of Occupational Medicine</li> <li>• International Institute for Environment and Development</li> <li>• John Innes Centre</li> </ul>		



Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
		<ul style="list-style-type: none"> <li>• Kew Gardens</li> <li>• National Centre for Social Research</li> <li>• National Institute of Agricultural Botany (NIAB)</li> <li>• National Museums of Scotland</li> <li>• National Oceanography Centre</li> <li>• Natural History Museum</li> <li>• Nesta</li> <li>• Overseas Development Institute</li> <li>• Plymouth Marine Laboratory</li> </ul>		

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
		<ul style="list-style-type: none"> <li>• Quadram Institute Bioscience</li> <li>• Rothamsted Research</li> <li>• Royal Botanic Garden Edinburgh</li> <li>• Science Museum Group</li> <li>• Scottish Association for Marine Science</li> <li>• The Alan Turing Institute</li> <li>• The British Library</li> <li>• The British Museum</li> <li>• The Faraday Institution</li> </ul>		

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
		<ul style="list-style-type: none"> <li>• The Francis Crick Institute</li> <li>• The James Hutton Institute</li> <li>• The National Archives</li> <li>• The Pirbright Institute</li> <li>• The Sainsbury's Laboratory, Norwich</li> <li>• The Trustees of the Tate Gallery</li> <li>• The Welding Institute</li> <li>• Victoria and Albert Museum</li> <li>• Wellcome Trust Sanger Institute</li> </ul>		

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
US-UK Education Commission (also known as the US-UK Fulbright Commission)	To foster mutual understanding between the US and the UK through academic exchange by the awarding of merit based scholarships.	US-UK Education Commission (also known as the US-UK Fulbright Commission)	Research and training programmes  Maximum 24 months	All UK
Wales Audit Office Exchange Programme	The scheme enables staff from other audit and inspection bodies to gain experience of audit and inspection processes in Wales and to share experience and good practice from an international perspective.  Placements are for	Wales Audit Office	Work experience Programme  Maximum 12 months	Wales

Name of scheme	Scheme summary	Name of overarching body (sponsor)	Type of scheme	Area of UK covered
	up to 12 months with WAO audit teams within a specific business area.			
Welsh Language Teaching Programme in Patagonia	The scheme aims to strengthen the use of Welsh in Patagonia by bringing Patagonians to Wales to improve their language fluency and bilingual environments. Participants are teachers, tutors or those suitable to work in activities which develop the use of Welsh in the wider social and business situations.	British Council Wales	Work experience programme  Maximum 12 months	Wales

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# Immigration Rules

## Appendix O

List of English language tests that have been approved by the Home Office for English language requirements for limited leave to enter or remain under the Immigration Rules

This is a consolidated version of the Immigration Rules

DELETED

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# Immigration Rules

## Appendix R

List of recognised festivals for which entry by amateur and professional entertainer visitors is permitted

- Aberdeen International Youth Festival
- Aldeburgh Festival
- Alnwick International Music Festival
- Barbican Festivals (Only Connect; Explorations; The Sound of Nonesuch Records; Summer festival; Autumn 1: Transcender, Autumn 2; Music and Film).
- Belfast Festival at Queens
- Bestival
- Billingham International Folklore Festival
- Birmingham International Jazz Festival
- Breakin' Convention
- Brighton Festival
- Brighton Fringe
- Brouhaha International Festival
- Calling Festival
- Cambridge Folk Festival
- Camp Bestival
- Celtic Connections Festival
- Cheltenham Festivals (Jazz/Science/Music/Literature)
- City of London Festival
- Cornwall International Male Voice Choral Festival
- Dance Umbrella
- Download
- Edinburgh Festival Fringe



- Edinburgh International Festival
- Edinburgh International Jazz and Blues Festival
- Edinburgh Military Tattoo,
- Glasgow International Jazz Festival
- Glastonbury
- Glyndebourne
- Greenbelt Festival
- Harrogate International Festival
- Hay Festival
- Huddersfield Contemporary Music Festival
- Latitude
- Leeds Festival
- LIFT
- London Jazz
- Manchester International Festival
- Meltdown
- National Eisteddfod of Wales
- Norfolk and Norwich Festival
- Reading Festival
- Salisbury International Arts Festival
- Snape Festival
- T in the Park
- V Festivals
- Wireless
- WOMAD Festival

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# Immigration Rules

## Appendix SN

### Service of notices

#### Introduction

Notices of appealable immigration decisions are served under the Immigration (Notices) Regulations 2003.

Notices of non-appealable immigration decisions which grant or refuse leave to remain, vary leave to remain or refuse to vary leave to remain are served under the Immigration (Leave to Enter and Remain) Order 2000.

Notices falling within paragraph SN1.2 of this Appendix to the Immigration Rules are to be served in accordance with this Appendix.

#### Definitions

SN1.1 For the purpose of this Appendix the following definitions apply:

*Administrative review* as defined in Appendix AR or Appendix AR (EU).

*business day* any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom to which the notice is sent.

*decision-maker* (a) the Secretary of State;  
(b) an immigration officer;  
(c) an entry clearance officer;

*representative*

a person who appears to the decision-maker:

- (a) to be the representative of a person referred to in paragraph SN1.2 below; and
- (b) not to be prohibited from acting as a representative by section 84 of the 1999 Act.

### **Service of notices**

SN1.2 A notice in writing:

- (a) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is invalid;
- (b) that an application for entry clearance, leave to enter or leave to remain in the United Kingdom is void;
- (c) that an application for administrative review is invalid; or
- (d) notifying a person of the outcome of an administrative review application,

may be given to the person affected as follows.

SN1.3 The notice may be:

- (a) given by hand;
- (b) sent by fax;
- (c) sent by postal service to a postal address provided for correspondence by the person or the person's representative;
- (d) sent electronically to an e-mail address provided for correspondence by the person or the person's representative;
- (e) sent by document exchange to a document exchange number or address; or
- (f) sent by courier.

SN1.4 Where no postal or e-mail address for correspondence has been provided, the notice may be sent:

- (a) by postal service to:
  - (i) the last-known or usual place of abode, place of study or place of business of the person; or
  - (ii) the last-known or usual place of business of the person's representative; or
- (b) electronically to:
  - (i) the last-known e-mail address for the person (including at the person's last-known place of study or place of business); or
  - (ii) the last-known e-mail address of the person's representative.

SN1.5 For the purposes of paragraphs SN1.3 or SN1.4, a postal address outside the UK is not a postal address for correspondence where the person affected by the notice is in the UK.

SN1.6 Where it is not possible to give notice in accordance with paragraphs SN1.3 and SN1.4 or where an attempt to do so has failed, and the decision-maker records the reason for this and places the notice on file, the notice shall be deemed to have been given on the day that it is placed on file.

SN1.7 Where a notice is deemed to have been given in accordance with paragraph SN1.6 and subsequently the person is located, the person shall as soon as is practicable be given a copy of the notice and details of when and how it was given.

SN1.8 A notice given under this appendix may, in the case of a person who is under 18 years of age and does not have a representative, be given to the parent, guardian or another adult who for the time being takes responsibility for the child.

### **Presumptions about date of receipt of notice**

SN1.9 Where a notice is sent in accordance with paragraphs SN1.2 to SN1.4, it shall be deemed to have been given to the person affected, unless the contrary is proved:

- (a) where the notice is sent by postal service:

- (i) on the second day after it was sent by postal service in which delivery or receipt is recorded if sent to a place within the United Kingdom;
  - (ii) on the 28th day after it was posted if sent to a place outside the United Kingdom;
- (b) where the notice is sent by fax, e-mail, document exchange or courier, on the day it was sent.

SN1.10 For the purposes of paragraph SN1.9(a) the period is to be calculated excluding the day on which the notice is posted.

SN1.11 For the purposes of paragraph SN1.9(a)(i) the period is to be calculated excluding any day which is not a business day.

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# Immigration Rules

## Appendix T

### Tuberculosis screening

Any person applying to enter the UK as described in paragraph A39, Part 1 General Provisions of the Immigration Rules, must present at the time of application a valid medical certificate issued by a medical practitioner approved by the Secretary of State for these purposes, as listed on the Gov.uk website, confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.

- Afghanistan
- Algeria
- Angola
- Armenia
- Azerbaijan
- Bangladesh

- Belarus
- Benin
- Bhutan
- Bolivia
- Botswana
- Brunei Darussalam
- Burkina Faso
- Burma
- Burundi
- Cambodia
- Cape Verde

- Central African Republic
- Chad
- Cameroon
- China
- Congo
- Congo Democratic Republic
- Côte d'Ivoire
- Democratic People's Republic of Korea
- Djibouti
- Dominican Republic
- Ecuador



- Equatorial Guinea
- Eritrea
- Ethiopia
- Gabon
- Gambia
- Georgia
- Ghana
- Guatemala
- Guinea
- Guinea Bissau
- Guyana

- Haiti
- Hong Kong or Macau
- India
- Indonesia
- Iraq
- Kazakhstan
- Kenya
- Kiribati
- Korea
- Kyrgyzstan
- Laos

- Lesotho
- Liberia
- Madagascar
- Malawi
- Malaysia
- Mali
- Marshall Islands
- Mauritania
- Micronesia
- Moldova
- Mongolia

- Morocco
- Mozambique
- Namibia
- Nepal
- Niger
- Nigeria
- Pakistan
- Palau
- Papua New Guinea
- Panama
- Paraguay

- Peru
- Philippines
- Russian Federation
- Rwanda
- Sao Tome and Principe
- Senegal
- Sierra Leone
- Solomon Islands
- Somalia
- South Africa
- South Sudan

- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Tajikistan
- Tanzania
- Thailand
- Timor Leste
- Togo
- Turkmenistan
- Tuvalu

- Uganda
- Ukraine
- Uzbekistan
- Vanuatu
- Vietnam
- Zambia
- Zimbabwe

Applicants from Sao Tome and Principe are screened in Angola; those from Central African Republic, Chad and Gabon are screened in Cameroon; those from the People’s Democratic Republic of Korea get tested in Beijing; those from Congo are screened in Democratic Republic of Congo; those from Djibouti are screened in Ethiopia, those from Kiribati, Marshall Islands, Micronesia, Tuvalu and Vanuatu are screened in Fiji; those from Cape Verde, Guinea Bissau and Mali are screening in Gambia or Senegal; those from Burkina Faso, Equatorial Guinea, Liberia, Niger and Togo are screened in Ghana; those from Macau are screened in Hong Kong; those from Timor Leste are screened in Indonesia; those from Kyrgyzstan are screened in Kazakhstan; those from Eritrea, Somalia and South Sudan are screened in Kenya; those from Mauritania are screened in Morocco; those from Benin are screened in Nigeria; those from Solomon Islands are screened in Papua New Guinea; those from Palau are screened in Philippines; those from Burundi are screened in Rwanda; those in Lesotho and Swaziland are screened in South Africa; those from Laos are screened in Thailand.

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# Immigration Rules

## Appendix V: Visitor

This route is for a person who wants to visit the UK for a temporary period, (usually for up to 6 months), for purposes such as tourism, visiting friends or family, carrying out a business activity, or undertaking a short course of study.

Each visitor must meet the requirements of the Visitor route, even if they are travelling as, for example, a family group, a tour group or a school party.

A visa national as defined in Appendix Visitor: Visa National list must obtain entry clearance as a visitor (visit visa) before arrival in the UK.

A non-visa national can normally seek entry on arrival in the UK.

There are 4 types of visitor:

- Standard visitor: for those seeking to undertake the activities set out in Appendix Visitor: Permitted Activities, for example tourism and visiting family, usually for up to 6 months.
- Marriage and Civil Partnership visitor: for those seeking to come to the UK to marry or form a civil partnership, or give notice of marriage or civil partnership.
- Permitted Paid Engagement visitor: for experts in their field coming to the UK to undertake specific paid engagements for up to one month.
- Transit visitor: for those who want to transit the UK on route to another country outside the Common Travel Area and who will enter the UK for up to 48 hours by crossing the UK border unless Appendix Visitor: Transit Without Visa Scheme applies.

Visitors cannot work in the UK unless this is expressly allowed under the permitted activities set out in Appendix Visitor: Permitted Activities.

Further information of how long each visitor can stay and what they can and cannot do in the UK is set out at V 17.2 and Appendix Visitor: Permitted Activities.



A Standard visitor may apply for a visit visa of 6 months, 2, 5 or 10 years validity. This allows multiple visits to the UK within the period of validity (unless the visit visa is endorsed as single or dual-entry), but each stay in the UK must not exceed the permitted length of stay endorsed on the visit visa (usually 6 months).

### **Entry requirements for visitors**

V 1.1. A person seeking to come to the UK as a visitor must apply for and obtain entry clearance before they arrive in the UK if they are:

- (a) a visa national, unless V 1.3. (b) applies; or
- (b) seeking to marry or form a civil partnership, or give notice of marriage or civil partnership, in the UK unless they are a “relevant national” as defined in section 62 of the Immigration Act 2014; or
- (c) seeking to come to the UK as a visitor for more than 6 months.

V 1.2. A person to whom V 1.1. applies will be refused permission to enter if they do not hold entry clearance as a visitor (a visit visa) on arrival in the UK.

V 1.3. A person seeking to come to the UK as a visitor may apply for permission to enter on arrival in the UK where they are:

- (a) a non-visa national, unless V 1.1. (b) or (c) apply; or
- (b) a visa national and an exception applies as set out in Appendix Visitor: Visa National list or Appendix Visitor: Transit Without Visa Scheme.

V 1.4. A child who holds entry clearance (visit visa) as a visitor on arrival in the UK must either:

- (a) hold a valid entry clearance that states they are accompanied and will be travelling with an adult identified on that entry clearance; or
- (b) hold an entry clearance which states they are unaccompanied;

otherwise the child may be refused entry to the UK, unless they meet the requirements of V 5.1. and V 5.2.

### **Validity requirements for entry clearance or permission to stay as a visitor**

V 2.1. A person applying for entry clearance as a visitor must apply online on the gov.uk website on the specified form “Apply for a UK visit visa”.

V 2.2. A person applying for permission to stay as a visitor must apply online on the gov.uk website on the specified form “Application to extend stay in the UK: FLR(IR)”.

V 2.3. An application for entry clearance or permission to stay as a visitor must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

V 2.4. An application for entry clearance as a visitor must be made while the applicant is outside the UK and to a post designated to accept such applications.

V 2.5. An application for permission to stay as a visitor must be made by a person:

- (a) in the UK; and
- (b) with permission as a Standard visitor or Marriage/Civil Partnership visitor.

V 2.6. An application which does not meet all the validity requirements for a visitor is invalid and may be rejected and not considered.

### **Suitability requirements for all visitors**

V 3.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

V 3.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for visitors**

V 4.1. The decision maker must be satisfied that the applicant (unless they are applying for entry clearance or permission to enter as a Transit visitor) meets all of the eligibility requirements in V 4.2. to V 4.6. and that they meet the specified additional eligibility requirements where the applicant:

- (a) is a child at the date of application, they must also meet the additional requirements at V 5.1. and V 5.2; or
- (b) is coming to the UK under the Approved Destination Status Agreement, they must also meet the requirements at V 6.1; or
- (c) is coming to the UK to receive private medical treatment, they must also meet the additional requirements at V 7.1. to V 7.3; or

- (d) is coming to the UK as an organ donor, they must also meet the additional requirements at V 8.1. to V 8.4; or
- (e) is coming to the UK to study as a visitor, they must also meet the additional requirements at V 9.1. and V 9.2; or
- (f) is an academic seeking a 12-month entry clearance, they must also meet the additional requirements at V 10.1; or
- (g) is coming to the UK to undertake work related training, they must also meet the additional requirements at V 11.1. to V 11.3; or
- (h) is coming to the UK to marry or form a civil partnership, or give notice of intention to marry or form a civil partnership, they must also meet the additional requirements at V 12.1. and V 12.2; or
- (i) is coming to the UK to undertake permitted paid engagements, they must also meet the additional requirements in V 13.1. to V 13.3; or
- (j) is applying for permission to stay as a visitor, they must also meet the additional requirements at V 15.1. to V 15.5.

#### **Genuine visitor requirement**

V 4.2. The applicant must satisfy the decision maker that they are a genuine visitor, which means the applicant:

- (a) will leave the UK at the end of their visit; and
- (b) will not live in the UK for extended periods through frequent or successive visits, or make the UK their main home; and
- (c) is genuinely seeking entry or stay for a purpose that is permitted under the visitor route; and
- (d) will not undertake any of the prohibited activities set out in V 4.4. to V 4.6; and
- (e) must have sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds, including the cost of the return or onward journey, any costs relating to their dependants, and the cost of planned activities, such as private medical treatment (and the applicant must show that any funds they rely upon are held in a financial institution permitted under FIN 2.1. in Appendix Finance).

V 4.3. In assessing whether an applicant has sufficient funds under V 4.2.(e), the applicant's travel, maintenance and accommodation may be provided by a third party only if that third party:

- (a) has a genuine professional or personal relationship with the applicant; and
- (b) is not, or will not be, in breach of immigration laws at the time of the decision or the applicant's entry to the UK as a visitor; and
- (c) can and will provide support to the applicant for the intended duration of the applicant's stay as a visitor.

#### **Prohibited activities and payment requirements for visitors**

V 4.4. The applicant must not intend to:

- (a) work in the UK, which includes:
  - (i) taking employment in the UK; and
  - (ii) doing work for an organisation or business in the UK; and
  - (iii) establishing or running a business as a self-employed person; and

- (iv) doing a work placement or internship; and
- (v) direct selling to the public; and
- (vi) providing goods and services,

unless expressly allowed by the permitted activities in Appendix Visitor: Permitted Activities, Appendix Visitor: Permit Free Festivals or the Permitted Paid Engagements in V 13.3; or

- (b) study in the UK, except as permitted by Appendix Visitor: Permitted Activities (and provided they meet the relevant additional requirements for study); or
- (c) access medical treatment, other than private medical treatment or to donate an organ (for either of these activities they must meet the relevant additional eligibility requirements); or
- (d) get married or form a civil partnership, or give notice of intention to marry or form a civil partnership, unless they are applying for entry clearance endorsed for a marriage or civil partnership visit.

V 4.5. Permitted activities must not amount to the visitor undertaking employment, or work which amounts to them filling a role or providing short-term cover for a role within a UK based organisation and where the visitor is already paid and employed outside of the UK they must remain so.

V 4.6. The visitor must not receive payment from a UK source for any activities undertaken in the UK, except for the following:

- (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- (aa) International drivers undertaking activities permitted under PA 9.2.; or
- (b) prize money; or
- (c) billing a UK client for their time in the UK, where the applicant's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the applicant's salary); or
- (d) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or
- (e) paid performances at a permit free festival as listed in Appendix Visitor: Permit Free Festivals, where the applicant is an artist, entertainer or musician; or
- (f) Permitted Paid Engagements, where the requirements of V 13.1. to V 13.3. are met.

#### **Additional eligibility requirements for child visitors**

V 5.1. Adequate arrangements must have been made for a child's travel to, reception and care in the UK.

V 5.2. If the child is not travelling with a parent or legal guardian, based in their home country or country of ordinary residence, who is

responsible for their care, that parent or legal guardian must consent to the child's travel to, reception and care in the UK and, where requested, this consent must be given in writing.

V 6.1. A **Additional eligibility requirement for visitors under the Approved Destination Status Agreement** person applying for entry

clearance as a visitor under the Approved Destination Status Agreement must:

- (a) be a national of the People's Republic of China; and
- (b) intend to enter, leave and travel within the UK as a member of a tourist group under the Approved Destination Status Agreement.

**Additional eligibility requirements for visitors coming to the UK to receive private medical treatment**

V 7.1. If the applicant is suffering from a communicable disease they must have satisfied the medical inspector that they are not a danger to public health.

V 7.2. The applicant must have arranged their private medical treatment before they travel to the UK, and must provide a letter from their doctor or consultant in the UK detailing:

- (a) the medical condition requiring consultation or treatment; and
- (b) the estimated costs and likely duration of any treatment, which must be of a finite duration; and
- (c) where the consultation or treatment will take place.

V 7.3. If the applicant is applying for an 11-month entry clearance for the purposes of private medical treatment they must also:

- (a) provide evidence from their doctor or consultant in the UK that the proposed treatment is likely to exceed 6 months, but not more than 11 months; and
- (b) provide a valid medical certificate if paragraph A39 and Appendix T of these rules apply.

**Additional eligibility requirements for visitors coming to the UK to donate an organ**

V 8.1. The applicant must satisfy the decision maker that they genuinely intend to donate an organ to, or be assessed as a potential organ donor for, an identified recipient in the UK with whom they have a genetic or close personal relationship.

V 8.2. The applicant must provide written confirmation of medical tests to show that they are a donor match to the identified recipient, or that they are undergoing further tests to be assessed as a potential donor to the identified recipient.

V 8.3. The applicant must provide a letter, dated no more than 3 months before the applicant's intended date of arrival in the UK from either:

- (a) the lead nurse or coordinator of the UK NHS Trust's Living Donor Kidney Transplant team; or
- (b) a UK registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council;

which confirms that the applicant meets the requirements in V 8.1. and V 8.2. and confirms when and where the planned organ transplant or medical tests will take place.

V 8.4. The applicant must be able to show, if required to do so, that the identified recipient is lawfully present in the UK, or will be at the time of the planned organ transplant.

#### **Additional eligibility requirements for visitors coming to the UK to study for up to six months**

V 9.1. Where the applicant is seeking to come to the UK to study, where applicable, before commencing a course to which it applies, they must at the date of application meet the ATAS requirement in Appendix ATAS.

V 9.2. Where the applicant is seeking to come to the UK to undertake research or be taught about research at a UK institution, their overseas course provider must confirm that:

- (a) the research or research tuition is relevant to the course of study that they are enrolled on overseas; and
- (b) the applicant will not be employed at the UK institution, either as a sponsored researcher under Appendix Tier 5 (Temporary Worker) Government Authorised Exchange Scheme Worker, or otherwise.

#### **Additional eligibility requirements for academics seeking to come to the UK for more than 6 months**

V 10.1. An academic applying for a 12-month entry clearance must:

- (a) intend to undertake one of the permitted activities in Appendix Visitor: Permitted Activities at PA 11.2. for up to 12 months; and
- (b) be highly qualified within their own field of expertise; and
- (c) be currently be working in their field of expertise at an academic institution or institution of higher education overseas; and
- (d) provide a valid medical certificate if paragraph A39 and Appendix T of these rules apply.

#### **Additional eligibility requirements for visitors coming to the UK for work related training**

V 11.1. Where the applicant is seeking to come to the UK to undertake a clinical attachment or dental observer post as an overseas graduate from medical, dental or nursing schools, they must provide written confirmation of their offer to take up this post and confirm they have not previously undertaken this activity in the UK.

V 11.2. Where the applicant is seeking to come to the UK to take the Professional and Linguistic Assessment Board test, they must provide written confirmation of this from the General Medical Council.

V 11.3. Where the applicant is seeking to come to the UK to take the Objective Structured Clinical Examinations for overseas, they must provide written confirmation of this from the Nursing and Midwifery Council.

**Additional eligibility requirement for visitors coming to UK for purpose of marriage or civil partnership**

V 12.1. The applicant must be aged 18 or over on the date of application.

V 12.2. Unless the applicant is a “relevant national” as defined in section 62 of the Immigration Act 2014, they must, within the period for which they are seeking permission as a visitor:

- (a) intend to give notice of marriage or civil partnership in the UK; or
- (b) intend to marry or form a civil partnership in the UK;

which is not a sham marriage or sham civil partnership.

**Additional eligibility requirement for visitors coming to UK for Permitted Paid Engagements**

V 13.1. An applicant as a permitted paid engagements visitor must be aged 18 or over on the date of application.

V 13.2. The applicant must intend to do one (or more) of the permitted paid engagements set out in V 13.3. which must be:

- (a) arranged before the applicant travels to the UK; and
- (b) declared as part of the application for entry clearance or permission to enter the UK; and
- (c) evidenced by a formal invitation; and
- (d) relate to the applicant’s area of expertise and occupation overseas.

V 13.3. The following are permitted paid engagements:

- (a) an academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels, and have been invited by a UK higher education institution, or a UK-based research or arts organisation as part of that institution or organisation’s quality assurance processes; and
- (b) an expert coming to give lectures in their subject area, where they have been invited by a higher education institution; or a UK-based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and
- (c) an overseas designated pilot examiner coming to assess UK-based pilots to ensure they meet the national aviation regulatory requirements of other countries, where they have been invited by an approved training organisation based in the UK that is regulated by the UK Civil Aviation Authority for that purpose; and
- (d) a qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within the UK, where they have been invited by a client; and

- (e) a professional artist, entertainer, or musician coming to carry out an activity directly relating to their profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in the UK; and
- (f) a professional sports person coming to carry out an activity directly relating to their profession, where they have been invited by a sports organisation, agent, or broadcaster based in the UK.

**Eligibility requirement for visitors coming to UK to transit**

V 14.1. A visa national must either hold entry clearance as a Standard visitor, Marriage or Civil Partnership visitor or Transit visitor, unless they meet the requirements for admission under Appendix Visitor: Transit Without a Visa Scheme, in which case they may apply for permission to enter on arrival in the UK.

- V 14.2. An applicant applying for entry clearance or permission to enter as a Transit visitor must satisfy the decision maker that they:
- (a) are genuinely in transit to another country outside the Common Travel Area, meaning the main purpose of their visit is to transit the UK (passing through immigration control) and that the applicant is taking a reasonable transit route; and
  - (b) will not access public funds or medical treatment, work or study in the UK; and
  - (c) genuinely intend and are able to leave the UK within 48 hours after their arrival; and
  - (d) are assured entry to their country of destination and any other countries they are transiting on their way there.

**Additional eligibility requirements for permission to stay as a visitor**

V 15.1. The applicant must be in the UK with permission as a visitor.

V 15.2. Where the applicant is applying for permission to stay as a visitor for the purpose of receiving private medical treatment they must also:

- (a) satisfy the decision maker that they have met the costs of any medical treatment received so far; and
- (b) provide a letter from a registered medical practitioner, at a private practice or NHS hospital, who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment.

V 15.3. Where the applicant applying for permission to stay is an academic visitor (or the accompanying partner or child of such an academic) the academic must:

- (a) continue to intend to do one (or more) of the activities at Appendix Visitor: Permitted Activities at PA 11.2; and
- (b) be highly qualified within their own field of expertise; and



(c) have been working in that field at an academic institution or institution of higher education overseas prior to their arrival in the UK.

V 15.4. Where an applicant is applying for permission to stay as a visitor to resit the Professional and Linguistic Assessment Board Test, they must provide written confirmation of this from the General Medical Council.

V 15.5. Where the applicant is applying for permission to stay as a visitor and they are an overseas graduate of a medical, dental or nursing school intending to undertake an unpaid clinical attachment or dental observer post, they must have been successful in the Professional and Linguistic Assessment Board test.

### Decision

V 16.1. If the decision maker is satisfied that all the suitability requirements are met, and that the relevant eligibility requirements for a visitor are met, the application will be granted, otherwise the application will be refused.

### Period and conditions of grant for visitors

V 17.1. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work (which does not prohibit the permitted activities in Appendix Visitor: Permitted Activities, Appendix Visitor: Permit Free Festivals or the Permitted Paid Engagements in V 13.3.); and
- (c) no study except where permitted by Appendix Visitor: Permitted Activities at PA 2. and PA 17.1. to PA 17.3.

V 17.2. Entry clearance and permission to enter as a visitor will be granted for the periods set out in the following table:

	Visitor type	Maximum initial length of stay in UK
(a)	Standard visitor	up to 6 months, except: <ul style="list-style-type: none"> <li>(i) a visitor who is coming to the UK for private medical treatment may be granted entry clearance for up to 11 months;</li> <li>(ii) an academic (or the accompanying partner or child of an academic), who is employed by an overseas institution and is carrying out the specific permitted activities at paragraph PA.11.2., may be granted</li> </ul>

		(iii) entry clearance for up to 12 months; a visitor under the Approved Destination Status Agreement may be granted entry clearance for up to 30 days.
(b)	Marriage / civil partnership visitor	up to 6 months
(c)	Permitted Paid Engagements (PPE) visitor	up to 1 month
(d)	Transit visitor	up to 48 hours, except for permission to enter as a Transit visitor under the Transit Without a Visa Scheme which may be granted until 23:59 hours on the next day after the day the applicant arrived in the UK.

V 17.3. Permission to stay will be granted for the following periods:

- (a) a Standard visitor or a Marriage or civil partnership visitor, who was granted permission for less than 6 months may be granted permission to stay for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 6 months; and
- (b) a Standard visitor who is in the UK for private medical treatment may be granted permission to stay as a visitor for a further 6 months, provided the purpose is for private medical treatment; and
- (c) a Standard visitor who is in the UK to undertake the activities in Appendix Visitor: Permitted Activities at PA 11.2. or the accompanying partner or child of such a Standard visitor, may be granted permission to stay for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 12 months; and
- (d) a Standard visitor may be granted permission to stay as a visitor for up to 6 months in order to resit the Professional and Linguistic Assessment Board Test; and
- (e) a Standard visitor who is successful in the Professional and Linguistic Assessment Board Test may be granted permission to stay as a visitor to undertake an unpaid clinical attachment for a period which results in the total period they can remain in the UK (including both the original grant and the extension) not exceeding 18 months.

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# Immigration Rules

## Appendix Visitor: Visa national list

### List of nationalities requiring entry clearance prior to travel to the UK as a visitor, or for any other purpose for less than six months

VN 1.1. A person who meets one or more of the criteria below needs entry clearance (also referred to as visa) in advance of travel to the UK as a visitor, or for any other purpose for less than six months, unless they meet one of the exceptions set out in VN 2.1. VN 2.2 (subject to VN 2.3.) or VN 3.1.

(a) Nationals or citizens of the following countries or territorial entities (a “\*” indicates there are exceptions in VN 2.2 to VN 6.5):

- Afghanistan
- Albania
- Algeria
- Angola
- Armenia
- Azerbaijan
- Bahrain\*
- Bangladesh
- Belarus
- Benin
- Bhutan
- Bolivia
- Bosnia Herzegovina
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Cape Verde
- Central African Republic
- Chad

People's Republic of China\*  
Colombia  
Comoros  
Congo  
Côte d'Ivoire (formally Ivory Coast)  
Cuba  
Democratic Republic of the Congo  
Djibouti  
Dominican Republic  
Ecuador  
Egypt  
Equatorial Guinea  
Eritrea  
Eswatini (formally Swaziland)  
Ethiopia  
Fiji  
Gabon  
Gambia  
Georgia  
Ghana  
Guinea  
Guinea Bissau  
Guyana  
Haiti  
India  
Indonesia\*  
Iran  
Iraq  
Jamaica  
Jordan  
Kazakhstan  
Kenya  
Korea (North)

Kosovo  
Kuwait \*  
Kyrgyzstan  
Laos  
Lebanon  
Lesotho  
Liberia  
Libya  
Madagascar  
Malawi  
Mali  
Mauritania  
Moldova  
Mongolia  
Montenegro  
Morocco  
Mozambique  
Myanmar (formally Burma)  
Nepal  
Niger  
Nigeria  
North Macedonia (formally Macedonia)  
Oman\*  
Pakistan  
Peru  
Philippines  
Qatar\*  
Russia  
Rwanda  
São Tomé and Príncipe  
Saudi Arabia  
Senegal  
Serbia

Sierra Leone  
Somalia  
South Africa\*  
South Sudan  
Sri Lanka  
Sudan  
Suriname  
Syria  
Taiwan\*  
Tajikistan  
Tanzania  
Thailand  
Togo  
Tunisia  
Turkey \*  
Turkmenistan  
Uganda  
Ukraine  
United Arab Emirates\*  
Uzbekistan  
Venezuela  
Vietnam\*  
Yemen  
Zambia  
Zimbabwe

(b) stateless people; and

(c) people travelling on any document other than a national passport, or, in the case of an EEA Citizen, a national identity card, regardless of whether the document is issued by or evidences nationality of a state not listed in VN 1.1. (a), except where that document has been issued by the UK.

### **Exceptions to the list of visa nationals**

### **Holders of specified travel documents**

VN 2.1. It is not necessary for a transit visitor to hold a visa before they travel to the UK if they are travelling on an emergency travel document issued by, and evidencing the nationality of, a country not listed in paragraph VN 1.1.(a) and the purpose of their transit is to travel to the country in which they are ordinarily resident.

VN 2.2. The following people do not need a visit visa before they travel to the UK as a visitor, other than where VN 2.3. applies:

- (a) nationals or citizens of the People's Republic of China who hold a passport issued by the Hong Kong Special Administrative Region; or
- (b) nationals or citizens of the People's Republic of China who hold a passport issued by the Macao Special Administrative Region; or
- (c) nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan; or
- (d) people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See; or
- (e) nationals or citizens of Oman who hold a diplomatic or special passport issued by Oman; or
- (f) nationals or citizens of Qatar who hold a diplomatic or special passport issued by Qatar; or
- (g) nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates; or
- (h) nationals or citizens of Turkey who hold a diplomatic passport issued by Turkey; or
- (i) nationals or citizens of Kuwait who hold a diplomatic or special passport issued by Kuwait; or
- (j) nationals or citizens of Bahrain who hold a diplomatic or special passport issued by Bahrain; or
- (k) nationals or citizens of South Africa who hold a diplomatic passport issued by South Africa; or
- (l) nationals or citizens of Vietnam who hold a diplomatic passport issued by Vietnam; or
- (m) nationals or citizens of Indonesia who hold a diplomatic passport issued by Indonesia.

VN 2.3. VN 2.2. does not apply where the person is:

- (a) visiting the UK to marry or to form a civil partnership, or to give notice of marriage or civil partnership, unless they are a "relevant national" as defined in section 62 of the Immigration Act 2014; or
- (b) seeking to visit the UK for more than 6 months.

**Exception where the applicant holds an Electronic Visa Waiver (EVW) Document (Kuwait, Oman, Qatar and United Arab Emirates nationals or citizens only)**

VN 3.1. The holder of a valid Electronic Visa Waiver (EVW) Document does not need to obtain a visit visa, or a visa for entry for six months or less where there is no mandatory entry clearance requirement, in advance of arrival in the UK, but can instead apply for permission to enter at the UK border.



VN 3.2. VN 3.1. will not apply (meaning that the person will normally be refused permission to enter the UK) unless the EVW Document is used in the manner specified in VN 6.1. to VN 6.5.

VN 3.3. An EVW Document relates to one person and may only be used for one application for permission to enter the UK or, where applicable, one crossing of the land border from the Republic of Ireland to the UK.

### **Obtaining an Electronic Visa Waiver Document**

VN 4.1. Only passport holders who are nationals or citizens of Kuwait, Oman, Qatar or the United Arab Emirates can obtain and use an EVW document.

VN 4.2. To obtain an EVW Document, a person must provide the required biographic and travel information at the website established by the UK Government at <https://www.electronic-visa-waiver.service.gov.uk/>.

VN 4.3. EVW Documents are issued to the applicant in electronic form.

### **Validity Requirements for an Electronic Visa Waiver Document**

VN 5.1. To be valid the biographic details on the EVW Document must match those of the holder's passport, except where:

- (a) an apostrophe, space or hyphen is present in the holder's name on their EVW Document but is not present in the holder's name on their passport; or
- (b) an apostrophe, space or hyphen is present in the holder's name on their passport but is not present in the holder's name on their EVW Document.

VN 5.2. To be valid an EVW Document must be able to be presented by the holder:

- (a) in clear, legible format; and
- (b) in English; and
- (c) electronically or in printed form.

VN 5.3. To be valid the EVW Document must specify the flight, train or ship on which the holder intends to arrive in the UK, including the port of departure and arrival, and the scheduled date and time of departure and arrival, unless VN 5.4. or VN 5.5. applies.

VN 5.4. Where the holder of an EVW Document is seeking to arrive in the UK by entering a control zone in France or Belgium or supplementary control zone in France, the EVW must specify the train or ship on which the holder intends to arrive in the UK, including:

- (a) the railway station or port where the holder intends to enter the control zone or supplementary control zone and from which the holder intends to depart for the UK; and
- (b) the railway station or port at which the holder intends to leave the train or ship after arrival in the UK; and
- (c) the scheduled date and time of departure from, and arrival at, the specified railway stations or ports.

VN 5.5. Where the holder of an EVW Document intends to cross the land border from the Republic of Ireland to the UK by train, car or any other means, the EVW must specify the place at which it is intended to cross the border and the intended date and time of arrival in the UK.

VN 5.6. For the EVW to be valid the required information must be submitted at least 48 hours before the holder departs on a flight, train or ship to the UK or crosses the UK land border from the Republic of Ireland by train, car or any other means.

VN 5.7. To be valid the EVW Document must not have been issued more than 3 months before the date of the holder's scheduled departure to the UK as specified on the EVW Document or, where the holder intends to cross the land border with the Republic of Ireland, before the intended date of the holder's arrival in the UK as specified on the EVW Document.

### **Use of the Electronic Visa Waiver Document**

VN 6.1. The holder must present the EVW Document to an Immigration Officer on request upon the holder's arrival at the UK Border or, where the holder is seeking to arrive in the UK by entering a control zone in France or Belgium or a supplementary control zone in France, upon arrival in that zone.

VN 6.2. Where the holder has presented a printed copy of the EVW Document, it must be surrendered to an Immigration Officer upon request.

VN 6.3. The holder must travel on the flight, train or ship specified on the EVW Document unless VN 6.4. or VN 6.5. applies.

VN 6.4. If the holder travels on a different flight, train or ship from that specified in the EVW Document it must depart from the same port or railway station and arrive at the same UK port or railway station as specified on the EVW Document and either:

- (a) depart after the departure time specified on the EVW Document and arrive in the UK no more than 8 hours after the arrival time specified on the EVW Document; or
- (b) if the holder is seeking to arrive in the UK by entering a control zone in France or Belgium or a supplementary control zone in France, arrive no more than 8 hours after the departure time specified on the EVW Document.

VN 6.5. If the holder is seeking to arrive in the UK by crossing the land border from the Republic of Ireland, the holder must cross at the time specified on the EVW Document, or no more than 8 hours after the time specified on the EVW Document.

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# Immigration Rules

## Appendix Visitor: Permitted Activities

### Permitted Activities for visitors

PA 1. Visitors are permitted to undertake the following activities:

	Visitor type	Visitors of this type can:
(a)	Standard visitor	do all permitted activities in Appendix Visitor: Permitted Activities, except visitors under the Approved Destination Status Agreement may only do the activities in PA 2(a).
(b)	Marriage / civil partnership visitor	marry or form a civil partnership, or give notice of marriage or civil partnership and do all permitted activities in Appendix Visitor: Permitted Activities, other than study as described in PA 17.1. to PA 17.3.
(c)	Permitted Paid Engagements (PPE) visitor	do the permitted paid engagements in Appendix V: Visitor at V 13.3. and all permitted activities in Appendix Visitor: Permitted Activities other than study as described in PA 17.1. to PA 17.3. and transit as described in PA 18.
(d)	Transit visitor	transit the UK as described in PA 18.

### Tourism and Leisure

PA 2. A visitor may:

- (a) visit friends and family and / or come to the UK for a holiday; and
- (b) take part in educational exchanges or visits with a state funded school or academy or independent school; and
- (c) attend recreational courses (not English Language training) for a maximum of 30 days.

### Volunteering

PA 3. A visitor may undertake volunteering provided it lasts no more than 30 days in total and is for a charity that is registered with either the Charity Commission for England and Wales; the Charity Commission for Northern Ireland; or the Office of the Scottish Charity

Regulator.

### **General Business Activities**

PA 4. A visitor may:

- (a) attend meetings, conferences, seminars, interviews; and
- (b) give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser; and
- (c) negotiate and sign deals and contracts; and
- (d) attend trade fairs, for promotional work only, provided the visitor is not directly selling; and
- (e) carry out site visits and inspections; and
- (f) gather information for their employment overseas; and
- (g) be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

### **Intra-corporate Activities**

PA 5. An employee of an overseas based company may:

- (a) advise and consult; and
- (b) trouble-shoot; and
- (c) provide training; and
- (d) share skills and knowledge;

on a specific internal project with UK employees of the same corporate group, provided no work is carried out directly with clients.

PA 6. An internal auditor may carry out regulatory or financial audits at a UK branch of the same group of companies as the visitor's employer overseas.

### **Manufacture and supply of goods to the UK**

PA 7. An employee of a foreign manufacturer may install, dismantle, repair, service or advise on equipment, computer software or hardware, where such manufacturer has a contract of purchase or supply or lease with a UK company or organisation.

### **Clients of UK export companies**

PA 8. A client of a UK export company may be seconded to the UK company in order to oversee the requirements for goods and services that are being provided under contract by the UK company or its subsidiary company, provided the two companies are not part of the same group. Employees may exceptionally make multiple visits to cover the duration of the contract.

### **Overseas roles requiring specific activities in the UK**

PA 9.1 Individuals employed outside the UK may visit the UK to take part in the following activities in relation to their employment overseas:

- (a) a translator and/or interpreter may translate and/or interpret in the UK as an employee of an enterprise located overseas; or
- (b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) as the business person and are employed by them outside the UK. They must not be providing personal care or domestic work for the business person; or
- (c) a tour group courier, contracted to a company with its headquarters outside the UK, who is entering and departing the UK with a tour group organised by their company; or
- (d) a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film; or
- (e) archaeologists taking part in a one-off archaeological excavation; or
- (f) a professor from an overseas academic institution accompanying students to the UK as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation (however this must not amount to filling a permanent teaching role for that institution); or
- (g) market researchers and analysts may conduct market research or analysis for an enterprise located outside the UK.

PA 9.2. Drivers on a genuine international route between the UK and a country outside the UK may:

- (a) deliver or collect goods or passengers from a country outside the UK to the UK; and
- (b) undertake cabotage operations.

Drivers must be employed or contracted to an operator registered in a country outside the UK or be a self-employed operator and driver based outside the UK. The operator must hold an International Operators Licence or be operating on an own account basis.

### **Work-related training**

PA 10.1. Overseas graduates from medical, dental or nursing schools may:

- (a) undertake clinical attachments or dental observer posts provided these are unpaid and involve no treatment of patients, where the additional requirements of Appendix V: Visitor at V 11.1. are also met; and
- (b) take the following test/examination in the UK:
  - (i) the Professional and Linguistic Assessment Board test, where the additional requirements of Appendix V: Visitor at V 11.2. are also met; or
  - (ii) the Objective Structured Clinical Examinations for overseas, where the additional requirements of Appendix V: Visitor at V 11.3. are also met.

PA 10.2. Employees of an overseas company or organisation may receive training from a UK based company or organisation in work

practices and techniques which are required for the visitor's employment overseas and not available in their home country.

PA 10.3. An employee of an overseas based training company may deliver a short series of training to employees of a UK based company, where the trainer is employed by an overseas business contracted to deliver global training to the international corporate group to which the UK based company belongs.

### **Science and academia**

PA 11.1. Scientists and researchers may:

- (a) gather information and facts for a specific project which directly relates to their employment overseas, or conduct independent research; and
- (b) share knowledge or advise on an international project that is being led from the UK, provided the visitor is not carrying out research in the UK.

PA 11.2. Academics may:

- (a) take part in formal exchange arrangements with UK counterparts (including doctors); and
- (b) carry out research for their own purposes if they are on sabbatical leave from their home institution; and
- (c) if they are an eminent senior doctor or dentist, take part in research, teaching or clinical practice provided this does not amount to filling a permanent teaching post.

### **Legal**

PA 12.1. An expert witness may visit the UK to give evidence in a UK court; other witnesses may attend a court hearing in the UK if summoned in person by a UK court.

PA 12.2. An overseas lawyer may advise a UK based client on specific international litigation and/or an international transaction.

### **Religion**

PA 13. Religious workers overseas may visit the UK to preach or do pastoral work.

### **Creative**

PA 14.1. An artist, entertainer, or musician may:

- (a) give performances as an individual or as part of a group; and
- (b) take part in competitions or auditions; and
- (c) make personal appearances and take part in promotional activities; and

(d) take part in one or more cultural events or festivals on the list of permit free festivals in Appendix Visitor: Permit Free Festival List.

PA 14.2. Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in PA 14.1. or Appendix V: Visitor at V 13.3. (e) provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.

PA.14.3. Film crew (actor, producer, director or technician) employed by an overseas company may visit the UK to take part in a location shoot for a film or programme or other media content that is produced and financed overseas.

### **Sports**

PA 15.1. A sports person may:

- (a) take part in a sports tournament or sports event as an individual or part of a team; and
- (b) make personal appearances and take part in promotional activities; and
- (c) take part in trials provided they are not in front of a paying audience; and
- (d) take part in short periods of training provided they are not being paid by a UK sporting body; and
- (e) join an amateur team or club to gain experience in a particular sport if they are an amateur in that sport.

PA 15.2. Personal or technical staff of the sports person, or sports officials, may support the activities in PA 15.1. or in Appendix V: Visitor at V 13.3.(f), if they are attending the same event as the sports person, and personal or technical staff of the sports person must be employed to work for the sports person outside the UK.

### **Medical treatment and organ donation**

PA 16.1. A visitor may receive private medical treatment provided the additional requirements at Appendix V: Visitor at V 7.1. to V 7.3. are also met.

PA.16.2. A visitor may act as an organ donor or be assessed as a potential organ donor to an identified recipient in the UK, provided the additional requirements at Appendix V: Visitor at V 8.1. to V 8.4. are also met.

### **Study as a Visitor**

PA 17.1. A visitor may study for up to six months at an accredited institution, provided the study is not at a state funded school or academy and provided the additional requirements of V.9.1. are also met.



PA 17.2. A visitor may undertake research or be taught about research (research tuition) at a UK institution, where they are aged 16 years or over and enrolled on a course of study abroad equivalent to at least degree level study in the UK, providing the additional requirements of V 9.1. and V 9.2. are also met.

PA 17.3. Providing the additional requirements of Appendix V: Visitor at V 9.1. are met, a visitor who has been accepted by a higher education provider may undertake electives relevant to their course of study overseas, providing these are unpaid, involve no treatment of patients, and the visitor is:

- (a) aged 16 years or over; and
- (b) enrolled on a course of study abroad equivalent to at least degree level study in the UK; and
- (c) studying medicine, veterinary medicine and science, or dentistry as their principle course of study.

#### **Transit**

PA 18. A visitor may transit the UK, provided they meet the requirements of Appendix V: Visitor at V 14.1. and V 14.2.

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# Immigration Rules

## Appendix Visitor: Permit Free Festival List

### List of Permit Free Festivals

PFF 1. An artist, entertainer or musician visiting the UK to perform at one or more of the following permit free festivals may receive payment to do so:

- (a) Aldeburgh Festival
- (b) Barbican Festivals (Spring, Summer, Autumn)
- (c) Belfast International Arts Festival
- (d) Billingham International Folklore Festival of World Dance
- (e) Boomtown Festival
- (f) Breakin' Convention
- (g) Brighton Festival
- (h) Brighton Fringe
- (i) Brouhaha International Festival of Arts Engagement
- (j) BST Hyde Park
- (k) Cambridge Folk Festival
- (l) Camp Bestival
- (m) Celtic Connections
- (n) Cheltenham Festivals (Jazz, Science, Music & Literature Festivals)
- (o) Dance Umbrella
- (p) Download
- (q) Edinburgh Festival Fringe
- (r) Edinburgh International Book Festival
- (s) Edinburgh International Festival
- (t) Edinburgh Jazz and Blues Festival
- (u) Glasgow International Jazz Festival
- (v) Glastonbury

- (w) Glyndebourne
- (x) Greenbelt
- (y) Harrogate International Festivals
- (z) Hay Festival
- (aa) Huddersfield Contemporary Music Festival
- (bb) Isle of Wight Festival
- (cc) Latitude
- (dd) Leeds Festival
- (ee) Llangollen International Musical Eisteddfod
- (ff) London International Festival of Theatre (LIFT)
- (gg) London Jazz Festival (EFG)
- (hh) Meltdown (Southbank Centre)
- (ii) Norfolk & Norwich Festival
- (jj) Reading Festival
- (kk) Snape Proms
- (ll) The Royal Edinburgh Military Tattoo
- (mm) Wireless
- (nn) WOMAD
- (oo) WWE Live

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# Immigration Rules

## Appendix Visitor: Transit Without Visa Scheme

### **Immigration rules for Visa Nationals transiting the UK landside without a visa.**

TWOV 1. To be granted permission to enter as a transit visitor under the transit without visa scheme a visa national must meet all the requirements at TWOV 2. and one of the requirements at TWOV 3.

TWOV 2. The applicant must:

- (a) have arrived in the UK by air and will be departing by air; and
- (b) be genuinely in transit to another country, meaning the purpose of their visit is to transit the UK and that the applicant is taking a reasonable transit route; and
- (c) not access public funds or medical treatment, work or study in the UK; and
- (d) genuinely intend and be able to leave the UK before 23:59 hours on the day after the day when they arrived; and
- (e) have a confirmed booking on a flight departing the UK before 23:59 hours on the day after the day when they arrived; and
- (f) be assured entry to their country of destination and any other countries they are transiting through on their way there.

TWOV 3. The applicant must also:

- (a) be travelling to or from (or on part of a reasonable journey to or from) Australia, Canada, New Zealand or the USA and have a valid visa for that country; or
- (b) be travelling from (or on part of a reasonable journey from) Australia, Canada, New Zealand or the USA and it is less than 6 months since he last entered that country with a valid entry visa; or
- (c) hold a valid permanent residence permit issued by either:
  - (i) Australia; or
  - (ii) Canada, issued after 28 June 2002; or
  - (iii) New Zealand; or
- (d) hold a valid USA, I-551 permanent resident card issued on or after 21 April 1998; or
- (e) hold a valid USA I-551 temporary immigrant visa (a wet-ink stamp version will not be accepted); or
- (f) hold an expired USA I-551 permanent resident card issued on or after 21 April 1998, provided it is accompanied by a valid I-797 letter authorising extension of the period of permanent residency; or

- (g) hold a valid standalone US immigration form 155A/155B attached to a sealed brown envelope; or
- (h) hold a valid common format residence permit issued by an EEA state (pursuant to Council Regulation (EC) No. 1030/2002) or Switzerland; or
- (i) hold a valid uniform format category D visa for entry to a state in the European Economic Area (EEA) or Switzerland; or
- (j) be travelling on to the Republic of Ireland and have a valid Irish biometric visa; or
- (k) be travelling from the Republic of Ireland and it is less than three months since the applicant was last given permission to land or be in the Republic by the Irish authorities with a valid Irish biometric visa.

TWOV 4. Paragraph TWOV 3.(a) and (b) do not apply where the transit passenger is a citizen or national of Syria holding a B1 or B2 category visa for entry to the United States of America.

TWOV 5. Electronic versions of any documents listed in paragraph TWOV 3, such as electronic visas (including printed versions), will not be accepted.

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# Immigration Rules

## Appendix S2 Healthcare Visitor

This route relates to the UK's exit from the European Union. It is for a person who, before the end of the transition period (11pm on 31 December 2020), had requested authorisation to receive a course of planned healthcare treatment under the S2 route, pursuant to Regulation (EC) No 883/2004.

The person seeking healthcare treatment may be accompanied on this route by another person who is providing care or support during the planned healthcare treatment.

### Validity requirements for entry clearance or permission to stay as an S2 Healthcare Visitor

HV 1.1. A person applying for entry clearance as an S2 Healthcare Visitor must apply online on the specified form on the gov.uk website "Apply for an exempt, diplomatic or official visit vignette or S2 Healthcare Visitor visa".

HV 1.2. An application for entry clearance as an S2 Healthcare Visitor must be made while the applicant is outside the UK and to a post designated to accept such applications.

HV 1.3. A person applying for permission to stay as an S2 Healthcare Visitor must apply on form "Application to extend stay in the UK: FLR(IR)" and must have, or have last held, permission as an S2 Healthcare Visitor.

HV 1.4. An application for entry clearance or permission to stay as an S2 Healthcare Visitor must meet all the following requirements:

- (a) the applicant must have provided any required biometrics; and
- (b) if the applicant is an EEA citizen they must have provided a passport or valid national identity card which satisfactorily establishes their identity and nationality; and
- (c) if the applicant is a non-EEA citizen they must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

HV 1.5. A person to whom article 5 of the Immigration (Control of Entry Through Republic of Ireland) 1972 Order ("the 1972 Order") applies, may only apply for permission to stay under this Appendix where that permission is to commence after the end of the 6 month

period set out in article 5 of the 1972 Order.

HV 1.6. An application for permission to stay as an S2 Healthcare Visitor must be made by a person:

- (a) in the UK; and
- (b) who has, or who last had, permission as an S2 Healthcare Visitor.

HV 1.7. An application which does not meet all the validity requirements for an S2 Healthcare Visitor is invalid and may be rejected and not considered.

### **Suitability requirements for an S2 Healthcare Visitor**

HV 2.1. Subject to HV 2.2, an application must be refused on grounds of suitability where either of the following apply at the date of the decision:

- (a) the applicant is subject to a deportation order or a decision to make a deportation order; or
- (b) the applicant is subject to an exclusion order or exclusion decision.

HV 2.2. Where a decision under HV 2.1 relates to conduct committed before 11pm on 31 December 2020, the decision maker must be satisfied that the order or decision is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for “an EEA decision” read “a decision under HV 2.1 of Appendix S2 Healthcare Visitor”).

HV 2.3. An application may be refused on grounds of suitability if, at the date of decision, the decision maker is satisfied that it is proportionate to refuse the application where:

- (a) in relation to the application and whether or not to the applicant’s knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the application; or
- (b) in respect of conduct committed on or before 11pm on 31 December 2020, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for “an EEA decision” read “a decision under paragraph HV 2.3 of Appendix S2 Healthcare Visitor”.); or
- (c) in respect of conduct committed after 11pm on 31 December 2020, on the grounds that the presence of the applicant in the UK

- is not conducive to the public good; or
- (d) subject to HV 2.4, the applicant is the subject of an Islands deportation order as defined by paragraph 3(6) of Schedule 4 to the Immigration Act 1971; or
  - (e) subject to HV 2.4, the applicant is the subject of an Islands exclusion decision which is a direction given by the relevant Minister or other authority in the Islands concerned that the applicant must be refused entry to the Island concerned on the grounds that their presence there would not be conducive to the public good.

HV 2.4. Where a decision under HV 2.3(d) or (e) relates to conduct at or before 11pm on 31 December 2020, the decision maker must be satisfied that the order or decision is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for “an EEA decision” read “a decision under HV 2.3 of Appendix S2 Healthcare Visitor”).

## Eligibility requirements for an S2 Healthcare Visitor

### Entry requirements for an S2 Healthcare Visitor

HV 3.1. A person seeking to come to or stay in the UK as an S2 Healthcare Visitor must be a person to whom one of the following applies:

- (a) Article 32(1)(b) of the withdrawal agreement; or
- (b) Article 31(1)(b) of the EEA EFTA separation agreement; or
- (c) Article 26a(1)(b) of the Swiss citizens’ rights agreement.

HV 3.2. A person seeking to come to the UK as an S2 Healthcare Visitor and who is a visa national must apply for and obtain entry clearance as an S2 Healthcare Visitor before they arrive in the UK.

HV 3.3. A person to whom HV 3.2. applies will be refused permission to enter if they do not hold entry clearance as an S2 Healthcare Visitor on arrival in the UK.

HV 3.4. A person who is a non-visa national seeking to come to the UK as an S2 Healthcare Visitor may apply for permission to enter on arrival in the UK.

### Financial requirement for an S2 Healthcare Visitor



HV 4.1. The applicant must have access to sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds, including the cost of the return or onward journey.

HV 4.2. The applicant must show funds as specified in Appendix Finance.

HV 4.3. A S2 Healthcare Visitor's travel, maintenance and accommodation may be provided by a third party where the decision maker is satisfied that they can and will provide support to the S2 Healthcare Visitor for the intended duration of their stay.

### **Treatment requirement for an S2 Healthcare Visitor**

HV 5.1. The course of planned healthcare treatment must have been arranged prior to the applicant's travel to the UK.

### **Patient (P) requirement**

HV 6.1. Where the applicant is the patient (P) they must provide their valid S2 certificate of entitlement to scheduled treatment.

HV 6.2. Where P is applying for permission to stay for the purpose of completing the course of planned healthcare treatment detailed on their valid S2 certificate of entitlement to scheduled treatment they must provide documentation in accordance with one of the following;

- (a) the valid S2 certificate of entitlement to scheduled treatment specified in HV 6.1 which demonstrates that the length of treatment extends beyond the entry clearance granted.
- (b) a renewed or extended S2 certificate of entitlement to scheduled treatment which covers the period of the extension sought; or
- (c) the valid S2 certificate of entitlement to scheduled treatment specified in HV 6.1. and a letter from the doctor or other health professional providing the treatment in the UK detailing the further treatment required.

### **Accompanying person (AP) requirement**

HV 7.1. Where the applicant is an accompanying person (AP) they must meet one of the following requirements:

- (a) AP is, or will be, accompanying the patient (P) to the UK at the time of their entry into the UK, and P is, or will be, an S2 Healthcare Visitor on arrival in the UK; or
- (b) P is in the UK as an S2 Healthcare Visitor and AP will be joining P in the UK.

HV 7.2. AP must provide one of the following to demonstrate their relationship with the P:

- (a) evidence of P's permission to enter or permission to stay as an S2 Healthcare Visitor; or
- (b) P's S2 certificate of entitlement to scheduled treatment; and
- (c) if P is an EEA citizen, P's valid national identity card or passport issued by an EEA State and if P is a non-EEA citizen, P's passport.

HV 7.3. AP must provide evidence that they reside in an EEA State or Switzerland.

HV 7.4. Where AP is applying for permission to stay they must also provide the relevant evidence required in HV 6.2.

HV 7.5. Where, in order to meet the requirements of HV 7.2. to HV 7.4., AP submits a copy (and not the original) of a document, the decision maker can require the applicant to submit the original document where the decision maker has reasonable doubt as to the genuineness of the copy submitted.

### **Consent requirement for child S2 Healthcare Visitor**

HV 8.1. If the applicant is a child at the date of application and is not applying or travelling with a parent or legal guardian who is responsible for their care, the applicant must have consent from:

- (a) a parent; or
- (b) their legal guardian.

HV 8.2. The consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance or permission to enter, the applicant's travel to, and reception arrangements in, the UK.

HV 8.3. If requested, the consent in HV 8.1. must be given in writing.

### **Decision on application as an S2 Healthcare Visitor**

HV 9.1. If the decision maker is satisfied that all the suitability and the relevant eligibility requirements are met for an S2 Healthcare

Visitor, the application will be granted, otherwise the application will be refused.

### **Period and condition of grant for an S2 Healthcare Visitor**

HV 10.1. An S2 Healthcare Visitor will be granted permission to enter for up to 6 months.

HV 10.2. An S2 Healthcare Visitor will be granted permission to stay for up to 6 months.

HV 10.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work; and
- (c) no study; and
- (d) if Part 10 applies, the person will be required to register with the police.

### **Cancellation and curtailment**

HV 11.1. An S2 Healthcare Visitor's entry clearance, permission to enter or permission to stay may be cancelled where the decision maker is satisfied that it is proportionate to cancel that entry clearance or permission where:

- (a) the cancellation is justified on grounds of public policy, public security or public health, on the basis of the person's conduct on or before 11pm on 31 December 2020, in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for an "EEA decision" read "a decision under paragraph HV 11.1 of Appendix S2 Healthcare Visitor"); or
- (b) the cancellation is justified on the ground that it is conducive to the public good, on the basis of the person's conduct after 11pm on 31 December 2020; or
- (c) the cancellation is justified on grounds that, in relation to an application made under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application) and the information, representation or documentation was material to the decision to grant the applicant entry clearance, permission to enter or permission to stay under this Appendix; or
- (d) they cease to meet the requirements of Appendix S2 Healthcare Visitor; or
- (e) they have breached a condition of their permission as set out in HV 10.3. unless entry clearance or further permission was granted in the knowledge of the breach.

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# Immigration Rules

## Appendix Student

### Student Route

This route is for a person aged 16 or over who wants to study with a sponsor on a course of further or higher education, a pre-sessional English course, a recognised foundation programme, or on the Doctorate Extension Scheme or to take an elected post as a Student Union Sabbatical Officer.

The register of licensed student sponsors can be found at: [www.gov.uk/government/publications/register-of-licensed-sponsors-students](http://www.gov.uk/government/publications/register-of-licensed-sponsors-students)

A person who is aged 16 or 17 and wants to study with a sponsor that is an Independent School on a course at Regulated Qualifications Framework 3 or Scottish Credit and Qualifications Framework 6 and above can apply as either a Student or as a Child Student (see Appendix Child Student).

A person who wants to study a course for 6 months or less without a student sponsor but with an accredited provider should apply under Appendix V: Visitor. A person aged 16 or over who wants to study an English Language course of 11 months or less without a student sponsor but with an accredited provider, should apply under Appendix Short-term Student.

Some Students can bring a dependent partner and dependent children to the UK, for example if they are studying at postgraduate level, or on a government sponsored scheme.

The Student route is not a route to settlement.

### Validity requirements for a Student

ST 1.1. A person applying for entry clearance or permission to stay as a Student must apply on the specified form on the gov.uk website as follows:

Applicant	Specified form
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EEA national with a chipped passport	Either: <ul style="list-style-type: none"> <li>• Student using the UK Immigration: ID Check app: or</li> <li>• the forms listed below for applicants outside or inside the UK (as relevant)</li> </ul>
Applicants outside the UK	Student visa
Applicants inside the UK	Student

ST 1.2. An application for entry clearance or permission to stay as a Student must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must provide a Confirmation of Acceptance for Studies reference number that was issued to them no more than 6 months before the date of application.

ST 1.3. If the applicant has, in the last 12 months before the date of application, completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent in relation to the application from that Government or agency.

ST 1.4. An applicant who is in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

ST 1.5. The applicant must be at least 16 years old on the date of application.

ST 1.6. An application which does not meet all the validity requirements for a Student is invalid and may be rejected and not considered.

## **Suitability requirements for a Student**

ST 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

ST 2.2. If the applicant is applying for permission to stay, they must not be:

- (a) in the UK in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded;
- or
- (b) on immigration bail.

## **Eligibility requirements for a Student**

### **Entry requirements for a Student**

ST 3.1. A person seeking to come to the UK as a Student must apply for and obtain entry clearance as a Student before they arrive in the UK.

ST 3.2. A person applying as a Student must if paragraph A39 and in Appendix T apply of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Date of application requirement for a Student**

ST 4.1. An application for entry clearance must be made no more than 6 months before the start date of the course stated on the Confirmation of Acceptance for Studies.

ST 4.2. An application for permission to stay must be made no more than 3 months before the start date of the course on the Confirmation of Acceptance for Studies.

ST 4.3. An application for permission to stay must be for study on a course with a start date no more than 28 days after the expiry date of the applicant's previous permission.

## Genuine Student requirement

ST 5.1. The applicant must be a genuine student.

## Points requirement for a Student

ST 6.1. The applicant must be awarded a total of 70 points based on the table below.

Points type	Relevant requirements to be met	Number of points
Study (must meet all)	<ul style="list-style-type: none"><li>• Confirmation of Acceptance for Studies requirement</li><li>• Course requirement</li><li>• Approved qualification requirement</li><li>• Level of study requirement</li><li>• Place of study requirement</li></ul>	50
Financial	<ul style="list-style-type: none"><li>• Financial requirement</li></ul>	10
English language	<ul style="list-style-type: none"><li>• English Language requirement</li></ul>	10

## Confirmation of Acceptance for Studies requirement

ST 7.1. The Confirmation of Acceptance for Studies must have been issued by a student sponsor whose licence is still valid on the date on which the application is decided.

ST 7.2. The Confirmation of Acceptance for Studies must not have been used in a previous application which was either granted or refused (but could have been relied on in a previous application which was rejected as invalid, made void or withdrawn).

ST 7.3. The student sponsor must not have withdrawn the offer to the applicant after the date that the Confirmation of Acceptance for Studies was issued.



ST 7.4 The Confirmation of Acceptance for Studies must contain the necessary information to confirm all the following requirements are met:

- (a) the course requirement; and
- (b) the Approved qualification requirement; and
- (c) the level of study requirement; and
- (d) the place of study requirement.

ST 7.5. The Confirmation of Acceptance for Studies must state the cost of accommodation and fees (and any payment already made) so that the financial requirement can be assessed.

ST 7.6. The Confirmation of Acceptance for Studies must show how the English language requirement has been met, and where the sponsor has assessed the applicant's English language ability, must include the information in ST 13.3. and ST 13.4.

### Course requirement for a Student

ST 8.1. The application must be for a single course of study that meets the requirements in ST 8.2. unless it is one of the following:

- (a) a combined pre-sessional course which meets the requirements in ST 15.1. to 15.3.; or
- (b) a full-time, salaried, elected executive position as a Student Union Sabbatical Officer, where the applicant is either part-way through their studies or will fill the position in the academic year immediately after their graduation; or
- (c) to enable the applicant to stay in the UK on the Doctorate Extension Scheme and the Confirmation of Acceptance for Studies has been assigned by a higher education provider with a track record of compliance and issued within 60 days of the expected end date of a course leading to the award of a PhD to the applicant.

ST 8.2. The application must be for a course which is one of the following:

- (a) a full-time course at degree level or above that leads to an approved qualification; or
- (b) a full-time course below degree level involving a minimum of 15 hours per week of classroom-based daytime study (08:00 to 18:00, Monday to Friday) that leads to an approved qualification; or
- (c) a full-time course involving a minimum of 15 hours per week of classroom-based daytime study that is a pre-sessional course; or
- (d) a part-time course above degree level that leads to an approved qualification where the Confirmation of Acceptance for Studies has been issued by a higher education provider with a track record of compliance; or

(e) a full-time course at degree level or above that is recognised by UK NARIC as being equivalent to a UK higher education course where the Confirmation of Acceptance for Studies has been assigned by an overseas higher education institution or a higher education provider with a track record of compliance.

ST 8.3. If the course is an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundations in Accountancy qualification, the student sponsor must be an ACCA approved learning partner – student tuition at either Gold or Platinum level.

ST 8.4. If the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies, the applicant must have a valid ATAS certificate and provide it with the application.

### Approved qualification requirement for a Student

ST 9.1. The course of study, unless it is a pre-sessional course, must lead to an approved qualification which is one of the following:

- (a) validated by Royal Charter; or
- (b) awarded by a UK recognised body; or
- (c) covered by a legal agreement between a UK recognised body and another education provider or awarding body, which confirms both:
  - (i) the UK recognised body's independent assessment of the level of the student sponsor's or awarding body's programme compared to the Regulated Qualifications Framework or its equivalents; and
  - (ii) that the UK recognised body would admit any student who successfully completes the education provider's or the awarding body's named course onto a specific or a range of degree-level courses it provides; or
- (d) recognised by one or more recognised bodies through a formal articulation agreement with the awarding body; or
- (e) in England, Wales and Northern Ireland, is at Regulated Qualifications Framework level 3 or above; or in Scotland is accredited at Scottish Credit and Qualifications Framework level 6 or above; or
- (f) an overseas qualification that UK NARIC assesses as valid and equivalent to Regulated Qualifications Framework level 3 or above; or
- (g) an aviation licence, rating or certificate issued by the UK's Civil Aviation Authority.

### Level of study requirement for a Student

ST 10.1. If the Confirmation of Acceptance for Studies has been assigned by a probationary sponsor, the course must meet one of the following requirements unless it is a pre-sessional course:

- (a) the course will be studied in England, Wales or Northern Ireland, and the applicant is aged under 18, and the course is at Regulated Qualifications Framework level 3 or above; or
- (b) the course will be studied in England, Wales or Northern Ireland, and the applicant is aged 18 or over, and the course is at Regulated Qualifications Framework level 4 or above; or
- (c) the course will be studied in Scotland, and the applicant is aged under 18, and the course is at Scottish Credit and Qualifications Framework level 6 or above; or
- (d) the course will be studied in Scotland, and the applicant is aged 18 or over and the course is at Scottish Credit and Qualifications Framework level 7 or above.

ST 10.2. If the Confirmation of Acceptance for Studies has been assigned by a student sponsor, the course must meet one of the following requirements:

- (a) the course will be studied in England, Wales or Northern Ireland and it is at Regulated Qualifications Framework level 3 or above; or
- (b) the course will be studied in Scotland and it is at Scottish Credit and Qualifications Framework level 6 or above; or
- (c) the course is a short-term study abroad programme in the UK as part of the applicant's qualification at an overseas higher education institution outside of the UK, and that qualification is recognised as being at UK bachelor's degree level or above by UK NARIC; or
- (d) the course is a pre-sessional course in English language at level B2 or above of the Common European Framework of Reference for Languages; or
- (e) the course is a recognised Foundation Programme for postgraduate doctors or dentists; or
- (f) the course is being delivered under a partnership between a higher education institution and a research institute and is accredited at Regulated Qualifications Framework level 7 or above, or at Scottish Credit and Qualifications Framework Level 11 or above.

## Place of study requirement

ST 11.1. All study that forms part of the course of study must take place on the premises of the student sponsor or a partner institution unless the applicant is on a course-related work placement, a study abroad programme overseas, or a pre-sessional course.

## Financial requirement for a Student

ST 12.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement and do not need to show funds.

ST 12.2. If the applicant is applying for entry clearance or permission to stay and is applying as a Student Union Sabbatical Officer or to study on a recognised foundation programme as a doctor or dentist in training, they will meet the financial requirement and do not need to show funds.

ST 12.3. If ST 12.2. does not apply, and the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK with permission for less than 12 months, the applicant must have the following funds:

(a) Studying in London

<b>Type of Study</b>	<b>Funds required</b>
Residential Independent School	Sufficient funds to pay outstanding fees (course fees and boarding fees) for one academic year
Doctorate Extension Scheme	£2,668
All other cases	Sufficient funds to pay any outstanding course fees as stated on the Confirmation of Acceptance for Studies, and £1,334 for each month of the course (up to a maximum of 9 months)

(a) Studying outside London

<b>Type of Study</b>	<b>Funds required</b>
Residential Independent School	Sufficient funds to pay outstanding fees (course fees and boarding fees) for one academic year
Doctorate Extension Scheme	£2,046

All other cases	Sufficient funds to pay any outstanding course fees as stated on the Confirmation of Acceptance for Studies, and £1,023 for each month of the course (up to a maximum of 9 months)
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If the length of the applicant's course includes a part of a month, the time period will be rounded up to the next full month.

ST 12.4. If the applicant has paid a deposit to the student sponsor for accommodation arranged by the sponsor, this deposit (up to a maximum of £1,334) can be offset against the funds required in ST 12.3.

ST 12.5. If the applicant has paid all or part of their course fees to their student sponsor this must be confirmed on the Confirmation of Acceptance for Studies, or the applicant must provide a receipt issued by the student sponsor confirming the amount of fees paid.

ST 12.6. Unless the applicant is relying on a student loan or on official financial sponsorship such as an award from a Government or international scholarship agency, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### English language requirement for a Student

ST 13.1. The applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least:

- (a) level B2, where the applicant is studying a course at UK bachelor's degree level or above; or
- (b) level B1, where the applicant is studying a pre-sessional course or a course below UK bachelor's degree level.

ST 13.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

ST 13.3 Where the student sponsor has assessed that the applicant meets the English language requirement, they must state this and the method of assessment on the Confirmation of Acceptance for Studies.

ST 13.4 Where a Secure English Language Test is required, the name of the test provider, the unique reference number for the test and the score for each component tested (reading, writing, listening, speaking) must be included on the Confirmation of Acceptance for Studies.

### Academic Progress requirement for a Student

ST 14.1. An applicant who has, or previously had, permission as a Student and is applying for permission to stay as a Student must have successfully completed the course of study for which they were last granted permission as a Student, unless one of the exceptions in ST 14.4. applies, or they are applying to progress to a higher level course as specified in ST 14.3.(a) or (b).

ST 14.2. An applicant who has, or previously had permission on the Student route and is applying for permission to stay as a Student must show academic progress from the previous courses of study unless one of the exceptions in ST 14.4. applies.

ST 14.3. An applicant will show academic progress if they are applying for any of the following:

- (a) to progress from a bachelor's to master's level course which is part of an integrated master's course, where the applicant has been offered a place on a higher-level course by the student sponsor after an assessment of their academic ability; or
- (b) to progress from a master's degree to a PhD which is part of an integrated master's and PhD programme, where the applicant has been offered a place on a higher-level course by the student sponsor after an assessment of their academic ability; or
- (c) a course which is above the level of the previous course of study for which they were last granted permission unless:
  - (i) the student sponsor is a higher education provider with a track record of compliance; and
  - (ii) the course is at degree level or above; and
  - (iii) the new course is at the same level as the previous course of study; and
  - (iv) the student sponsor confirms that either:
    - (a) the new course of study is related to the applicant's previous course of study (meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation); or
    - (b) the combination of the previous course of study and the new course of study support the applicant's genuine career aspirations.

ST 14.4. An applicant does not need to show academic progress where they:

- (a) are applying to re-sit examinations or repeat modules under ST 14.5; or
- (b) have previously re-sat examinations or repeated modules under ST 14.5. and are applying to complete the course for which those examinations were re-sat or modules repeated; or

- (c) are applying to continue studying with their current student sponsor for the purpose of completing the PhD or other doctoral qualification for which study was undertaken during their last period of permission as a Student; or
- (d) are making an application to move to a new student sponsor to complete a course of study begun at a student sponsor that has subsequently had its licence revoked; or
- (e) are applying to undertake a role as a Student Union Sabbatical Officer; or
- (f) after undertaking a period as a Student Union Sabbatical Officer are applying to complete the qualification for which the Confirmation of Acceptance for Studies was assigned before that period; or
- (g) are applying for permission to stay under the Doctorate Extension Scheme or as a postgraduate doctor or dentist on a recognised Foundation Programme; or
- (h) are applying to undertake an intercalated bachelor's or master's degree course or PhD where they are studying medicine, veterinary medicine and science, or dentistry as their principal course of study, or to complete their principal course, having completed a period of intercalation; or
- (i) are applying to undertake a study abroad programme or work placement which is both integral to and assessed as part of the course, or to complete their course, having completed a study abroad programme or work placement.

ST 14.5. If the applicant is re-sitting examinations or repeating a module of a course, the applicant must not previously have re-sat the same examination or repeated the same module, more than once (they can only do so twice), unless the sponsor is a student sponsor (and is not a probationary sponsor).

### **Combined Pre-sessional Course requirement for a Student**

ST 15.1. A single Confirmation of Acceptance for Studies can be assigned for a combined pre-sessional course and a main course at degree level or above by a higher education provider with a track record of compliance if:

- (a) the pre-sessional course lasts no longer than 3 months; and
- (b) the main course will begin no more than 1 month after the pre-sessional course ends.

ST 15.2. If the applicant has been assessed as having language ability of at least level B2 in order to meet the English language requirement at ST 13.1., the Confirmation of Acceptance for Studies must confirm that the applicant has an unconditional offer of a place on the main course.

ST 15.3 If the applicant has been assessed (which must be by a method other than assessment by the student sponsor) as having language ability of at least level B1 in order to meet the English language requirement at ST 13.1., the Confirmation of Acceptance for

Studies must confirm that the student sponsor is satisfied that the applicant will have at least level B2 at the end of the pre-session course.

### **Postgraduate Doctor or Dentist requirement**

ST 16.1. If the applicant is applying to be a postgraduate doctor or dentist on a recognised Foundation Programme, they must have both:

- (a) successfully completed a recognised UK bachelor's degree or above in medicine or dentistry; and
- (b) previously been granted permission as a Student, for at least two academic years, which must include the final year, of their UK bachelor's degree or above in medicine or dentistry.

### **Work placement requirement**

ST 17.1. A course that includes a work placement must lead to an approved qualification and the Confirmation of Acceptance for Studies must be assigned by a student sponsor (who is not a probationary sponsor) if the course of study is below degree level.

ST 17.2. A work placement must be assessed as an integral part of the course and must not be longer than one third of the total length of the course, except when there is a statutory requirement that it must be so, or where ST 17.3. applies.

ST 17.3. A work placement on a course that is at degree level or above at a higher education provider with a track record of compliance or at an overseas higher education institution must not be longer than half of the total length of the course.

### **Doctorate Extension Scheme requirement**

ST 18.1. Where the applicant is applying for permission to stay on the Doctorate Extension Scheme, the date of application must not be more than 60 days before the expected end date of a course leading to the award of the PhD to the applicant, as shown on the Confirmation of Acceptance for Studies.

ST 18.2. Where the applicant is applying for permission to stay on the Doctorate Extension Scheme:

- (a) the applicant must not have had previous permission on the Doctorate Extension Scheme; and
- (b) the applicant must have permission as a Student and must be following a course leading to the award of a PhD; and



- (c) the applicant must be sponsored by a higher education provider with a track record of compliance and that student sponsor must be the body awarding the PhD; and
- (d) the date of application must not be more than 60 days before the expected end date of a course leading to the award of a PhD for which the student sponsor issued the applicant's previous Confirmation of Acceptance for Studies.

### Maximum period of study requirement for a Student

ST 19.1. If the course is below degree level, the grant of permission must not lead to the applicant being granted more than two years' permission as a Student to study courses below degree level from the age of 18 unless ST 19.2. applies.

ST 19.2. If the course is below degree level but is subject to a regulatory requirement by the Maritime and Coastguard Agency that the applicant must spend at least 12 months at sea as a part of that course, the grant of permission must not lead to the applicant being granted more than 3 years' permission as a Student from the age of 18 to study courses below degree level.

ST 19.3. If the course is at degree level, the grant of permission must not lead to the applicant being granted more than five years' permission as a Student from the age of 18 to study courses at degree level unless the course of study is one of those listed at ST 19.4.

ST 19.4. The five-year maximum period of study at degree level in ST 19.3. will not apply if the applicant has a Confirmation of Acceptance for Studies that has been assigned for a course of study in one of the following subjects:

- (a) architecture; or
- (b) medicine; or
- (c) dentistry; or
- (d) veterinary medicine and science; or
- (e) music at a music college that is a member of Conservatoires UK; or
- (f) law, where the applicant has completed a course at degree level or above and is applying for a course of study which is:
  - (i) a law conversion course validated by the Solicitors Regulation Authority and the Bar Standards Board in England and Wales; or
  - (ii) Masters in Law (MLaw) in Northern Ireland; or
  - (iii) an accelerated graduate LLB in Scotland.

ST 19.5. If the applicant has previously been granted permission as a postgraduate doctor or dentist, the grant of permission to the applicant must not lead to the applicant having been granted more than 3 years' permission as a postgraduate doctor or dentist.

ST 19.6. When calculating the period of permission granted under ST 19.1. to ST 19.5., any period of permission as a Student extended under section 3C of the Immigration Act 1971 will count towards the period of permission granted.

### **Documents used to obtain an offer requirement for a Student**

ST 20.1. The applicant must provide evidence of the qualifications or references they used to obtain the offer of a place on the course of study from the student sponsor, unless either:

- (a) the applicant is applying for a course of study at degree level or above and is sponsored by a higher education provider with a track record of compliance; or
- (b) ST 22.1. applies.

ST 20.2. The evidence of each qualification must be one of the following:

- (a) the certificate(s) of qualification; or
- (b) the transcript of results; or
- (c) a print out of the qualification or transcript results from the awarding body's online checking service.

ST 20.3. Where the applicant has provided a print out of qualifications or transcript results from the awarding body's online checking service, the decision maker may require the applicant to provide the certificate of qualification or transcript of results.

### **Parental consent requirement for a Student**

ST 21.1. If the applicant is aged 16 or 17, they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

ST 21.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

## Differential evidence requirement for a Student

ST 22.1. Evidence to show that the applicant meets the financial requirement and the requirement to provide documents used to obtain an offer does not need to be provided with the application (but may be required by the decision maker) if the applicant is applying from the country or territory where they are living, or from in the UK, and the applicant either:

- (a) holds a passport which shows they are registered as a British National (Overseas), or which was issued by the competent authorities of Hong Kong SAR, Macau SAR or Taiwan (which includes the number of the identification card issued by the competent authority in Taiwan); or
- (b) is a national of any of the following:

- Australia
- Austria
- Bahrain
- Barbados
- Belgium
- Botswana
- Brazil
- Brunei
- Bulgaria
- Cambodia
- Canada
- Chile
- China
- Croatia
- Republic of Cyprus
- Czech Republic
- Denmark
- The Dominican Republic
- Estonia
- Finland
- France
- Germany
- Greece

Hungary  
Iceland  
Indonesia  
Ireland  
Italy  
Japan  
Kazakhstan  
Kuwait  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malaysia  
Malta  
Mauritius  
Mexico  
Netherlands  
New Zealand  
Norway  
Oman  
Peru  
Poland  
Portugal  
Qatar  
Romania  
Serbia  
Singapore  
Slovakia  
Slovenia  
South Korea  
Spain  
Sweden  
Switzerland

Thailand  
Tunisia  
United Arab Emirates  
United States of America

### Information on the Confirmation of Acceptance for Studies requirement

ST 23.1. The student sponsor must provide all the following information about the course of study on the Confirmation of Acceptance for Studies:

- (a) title of course; and
- (b) academic level of course; and
- (c) course start and end dates; and
- (d) hours of study per week, including confirmation on whether the course is part-time or full-time; and
- (e) the address of the main place of study; and
- (f) the cost of accommodation and fees; and
- (g) if the student sponsor has assessed the applicant by use of one or more references, details of the references assessed; and
- (h) if the course involves a work placement, details of any work placement relating to the course; and
- (i) if the course will be provided by an education provider which is not the student sponsor, details of the partner institution; and
- (j) if the ATAS requirement in Annex ATAS applies; and
- (k) confirmation if the course is a recognised Foundation Programme for postgraduate doctors or dentists, and requires a certificate from the Postgraduate Dean; and
- (l) a statement of how the student sponsor has assessed the applicant's English language ability including, where relevant, the applicant's English language test scores in all 4 components (reading, writing, speaking and listening); and
- (m) if the course is part of a study abroad programme, the name and address of the partner institution; and
- (n) if the applicant is applying for a full-time, salaried, elected executive position as a Student Union Sabbatical Officer and is part-way through their studies or being sponsored to fill the position in the academic year immediately after their graduation; and
- (o) if the Confirmation of Acceptance for Studies was issued for the Doctorate Extension Scheme, that it was issued within 60 days of the expected end date of a course leading to the award of a PhD and the applicant is sponsored by a higher education provider with a track record of compliance; and
- (p) if the applicant has previously been granted permission as a Student, confirmation that the new course meets the academic progress requirement from the previous course as required by ST 14.1. to ST 14.5.

## Decision on application for a Student

ST 24.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Student are met, the application will be granted; otherwise, the application will be refused.

ST 24.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

## Period and conditions of grant for a Student

ST 25.1. The grant of permission will be subject to the following conditions:

- (a) no access to public funds; and
- (b) no work, except as specified in ST 26; and
- (c) no study, except as specified in ST 27; and
- (d) if Part 10 applies, the person will be required to register with the police.

ST 25.2. The applicant will be granted permission for the duration of the course as specified on the Confirmation of Acceptance for Studies plus the relevant periods specified in ST 25.3.

ST 25.3. The period of permission granted to an applicant before the start of the course who is applying for entry clearance will be either:

- (a) the relevant period before the course date which is set out in the table below, if entry clearance is granted 1 month or more before the start date of the course; or
- (b) 7 days before the intended date of travel, if entry clearance is granted less than 1 month before the start date of the course; or
- (c) with immediate effect, if entry clearance is granted less than 7 days before the intended date of travel and less than 1 month before the start date of the course.

The applicant will be granted a period of permission dependent on the type and length of course as in the table below:

Type of Course	Period granted before course start date	Period granted after course end date
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A course of 12 months or longer	1 Month	4 Months
A course of 6 months or longer but shorter than 12 months	1 Month	2 Months
A pre-session course of less than 6 months	1 Month	1 Month
A course as a Postgraduate doctor or dentist	1 Month	1 Month
A course of less than 6 months in length which is not a pre-session course	7 Days	7 Days

Permission to stay on the doctorate extension scheme will be granted for 12 months from the expected end date of the course shown on the Confirmation of Acceptance for Studies.

## Work Conditions for a Student

ST 26.1. The applicant will be granted permission with the following employment conditions:

Type of study	Employment conditions
<p>Student following a full-time course of degree level or above study:</p> <ul style="list-style-type: none"> <li>• sponsored by a higher education provider with a track record of compliance; or</li> <li>• sponsored by an overseas higher education institution to undertake a short-term study abroad programme in the UK</li> </ul>	<p>20 hours per week during term-time (full-time employment permitted outside of term-time)</p>

Student undertaking a full-time course below degree level study sponsored by a higher education provider with a track record of compliance	10 hours per week during term-time (full-time employment permitted outside of term-time)
All other study, including all part-time study	No employment permitted

ST 26.2. Students are permitted to undertake work related to a work placement, assessed as an integral part of the course, that meets the requirements at ST 17.1. to ST 17.3.

ST 26.3. employment as an elected Student Union Sabbatical Officer or elected National Union of Students (NUS) position is permitted for up to 2 years if the Confirmation of Acceptance for Studies was assigned for this purpose.

ST 26.4. Where a Student has successfully completed a PhD at a higher education provider with a track record of compliance, and has been granted permission to stay as a Student on the Doctorate Extension Scheme or has made a valid application for permission to stay as a Student on the Doctorate Extension Scheme but has not yet received a decision on that application, the Student is permitted to work in any role, except for employment as a professional sportsperson (including as a sports coach).

ST 26.5. A Student is not allowed to do any of the following:

- (a) be self-employed or engage in business activity unless ST 26.4. or ST 26.8 apply; or
- (b) work as a professional sportsperson (including as a sports coach); or
- (c) work as an entertainer unless ST 26.4. applies; or
- (d) work in a position which would fill a permanent full-time vacancy unless ST 26.4 or SR 26.6 applies.

ST 26.6. If a Student has permission and makes an application for permission to stay under the Skilled Worker route, supported by a Certificate of Sponsorship assigned by a licensed Sponsor, the Student can start the employment for which the Certificate of Sponsorship was assigned, for up to 3 months prior to the course completion date, provided:

- (a) the Student is studying a full-time course of study at degree level or above with a higher education provider with a track record of compliance; and
- (b) the application as a Skilled Worker was made when the applicant had permission as a Student; and
- (c) a decision has not been made on the Skilled Worker application, or where a decision has been made, any Administrative Review against a refusal has not been finally determined.



ST 26.7. A Student may be employed as a postgraduate doctor or dentist if they are on a recognised Foundation Programme.

ST 26.8. A Student may be self-employed, if:

- (a) they have applied for permission on the Start-up route; and
- (b) that application is supported by an endorsement from a Start-up route endorsing body which is a higher education provider with a track record of compliance; and
- (c) the application was made when the applicant had permission as a Student; and
- (d) a decision has not been made on the application, or where the application has been refused, any Administrative Review against a refusal has not been finally determined.

## Study Conditions

ST 27.1. A Student must only study with the student sponsor which assigned the Confirmation of Acceptance for Studies unless either:

- (a) the Student is studying at a partner institution of their student sponsor; or
- (b) the Student has made an application for permission to stay while they have permission as a Student:
  - (i) which is supported by a valid Confirmation of Acceptance for Studies assigned by a student sponsor; and
  - (ii) the application has not yet been decided, or any Administrative Review against that decision has not been determined;  
and
  - (iii) the Student will be studying at the student sponsor that assigned the Confirmation of Acceptance for Studies.

ST 27.2. A Student must only study on the course of study, or courses where a combined pre-session course is being taken, for which the Confirmation of Acceptance for Studies was assigned unless ST 27.3. applies.

ST 27.3. A Student may begin studying on a new course with their current student sponsor if:

- (a) the student sponsor is a higher education provider with a track record of compliance; and
- (b) the Student has not completed the course that the Confirmation of Acceptance for Studies was assigned for; and
- (c) the new course is not at a lower qualification level than the course the Confirmation of Acceptance for Studies was assigned for;  
and
- (d) the course is at degree level or above; and
- (e) any new course at degree level can be completed within the current period of permission; and
- (f) the student sponsor confirms that new course is related to the course for which the Confirmation of Acceptance for Studies was assigned for or supports the Student's genuine career aspirations.

ST 27.4. The Student may study on a study abroad programme overseas that is an integral and assessed part of the course of study named on the Confirmation of Acceptance for Studies.

ST 27.5. Supplementary study is permitted.

ST 27.6. Study is subject to the ATAS condition in Appendix ATAS.

ST 27.7. The Student must not study at a State School or Academy (except for a voluntary grammar school with boarding in Northern Ireland) but if the Student has been granted permission to study at a student sponsor which becomes a State School or Academy during that period of permission, the Student may complete the course for which the Confirmation of Acceptance for Studies was assigned.

## Dependants of a Student

### Validity requirements for a dependent partner or dependent child of a Student

ST.28.1. A person applying for entry clearance or permission to stay as a partner or child of a Student must apply on the specified form on the gov.uk website as follows:

<b>Applicant</b>	<b>Specified Form</b>
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"> <li>• Dependant partner or dependent child using the UK Immigration: ID Check app: or</li> <li>• The forms listed below for dependent applicants outside or inside the UK as relevant</li> </ul>
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependent is applying at the same time as the Student, they can be included in the

	<p>Student where the form allows dependants to be added. Otherwise</p> <ul style="list-style-type: none"> <li>- Dependant partner</li> <li>- Dependant partner</li> </ul>
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<b>Location of partner or child</b>	<b>Nationality and document</b>	<b>Specified form</b>
Outside the UK	EEA nationals with a chipped passport	<p>Either (as applicable):</p> <ul style="list-style-type: none"> <li>• Dependant partner or Dependant partner visa</li> <li>• Dependant child or Dependant child visa</li> </ul>
	Other applicants	<p>Dependant partner visa Dependant child visa</p>
Inside the UK	All applicants	<p>If the dependant is applying at the same time as the Student applicant, they can be included in the form Student where the form allows dependants to be added. Otherwise:</p> <ul style="list-style-type: none"> <li>- Dependant partner</li> <li>- Dependant child</li> </ul>

ST 28.2. An application for entry clearance or permission to stay as a partner or child of a Student must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

ST 28.3. If the applicant has in the 12 months before the date of application been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

ST 28.4. An applicant who is in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

ST 28.5. An application which does not meet the validity requirements for a partner or child on the Student route is invalid and may be rejected and not considered.

### **Suitability requirements for a dependent partner or dependent child of a Student**

ST 29.1. The suitability requirements for a partner or child on the Student route are that they must not fall for refusal under Part 9: grounds for refusal.

ST 29.2. A person applying for permission to stay must not be:

- (a) in the UK in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded;  
or
- (b) on immigration bail

### **Eligibility requirements for a dependent partner or dependent child of a Student**

### **Entry requirement for a dependent partner or dependent child of a Student**

ST 30.1. A person seeking to come to the UK as a partner or child of a Student must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

ST 30.2. A person applying for entry clearance as a partner or child must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Student course requirement for a dependent partner or dependent child of a Student**

ST 31.1. Unless they are a child who meets the requirements in ST 31.2., the applicant must be the partner or child of a person who is:

- (a) a Student who has received an award from a Government and has, or is applying for, permission to study on a full-time course of 6 months or longer; or
- (b) a full-time Student who has, or is applying for, permission to study a postgraduate level course of 9 months or longer at a higher education provider with a track record of compliance; or
- (c) a Student who has permission on the Doctorate Extension Scheme; or
- (d) a Student who has, or had within the last 3 months before the date of application, permission to study on a full-time course of 6 months or longer, and is now applying for permission to study a full-time course of 6 months or longer where either:
  - (i) the partner or child already has, or had within the last 3 months before the date of application, permission as a dependant partner or dependent child of the Student; or
  - (ii) the child was born since the last grant of permission to the Student, where the Student and partner or child are applying at the same time.

ST 31.2. If the applicant is a child who does not meet the requirement at ST.31.1., they must instead meet one of the following requirements:

- (a) the applicant must have been born during the Student's current period of permission to study a full-time course of 6 months or longer and they are applying for permission during that period; or
- (b) where the Student has permission to re-sit examinations or repeat a module of a full-time course of 6 months or longer, the applicant must have been born either:
  - (i) during the Student's original period of permission; or
  - (ii) during the period of permission granted for re-sitting examinations or to repeat a module; or
- (c) the applicant must have been born no more than 3 months after the expiry of the Student's most recent permission and must be making an application for entry clearance within 6 months of the expiry of their parent's most recent permission.

### **Relationship requirement for dependent partner of a Student**

ST 32.1. The applicant must be the partner of a Student, or the partner of a person applying at the same time as a Student

ST 32.2. Both the applicant and their partner must be aged 18 or over at the date of application.

ST 32.3. If the applicant and their partner (who must be a Student, or applying at the same time as a Student) are not married or in a civil partnership, all the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the 2 years before the date of application; and
- (b) any previous relationship of the applicant and their partner with another person must have permanently broken down; and
- (c) the applicant and their partner must not be so closely related that they would not have been allowed to marry in the UK.

ST 32.4. The relationship between the applicant and their partner must be genuine and subsisting.

ST 32.5. The applicant and their partner (who must be a Student, or applying at the same time as a Student) must intend to live together throughout the applicant's stay in the UK.

ST 32.6. The applicant must not intend to stay in the UK beyond any permission granted to their partner (who must be a Student or applying at the same time as a Student).

### Financial requirement for dependent partner of a Student

ST 33.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

ST 33.2. If the applicant is applying for entry clearance or permission to stay, where they have been in the UK less than 12 months, the applicant or their partner (who must be a Student or applying at the same time as a Student) must have the funds specified in the table below, for a total of 9 months, or for the period of permission applied for by the applicant, whichever is the shorter.

Place of Student's study	Funds required by a dependent partner
Studying in London	£845 per month
Studying outside London	£680 per month

ST 33.3. The funds must be in addition to the funds required for the Student to meet the financial requirement, and the funds required to meet the financial requirement for any dependent child who is applying at the same time, or is already in the UK as a dependent child of the Student.

ST 33.4. Unless the applicant is relying on financial sponsorship from a Government or international scholarship agency that covers the living costs of the applicant and the Student, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Relationship requirement for dependent child of a Student**

ST 34.1. The applicant must be the child of a parent who has, or is at the same time being granted permission as:

- (a) a Student, or
- (b) the partner of a Student.

ST 34.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a Student or as the partner of a Student is the sole surviving parent; or
- (b) the parent with permission as a Student or as the partner of a Student has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission as a Student or as the partner of a Student.

ST 34.3. If the applicant is a child born in the UK to a Student or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

### **Care requirement for a dependent child of a Student**

ST 35.1. If the applicant is aged under 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child of a Student**

ST 36.1. The child must be under the age of 18 at the date of application, unless they were last granted permission as a dependent child of the parent (P) who has or is applying for entry clearance or permission to stay as a Student or as a dependent partner of a Student (regardless of the route under which the parent (P) had permission at the time the child's last permission was granted).

ST 36.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **Financial requirement for dependent child of a Student**

ST 37.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

ST 37.2. Where the applicant is applying for entry clearance, or permission to stay and they have been in the UK less than 12 months on the date of application, the applicant or their parent must have the funds specified in the table below, for a total of 9 months, or for the period of permission applied for by the child, whichever is the shorter.

<b>Place of Student's study</b>	<b>Funds required for a dependent child</b>
Studying in London	£845 per month
Studying outside London	£680 per month

ST 37.3 The funds must be in addition to the funds required for the Student to meet the financial requirement, and the funds required for any dependant of the Student. who is applying at the same time as the applicant or is already in the UK as a dependant of the Student.

ST 37.4. Where ST 37.2. applies, unless the applicant is relying on financial sponsorship from a Government or international scholarship agency that covers the living costs of the Student and the applicant, the required level of funds must have been held for a 28-day period as specified in Appendix Finance.

### **Decision on application for a dependent partner or dependent child of a Student**

ST 38.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the dependant partner or child of a Student are met, the application will be granted, otherwise the application will be refused.



ST 38.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR.

### **Period and conditions of grant for a dependent partner or dependent child of a Student**

ST 39.1. A dependent partner will be granted permission which ends on the same date as the Student's permission.

ST 39.2 A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

ST 39.3 The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted except:
  - (i) where the dependant meets the requirement at ST 31.1.(d) and the Student has been granted less than 9 months' permission, unless that is to continue a course of study where they had previously been granted at least 9 months' permission; or
  - (ii) where the dependant meets the requirement at ST 31.1.(d) and the Student is studying a course below degree level; or
  - (iii) no employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the partner or child is aged over 18); and
- (d) if Part 10 applies the person will be required to register with the police.

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# Immigration Rules

## Appendix Short-term Student (English language)

This route is for a person aged 16 and over who wants to study an English language course in the UK for between 6 and 11 months at an accredited institution.

The route is for a person aged 16 and over who wants to study an English language course in the UK for between 6 and 11 months at an accredited institution.

An application can only be made by a person outside the UK.

Short-term Study (English language) is an unsponsored route, sponsored study for persons aged 16 and over is covered in Appendix Student.

A visitor under Appendix V: Visitors can study an English language course of less than 6 months with an accredited institution.

### Validity requirements for a Short-term Student

STS 1.1. A person applying for entry clearance as a Short-term Student must apply online on gov.uk website on the specified form “Short-term Student visa”.

STS 1.2. An application for entry clearance as a Short-term Student must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily established their identity and nationality; and
- (d) the applicant must be outside the UK.

STS 1.3. The applicant must be aged 16 or over on the date of application.

STS 1.4. An application which does not meet all the validity requirements for a Short-term Student is invalid and may be rejected and not considered.

### **Suitability requirements for a Short-term Student**

STS 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

### **Eligibility requirements for a Short-term Student**

#### **Entry requirements for a Short-term Student**

STS 3.1. A person seeking to come to the UK as a Short-term Student must obtain entry clearance as a Short-term Student before they arrive in the UK.

STS 3.2. A person applying for entry clearance as a Short-term Student for more than 6 months must, if Paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Course requirements for a Short-term Student**

STS 4.1. The course provider must be an accredited institution.

STS 4.2. The applicant must provide written evidence from the course provider that the applicant has been accepted onto an English language course (that does not include any other subject) that lasts no longer than 11 months.

#### **Study requirement for a Short-term Student**

STS 5.1. The applicant must not intend to do any of the following during their time in the UK as a short-term Student:

- (a) undertake a course of study of longer than 11 months; or
- (b) study at an academy or state-funded school; or

- (c) make the UK their main home; or
- (d) work in the UK; or
- (e) engage in any business or professional activities in the UK.

STS 5.2. The applicant must intend to leave the UK within 30 days of the end of their English language course, or at the end of the 11 months, whichever is sooner.

### **Financial requirements for a Short-term Student**

STS 6.1. The applicant must be able to maintain and accommodate themselves adequately without receiving public funds.

STS 6.2. The applicant must have enough funds to meet the cost of their return or onward journey from the UK.

STS 6.3. At the date of application, the applicant must have paid the course fees or have enough funds to pay their course fees.

STS 6.4. Funds must be shown as specified in Appendix Finance

### **Parental consent requirement for a Short-term Student aged 16 or 17**

STS 7.1. If the applicant is aged 16 or 17 on the date of application, they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

STS 7.2. The written consent must confirm support for all the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application as a Short-term Student**

STS 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Short-term Student are met the application will be granted, otherwise the application will be refused.

STS 8.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Short-term Student**

STS 9.1. The applicant will be granted permission for 11 months.

STS 9.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work; and
- (c) study only on the course for which the applicant was granted permission.

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# Immigration Rules

## Appendix Child Student

The Child Student route is for a person aged between 4 and 17 who wants to study at an independent school in the UK, which is a student sponsor.

A person aged 16 or 17 who wants to study a course at or above Regulated Qualifications Framework level 3 or Scottish Credit and Qualifications Framework level 6 can choose either to apply as a Child Student at an independent school or as a Student under Appendix Student.

### Validity requirements for a Child Student

CS 1.1. A person applying for entry clearance or permission to stay as a Child Student must apply on the specified form on gov.uk as follows:

<b>Applicant</b>	<b>Specified Form</b>
EEA national with chipped passport	Either: <ul style="list-style-type: none"><li>• Child Student using the UK Immigration: ID Check app; or</li><li>• The forms listed below for applicants outside or inside the UK (as relevant)</li></ul>
Applicants outside the UK	Child Student visa
Applicants inside the UK	Child Student

CS 1.2. An application for entry clearance or permission to stay on the Child Student route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and

- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must on the date of application have a Confirmation of Acceptance for Studies reference number that was issued to them before the date of application.

CS 1.3. The applicant must be between 4 and 17 years old at the date of application.

CS 1.4. If the applicant has, in the last 12 months before the date of application, completed a course of studies in the UK for which they have been awarded a scholarship or sponsorship by a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent in relation to the application from that Government or agency.

CS 1.5. An applicant who is in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) outside the Immigration Rules.

CS 1.6. An application which does not meet all the validity requirements for a Child Student is invalid and may be rejected and not considered.

### **Suitability requirements for a Child Student**

CS 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

CS 2.2. A person applying for permission to stay must not be:

- (a) in the UK in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded;  
or
- (b) on immigration bail.

## Eligibility requirements for a Child Student

### Entry requirements for a Child Student

CS 3.1. A person seeking to come to the UK as a Child Student must apply for and obtain entry clearance as a Child Student before they arrive in the UK.

CS 3.2. A person applying for entry clearance as a Child Student route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### Date of application requirement for a Child Student

CS 4.1. An application for entry clearance as a Child Student must be made no more than 6 months before the start date of the course as stated on the Confirmation of Acceptance for Studies.

CS 4.2. An application for permission to stay must be made no more than 3 months before the start date of the course on the Confirmation of Acceptance for Studies.

CS 4.3. An application for permission to stay must be for a course with a start date no more than 28 days after the expiry date of the previous permission to stay.

### Genuine Child Student requirement

CS 5.1. An applicant aged 16 or 17 years old must be a genuine student.

### Points Requirement

Points type	Relevant requirements to be met	Number of points
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Study (must meet all)	<ul style="list-style-type: none"> <li>• Confirmation of Acceptance for Studies Requirement</li> <li>• Course requirement</li> <li>• Study at an independent school</li> <li>• Aged between 4 and 17 when applying</li> <li>• Parental consent</li> </ul>	50
Financial	<ul style="list-style-type: none"> <li>• Financial requirement</li> </ul>	20

### Confirmation of Acceptance for Studies requirement for a Child Student

CS 7.1. The Confirmation of Acceptance for Studies must have been issued by a student sponsor which is an independent school whose sponsor licence is still valid on the date on which the application is decided.

CS 7.2. The Confirmation of Acceptance for Studies must not have been used in a previous application which was either granted or refused (but could have been relied upon in a previous application which was rejected as invalid, made void or withdrawn).

CS 7.3. The student sponsor must not have withdrawn the offer since the Confirmation of Acceptance for Studies was issued.

CS 7.4. The Confirmation of Acceptance for Studies must contain the necessary information to confirm that the course requirement is met.

CS 7.5. The Confirmation of Acceptance for Studies must state the cost of accommodation and fees (and any payment already made) so that the financial requirement can be assessed.

### Course requirement a Child Student

CS 8.1. The application must be for a single course of study that meets the requirements at CS 8.2., unless it is for a combined pre-sessional course that meets the requirement at CS 11.1.

CS 8.2. The course for which the Confirmation of Acceptance for Studies has been assigned must be one of the following:

- (a) taught in accordance with the National Curriculum; or
- (b) taught in accordance with the Recognised Qualification Framework (RQF), and is not a foundation course intended to prepare the Child Student for entry to a course provided by a higher education provider; or
- (c) accepted as being of equivalent academic status to (a) or (b) above by Ofsted (England), the Education and Training Inspectorate (Northern Ireland), Education Scotland (Scotland) or Estyn (Wales); or
- (d) provided in accordance with prevailing Independent School education inspection standards.

### **Parental consent requirement for a Child Student**

CS 9.1. The applicant must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

CS 9.2. The written consent must confirm support for all the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

CS 9.3. If the applicant will be living with a close relative or private foster carer, that close relative or foster carer must be:

- (a) a British citizen; or
- (b) settled in the UK.

CS 9.4. The close relative or private foster carer (the intended carer) must provide a letter of undertaking which contains the following information:

- (a) the name, current address and contact details of the intended carer; and

- (b) the address where the intended carer and the applicant will be living in the UK if different from the intended carer's current address; and
- (c) confirmation that the accommodation offered to the applicant is a private address, and not operated as a commercial enterprise, such as a hotel or a youth hostel; and
- (d) the nature of the relationship between the applicant's parent(s) or legal guardian and the intended carer; and
- (e) that the intended carer agrees to the care arrangements for the applicant; and
- (f) that the intended carer has at least £570 per month available to look after and accommodate the applicant for each month of the course up to a maximum of 9 months; and
- (g) a list of any other people that the intended carer has offered to support; and
- (h) the intended carer's signature and date of the letter of undertaking.

CS 9.5 If the applicant is staying in a private foster care arrangement and is aged under 16 years old, the applicant must also provide:

- (a) a copy of the letter of notification from their parent, legal guardian or intended carer to the UK local authority, confirming that the applicant will be in the care of a private foster carer while in the UK; and
- (b) the UK local authority's confirmation of receipt, confirming that the local authority has received notification of the private foster care arrangement and have given permission to the arrangement.

### Financial requirement for a Child Student

CS 10.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

CS 10.2. If the applicant is applying for entry clearance or permission to stay where they have been in the UK for less than 12 months on the date of application, the applicant must show the following funds:

<b>Living Arrangements</b>	<b>Funds required</b>
Boarding at a residential independent school	Sufficient funds to pay the outstanding course fees and boarding fees for one academic year
Living during term-time with a private foster carer or close relative who is a	Sufficient funds to pay the outstanding course fees for one academic year.

British Citizen or settled in the UK	The private foster carer or close relative must have funds of at least £570 per month for each month of the course up to the maximum of 9 months
Living with a parent or legal guardian who has permission as a Parent of a Child Student	Sufficient funds to pay the outstanding course fees for one academic year and: <ul style="list-style-type: none"> <li>a. if no other children are or will be under the parent's care in the UK at the same time as the applicant, £1,560 per month for each month of the course up to maximum of 9 months; and</li> <li>b. if there are other who are or will be under the parent's care in the UK at the same time as the applicant, £625 per month for each month of the course up to maximum of 9 months for each child, other than the applicant, being cared for by the parent</li> </ul>
Aged 16 or 17 and living independently	Sufficient funds to pay the outstanding course fees for one academic year and either: <ul style="list-style-type: none"> <li>(a) 1,334 for each month of the course up to the maximum of 9 months where studying in London; or</li> <li>(b) £1,023 for each month of the course up to the maximum of 9 months where studying outside London</li> </ul>

If the length of the applicant's course includes a part of a month, the period of time will be rounded up to the next full month.

CS 10.3. Unless the applicant is relying on a student loan or an award from a Government or international scholarship agency, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

CS 10.4. The applicant must not be financially responsible for anyone else.

## Combined pre-sessional course requirement for a Child Student

CS 11.1. A single Confirmation of Acceptance for Studies can be assigned by an independent school for a combined pre-sessional course and a main course if:

- (a) the applicant has an unconditional offer of a place at the independent school; and
- (b) the duration of the pre-sessional course and period of study at the independent school does not exceed the maximum period of permission granted as set out at CS 15.2.

## Evidence of qualifications requirement for a Child Student

CS 12.1. The applicant must provide evidence of the qualifications they used to obtain the offer of a place on the course from the student sponsor.

CS 12.2. The evidence of each qualification must be one of the following:

- (a) the certificate(s) of qualification; or
- (b) the transcript of results; or
- (c) a print out of the qualification or transcript results from the awarding body's online checking service.

CS 12.3. Where the applicant has provided a print out of qualifications or transcript results from the awarding body's online checking service, the decision maker may require the applicant to provide the certificate of qualification or transcript of results.

## Differential evidence requirement for a Child Student

CS 13.1. Evidence to show that the applicant meets the financial requirement and the requirement to provide evidence of qualifications does not need to be provided with the application (but may be required by the decision maker) if the applicant is applying from the country or territory where they are living, or from in the UK, and the applicant either:

- (a) holds a valid passport which shows they are registered as a British National (Overseas), or which was issued by the competent authorities of Hong Kong SAR, Macau SAR or Taiwan (that includes the number of the identification card issued by the competent authority in Taiwan); or

(b) is a national of any of the following:

Australia  
Austria  
Bahrain  
Barbados  
Belgium  
Botswana  
Brazil  
Brunei  
Bulgaria  
Cambodia  
Canada  
Chile  
China  
Croatia  
Republic of Cyprus  
Czech Republic  
Denmark  
The Dominican Republic  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Indonesia  
Ireland  
Italy  
Japan  
Kazakhstan  
Kuwait  
Latvia

Liechtenstein  
Lithuania  
Luxembourg  
Malaysia  
Malta  
Mauritius  
Mexico  
Netherlands  
New Zealand  
Norway  
Oman  
Peru  
Poland  
Portugal  
Qatar  
Romania  
Serbia  
Singapore  
Slovakia  
Slovenia  
South Korea  
Spain  
Sweden  
Switzerland  
Thailand  
Tunisia  
United Arab Emirates  
United States of America

## Decision for a Child Student

CS 14.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a Child Student are met, the application will be granted, otherwise the application will be refused.

CS 14.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### Period and conditions grant for a Child Student

CS 15.1. The grant will subject to the following conditions:

- (a) no access to public funds; and
- (b) no work until the Child Student is aged over 16 years, then work allowed as specified in CS 16.1.; and
- (c) no study except as specified in CS 17; and
- (d) if Part 10 applies the person will be required to register with the police.

CS 15.2 The period of grant before the start of the course for an applicant applying for entry clearance will be:

- (a) the relevant period of permission granted before the course date which is set out in the table below, if entry clearance is granted 1 month or more before the start date of the course or; or
- (b) 7 days before the intended date of travel, if entry clearance is granted less than 1 month before the start date of the course; or
- (c) with immediate effect, if entry clearance is granted less than 7 days before the intended date of travel and less than 1 month before the start date of the course.

The applicant will be granted permission for the duration of the course as specified on the Confirmation of Acceptance for Studies and the relevant additional periods dependant on their age as specified in the table below:

<b>Age</b>	<b>Period of granted before course start date</b>	<b>Period granted for study</b>	<b>Period granted after course end date</b>
Under 16 years	1 month	The shortest of	4 months



		<ul style="list-style-type: none"> <li>• the period requested by the applicant; or</li> <li>• the duration of the course of study; or</li> <li>• 6 years</li> </ul>	
16 or 17 years	1 month	The shortest of <ul style="list-style-type: none"> <li>• the period requested by the applicant; or</li> <li>• the duration of the course of study; or</li> <li>• 3 years</li> </ul>	4 months

### Work conditions for a Child Student

CS 16.1. A Child Student who is aged 16 or over may work:

- for no more than 10 hours per week during term time; and
- for any duration during vacation (including before the course starts); and
- on a course-related work placement which forms an assessed part of the Child Student's course; provided that any period that the Child Student spends on that placement does not exceed half of the total length of the course undertaken in the UK, unless it is a UK statutory requirement that the placement should exceed half the total length of the course.

CS 16.2. A Child Student will not be allowed to do any of the following work:

- be self-employed or engage in business activity; or
- work as a professional sportsperson (including as a sports coach); or
- work as an entertainer, or
- work in a position which would fill a permanent full-time vacancy.

### Study conditions for a Child Student

CS 17.1. A Child Student must study on the course or courses for which the Confirmation of Acceptance for Studies was assigned, unless:

- (a) they have yet to complete the course for which the Confirmation of Acceptance for Studies was assigned; and
- (b) they begin study on a new course at the student sponsor institution and the new course is at a higher or the same level as the course for which the Confirmation of Acceptance for Studies was assigned and is not a foundation course intended to prepare the student for entry to a higher education provider.

CS 17.2. A Child Student must study with the student sponsor which issued their Confirmation of Acceptance for Studies, unless:

- (a) they are studying at an institution which is a partner institution of their student sponsor; or
- (b) they have made an application for permission to stay while they have permission as a Child Student which is supported by a valid Confirmation of Acceptance for Studies assigned by a student sponsor, the application has not yet been decided, or any Administrative Review against refusal of that decision has not been determined, and the Child Student will be studying at the student sponsor that assigned the Confirmation of Acceptance for Studies.

CS 17.3. Supplementary study is permitted.

CS 17.4. A Child Student must not study at a state school or academy except for:

- (a) a voluntary grammar school with boarding in Northern Ireland: or
- (b) if the Child Student has been granted permission to study at a student sponsor which becomes a state school or academy during that period of permission, in which case the Child Student may complete the course for which the Confirmation of Acceptance for Studies was assigned.

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# Immigration Rules

## Appendix Parent of a Child Student

This route is for a Parent of a Child Student to come to or stay in the UK to care for their child, where the child is in the UK under Appendix Child Student, is aged between 4 and 11 and is attending an independent fee-paying school (which cannot be a state school or academy).

This route is for a Parent of a Child Student to come to or stay in the UK to care for their child, where the child is in the UK under Appendix Child Student, is aged between 4 and 11 and is attending an independent fee-paying school (which must not be a state school or academy).

Only one of the child's parents can be in the UK under this route.

### Validity requirements for the Parent of a Child Student

PC 1.1. A person applying for entry clearance or permission to stay as a Parent of a Child Student must apply online on the gov.uk website on the specified form as follows:

Location of applicant	Specified form
Outside the UK	Parent of a Child Student
Inside the UK	Application to extend stay in the UK: FLR(IR)

PC 1.2. An application for entry clearance or permission to stay as a Parent of a Child Student must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and

- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

PC 1.3. The applicant must be aged 18 or over on the date of application.

PC 1.4. The applicant applying for permission to stay must be in the UK and must not have, or last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) outside the immigration rules.

PC 1.5. An application which does not meet all the validity requirements for the Parent of a Child Student is invalid and may be rejected and not considered.

### **Suitability requirements for the Parent of a Child Student**

PC 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

PC 2.2. If applying for permission to stay the applicant must be:

- (a) in breach of immigration laws, except that where Paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for Parent of a Child Student**

### **Entry requirements for Parent of a Child Student**

PC 3.1. A person seeking to come to the UK as a Parent of a Child Student must apply for and obtain entry clearance as a Parent of a Child Student before they arrive in the UK.

PC 3.2. A person applying for entry clearance as the Parent of a Child Student must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirement for a Parent of a Child Student**

PC 4.1. The applicant must be the parent of a child who has, or is at the same time applying for, entry clearance or permission to stay as a Child Student.

PC 4.2. The Child Student's other parent must not be in the UK or seeking to come to the UK.

### **Child Student requirements for a Parent of a Child Student**

PC 5.1. The Child Student must be aged between 4 and 11 years on the date of application and have, or at the same time be applying for, entry clearance or permission to stay, under Appendix Student.

### **Care requirement for Parent of a Child Student**

PC 6.1. The applicant must intend to live with the Child Student during the applicant's stay in the UK.

### **Financial requirement for a Parent of a Child Student**

PC 7.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

PC 7.2. If both the applicant and the Child Student are applying at the same time for either entry clearance, or permission to stay where they have both lived in the UK for less than 12 months on the date of application, the applicant will meet the financial requirement if the Child Student shows the level of funds required under CS 10.2.

PC 7.3. If neither PC 7.1 or PC 7.2 apply the applicant must:

- (a) have funds of £1,560 for each month of their intended stay in the UK up to a maximum of 9 months; and
- (b) have funds of £625 for each month of their intended stay up to a maximum of 9 months for any child other than the Child Student who will be under their care in the UK.

PC 7.4. The applicant must show that they have held the required level of funds to maintain their main home outside the UK, in addition to any other funds required by these rules.

PC 7.5 The applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a Parent of a Child Student**

PC 8.1. If the decision maker is satisfied that all suitability and eligibility requirements are met for the Parent of a Child Student the application will be granted, otherwise, the application will be refused.

PC 8.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for Parent of a Child Student**

PC 9.1. The Parent of a Child Student will be granted permission for a period which ends at the same time as the Child Student's permission, or on the date the Child Student reached the age of 12 years, whichever is sooner.

PC 9.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work; and
- (c) no study; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

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# Immigration Rules

## Appendix Skilled Worker

The Skilled Worker route is for employers to recruit people to work in the UK in a specific job. A Skilled Worker must have a job offer in an eligible skilled occupation from a Home Office-approved sponsor.

A dependent partner and dependent children can apply on this route.

Skilled Worker is a route to settlement.

### VALIDITY REQUIREMENTS FOR A SKILLED WORKER

SW 1.1. A person applying for entry clearance or permission to stay as a Skilled Worker must apply online on the gov.uk website on the specified form as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either: <ul style="list-style-type: none"><li>• Skilled Worker using the UK Immigration: ID Check app; or</li><li>• the forms listed below for applicants outside or inside the UK (as relevant)</li></ul>
Applicants outside the UK	Skilled Worker visa
Applicants inside the UK	Skilled Worker

SW 1.2. An application for entry clearance or permission to stay as a Skilled Worker must meet all the following requirements::

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a certificate of sponsorship that was issued to them by their sponsor no more than 3 months before the date of application.

SW 1.3. The applicant must be aged 18 or over on the date of application.

SW 1.4. An applicant applying for entry clearance or permission to stay, who has received an award from a Government or international scholarship agency in the 12 months before the date of application which covers both fees and living costs for study in the UK, must have provided written consent to the application from that Government or agency.

SW 1.5. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

SW 1.6. An application which does not meet the validity requirements for a Skilled Worker is invalid and may be rejected and not considered.



## SUITABILITY REQUIREMENTS FOR A SKILLED WORKER

SW 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SW 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## ELIGIBILITY REQUIREMENTS FOR A SKILLED WORKER

### Entry requirement for a Skilled Worker

SW 3.1. A person seeking to come to the UK as a Skilled Worker must apply for and obtain entry clearance as a Skilled Worker before they arrive in the UK.

SW 3.2. A person applying for entry clearance as a Skilled Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### Points requirement for a Skilled Worker

SW 4.1. The applicant must be awarded 50 mandatory points from the table below. Details of how these points are awarded are set out in SW 5.1. to SW 7.4.

<b>Mandatory points requirements</b>	<b>Relevant rules</b>	<b>Points</b>
Sponsorship	SW 5.1. to SW 5.7.	20
Job at an appropriate skill level	SW 6.1. to SW 6.5.	20
English language skills at level B1 (intermediate)	SW 7.1. to SW 7.3.	10

SW 4.2. An applicant must be awarded 20 tradeable points from the table below. An applicant may only be awarded points from one entry in the table. Details of how these points are awarded are set out in SW 8.1. to SW 14.5.

<b>Option</b>	<b>Tradeable points requirements for each option</b>	<b>Relevant rules</b>	<b>Points</b>
A	<p>The applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> <li>• £25,600 per year; and</li> <li>• the going rate for the occupation code.</li> </ul>	SW 8.1. to SW 8.5. and SW 14.1. to SW 14.5.	20
B	<p>Educational qualification: PhD in a subject relevant to the job and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> <li>• £23,040 per year; and</li> <li>• 90% of the going rate for the occupation code.</li> </ul> <p>In this entry, 10 points will be awarded for the educational qualification and 10 points will be awarded for the applicant's salary.</p>	SW 9.1. to SW 9.10. and SW 14.1. to SW 14.5.	20
C	<p>Educational qualification: PhD in a STEM subject relevant to the job and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> <li>• £20,480 per year; and</li> <li>• 80% of the going rate for the occupation code.</li> </ul>	SW 10.1. to SW 10.6. and SW 14.1. to SW 14.5.	20
D	<p>Job in a shortage occupation and the applicant's salary equals or exceeds both:</p>	SW 11.1. to SW 11.6. and SW 14.1. to SW 14.5.	20

Option	Tradeable points requirements for each option	Relevant rules	Points
	<ul style="list-style-type: none"> <li>• £20,480 per year; and</li> <li>• 80% of the going rate for the occupation code.</li> </ul>		
E	<p>Applicant is a new entrant to the labour market and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> <li>• £20,480 per year; and</li> <li>• 70% of the going rate for the occupation code.</li> </ul>	SW 12.1. to SW 12.7. and SW 14.1. to SW 14.5.	20
F	<p>Job in a listed health or education occupation and the applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> <li>• £20,480 per year; and</li> <li>• the going rate for the occupation code.</li> </ul> <p>An applicant with a job in a listed health or education occupation can only be awarded tradeable points from option F.</p>	SW 13.1. to SW 13.7. and SW 14.1 to SW 14.5.	20

### Points for sponsorship (mandatory)

SW 5.1. The applicant must have a valid Certificate of Sponsorship for the job they are planning to do; which to be valid must:

- (a) confirm the applicant's name, that they are being sponsored as a Skilled Worker, details of the job and salary the sponsor is offering them and PAYE details if HM Revenue and Customs (HMRC) requires income tax and National Insurance for the sponsored job to be paid via PAYE; and

- (b) if the application is for entry clearance, have been allocated by the Home Office to that sponsor for the specific job and salary details shown; and
- (c) include a start date, stated by the sponsor, which is no more than 3 months after the date of application; and
- (d) not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn); and
- (e) not have been withdrawn by the sponsor or cancelled by the Home Office.

SW 5.2. The sponsor must be authorised by the Home Office to sponsor the job in question under the Skilled Worker route.

SW 5.3. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Skilled Worker and is applying to continue working for the same sponsor as in their last permission.

SW 5.4. The sponsor must have paid in full any required Immigration Skills Charge.

SW 5.5. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do:

- (a) does not exist; or
- (b) is a sham; or
- (c) has been created mainly so the applicant can apply for entry clearance or permission to stay.

SW 5.6. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do amounts to:

- (a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent;  
or
- (b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.

SW 5.7. If the requirements in SW 5.1. to SW 5.6. are met, the applicant will be awarded 20 mandatory points for sponsorship.

### **Points for a job at the appropriate skill level (mandatory)**

SW 6.1. The applicant must be sponsored for a job in an eligible occupation code listed in Appendix Skilled Occupations, subject to SW 6.2.

SW 6.2. The sponsor must choose an appropriate occupation code, and the decision maker must not have reasonable grounds to believe the sponsor has chosen a less appropriate occupation code for any of the following reasons:

- (a) the most appropriate occupation code is not eligible under the Skilled Worker route; or
- (b) the most appropriate occupation code has a higher going rate than the proposed salary; or
- (c) the most appropriate occupation code is not a shortage occupation and the applicant is claiming points for a job in a shortage occupation; or
- (d) the most appropriate occupation code is not listed as “eligible for PhD points” in Table 1 of Appendix Skilled Occupations and the applicant is claiming points for an educational qualification.

SW 6.3. To support the assessment in SW 6.2., the decision maker may, in particular, consider:

- (a) whether the sponsor has shown a genuine need for the job as described; and
- (b) whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described; and
- (c) the sponsor’s history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately; and
- (d) any additional information from the sponsor.

SW 6.4. If the requirements in SW 6.1. to SW 6.3. are met, an applicant will be awarded 20 mandatory points for a job at the appropriate skill level, subject to SW 6.5.

SW 6.5. No points will be awarded for a job at the appropriate skill level if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7.

### **Points for the English language requirement (mandatory)**

SW 7.1. An applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B1 (intermediate).

SW 7.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

SW 7.3. If the requirements in SW 7.1. to SW 7.2. are met, the applicant will be awarded 10 mandatory points for meeting the English language requirement.

### **Tradeable points option A**

SW 8.1. The applicant must be sponsored for a job in an appropriate eligible occupation code listed in Table 1 of Appendix Skilled Occupations.

SW 8.2. The salary for the job for which the applicant is being sponsored must equal or exceed both:

- (a) £25,600 per year; and
- (b) the going rate for the occupation code.

SW 8.3. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 8.4. If the requirements in SW 8.1. to SW 8.3. are met, the applicant will be awarded 20 tradeable points for their salary, subject to SW 8.5.

SW 8.5. No points will be awarded for salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### **Tradeable points option B**

SW 9.1. The applicant must be sponsored for a job in an appropriate occupation code listed as being “eligible for PhD points” in Table 1 of Appendix Skilled Occupations.

SW 9.2. The applicant must have a UK PhD or other academic doctoral qualification, or an overseas academic qualification which UK NARIC confirms meets the recognised standard of a UK PhD.

SW 9.3. The applicant’s sponsor must provide a credible explanation of how the qualification is relevant to the job for which the applicant is being sponsored.

SW 9.4. If the applicant has been correctly awarded points for an educational qualification in a previous grant of permission as a Skilled Worker, the applicant does not need to provide evidence of the qualification again, but the sponsor must still provide the explanation in SW 9.3.

SW 9.5. The applicant may only be awarded points for one qualification.

SW 9.6. The salary for the job the applicant is being sponsored for must equal or exceed both:

- (a) £23,040 per year; and
- (b) 90% of the going rate for the occupation code.

SW 9.7. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 9.8. If the requirements in SW 9.1. to SW 9.5. are met, the applicant will be awarded 10 tradeable points for a relevant educational qualification, subject to SW 9.10.

SW 9.9. If the requirements SW 9.6. to SW 9.7. are met and the occupation code is listed in Table 1 of Appendix Skilled Occupations, the applicant will be awarded 10 tradeable points for their salary, subject to SW 9.10.

SW 9.10. No points will be awarded for a relevant educational qualification or salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### **Tradeable points option C**

SW 10.1. The applicant must meet the requirements in SW 9.1. to SW 9.5.

SW 10.2. The applicant's sponsor must provide a credible explanation that the qualification in question is in a Science, Technology, Engineering or Mathematics (STEM) subject.

SW 10.3. The salary for the job the applicant is being sponsored for must equal or exceed both:

- (a) £20,480 per year; and
- (b) 80% of the going rate for the occupation code.

SW 10.4. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 10.5. If the requirements in SW 10.1. to SW 10.4. are met, the applicant will be awarded 20 tradeable points for a relevant educational qualification in a STEM subject and their salary, subject to SW 10.6.

SW 10.6. No points will be awarded for a relevant educational qualification and salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### **Tradeable points option D**

SW 11.1. The applicant must be sponsored for a job in an appropriate eligible occupation code listed in Appendix Shortage Occupation List as being a shortage occupation in the nation of the UK where that job is based, unless SW 11.2. applies.



SW 11.2. If, on or before the date the sponsor assigned the Certificate of Sponsorship to the applicant, the applicant's job was removed from Appendix Shortage Occupation List, both of the following conditions must be met:

- (a) the applicant's most recent permission was as a Skilled Worker in which they were sponsored to work in a shortage occupation under the applicable rules at that time; and
- (b) the applicant is being sponsored to continue working in the same job for the same sponsor as in their previous permission.

SW 11.3. The salary for the job the applicant is being sponsored for must equal or exceed both:

- (a) £20,480 per year; and
- (b) 80% of the going rate for the occupation code.

SW 11.4. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 11.5. If the requirements in SW 11.1. to SW 11.4. are met, the applicant will be awarded 20 tradeable points for a job in a shortage occupation and their salary, subject to SW 11.6.

SW 11.6. No points will be awarded for a job in a shortage occupation and salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### Tradeable points option E

SW 12.1. The applicant must be sponsored for a job in an appropriate eligible occupation code listed in Table 1 of Appendix Skilled Occupations.

SW 12.2. The applicant must meet one or more of the following requirements:

- (a) the applicant must be under the age of 26 on the date of application; or
- (b) the job offer must be for a postdoctoral position in any of the following occupation codes:

- 2111 Chemical scientists
  - 2112 Biological scientists and biochemists
  - 2113 Physical scientists
  - 2114 Social and humanities scientists
  - 2119 Natural and social science professionals not elsewhere classified
  - 2311 Higher education teaching professionals; or
- (c) the job offer must be in a UK regulated profession and the applicant must be working towards a recognised professional qualification for that profession; or
- (d) the applicant must be working towards full registration or chartered status with the relevant professional body for the job they are being sponsored for; or
- (e) the application must be for permission to stay and the applicant's most recent permission must have been as a Tier 1 (Graduate Entrepreneur) Migrant; or
- (f) all of the following conditions apply:
- (i) the applicant's most recent permission was as a Student: and
  - (ii) that permission expired less than 2 years before the date of application; and
  - (iii) in that permission or any previous permission as a Student, the applicant was sponsored to study one of the following courses (not any other qualifications of an equivalent level):
    - a UK bachelor's degree; or
    - a UK master's degree; or
    - a UK PhD or other doctoral qualification; or
    - a Postgraduate Certificate in Education; or
    - a Professional Graduate Diploma of Education; and

- (iv) the applicant has completed (or is applying no more than 3 months before they are expected to complete) the course in (iii) above, or the applicant is studying a PhD and has completed at least 12 months study in the UK towards the PhD.

SW 12.3. Granting the application must not mean the applicant's combined permission as a Skilled Worker and/or Tier 2 Migrant would be more than 4 years in total, whether or not the permission is for a continuous period.

SW 12.4. The salary for the job the applicant is being sponsored for must equal or exceed both:

- (a) £20,480 per year; and
- (b) 70% of the going rate for the occupation code.

SW 12.5. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 12.6. If the requirements in SW 12.1. to SW 12.5. are met, the applicant will be awarded 20 tradeable points for being a new entrant to the labour market and their salary, subject to SW 12.7.

SW 12.7. No points will be awarded for being a new entrant to the labour market and salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### **Tradeable points option F**

SW 13.1. The applicant must be sponsored for a job in an appropriate eligible occupation code listed in Table 2 of Appendix Skilled Occupations.

SW 13.2. The salary for the job for which the applicant is being sponsored must equal or exceed both:

- (a) £20,480 per year; and
- (b) the going rate for the occupation code.

SW 13.3. The salary will be considered as set out in SW 14.1. to SW 14.5.

SW 13.4. If the applicant is being sponsored for a job in the occupation code “2231 Nurses” or “2232 Midwives”, their salary may be temporarily (for up to 8 months) less than the £20,480 per year required under SW 13.2(a) in either of the following circumstances:

- (a) the applicant has previously held Nursing and Midwifery Council (NMC) registration and is undertaking an NMC-approved programme with a view to returning to practice; or
- (b) the applicant is working towards NMC registration and all of the following conditions apply:
  - (i) the applicant has passed the NMC’s English language requirements and Computer Based Test of competence, before the date of application; and
  - (ii) the applicant will sit an Objective Structured Clinical Examination (OSCE) to obtain NMC registration no later than 3 months after the stated job start date.

SW 13.5. Where SW 13.4. applies:

- (a) the sponsor must confirm that the applicant will stop being sponsored if they do not achieve full NMC registration within 8 months of the job start date (if the applicant was last granted permission as a as a nurse or midwife on the Skilled Worker route, the 8 months is counted from the start date of the job they were sponsored to do in their most recent permission); and
- (b) during the 8 months in (a), or until the applicant achieves NMC registration (if sooner), the applicant’s salary must be at least equal to the appropriate Agenda for Change Band 3 rate, as stated in Table 3 of Appendix Skilled Occupations.

SW 13.6. If the requirements in SW 13.1. to SW 13.5. are met, the applicant will be awarded 20 tradeable points for a job in a listed health or education occupation and their salary, subject to SW 13.7.

SW 13.7. No points will be awarded for a job in a listed health or education occupation and salary if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

## Consideration of salary (all tradeable points options)

SW 14.1. Salary only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions).

SW 14.2. Salary does not include other pay and benefits, such as any of the following:

- (a) pay which cannot be guaranteed because the nature of the job means that hours fluctuate; or
- (b) additional pay such as shift, overtime or bonus pay, (whether or not it is guaranteed); or
- (c) employer pension and employer national insurance contributions; or
- (d) any allowances, such as accommodation or cost of living allowances; or
- (e) in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food; or
- (f) one-off payments, such as 'golden hellos'; or
- (g) any payments relating to immigration costs, such as the fee or Immigration Health Charge; or
- (h) payments to cover business expenses, including (but not limited to) travel to and from the applicant's country of residence, equipment, clothing, travel or subsistence.

SW 14.3. If the applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week will be considered towards the salary thresholds of £25,600, £23,040 or £20,480 per year referred to in SW 8.1. to SW 13.7.

For example, an applicant who works 60 hours a week for £10 per hour will be considered to have a salary of £24,960 (£10 x 48 x 52) per year and not £31,200 (£10 x 60 x 52).

SW 14.4. Going rates will be pro-rated to the applicant's working pattern, as follows:

- (a) going rates for occupation codes listed in Table 1 of Appendix Skilled Occupations are based on a 39-hour week and will be pro-rated as follows:

(the going rate for the occupation code stated in Table 1 of Appendix Skilled Occupations)  
x (the number of weekly working hours stated by the sponsor ÷ 39)

- (b) where an applicant's salary is required to be 70%, 80% or 90% of the going rate, the resulting figure from the calculation in (a) will be multiplied by 0.7, 0.8 or 0.9 as appropriate, to calculate the required salary; and.
- (c) going rates for the health and education occupation codes listed in Table 2 of Appendix Skilled Occupations will be pro-rated as stated in Appendix Skilled Occupations; and
- (d) the applicant's full weekly hours will be included when checking their salary against the going rate, even if they work more than 48 hours a week.

### Transitional arrangements for salary on the Skilled Worker route

SW 14.5. If the applicant is applying for permission to stay or settlement, and the applicant was last granted permission as a Tier 2 (General) Migrant, the following transitional arrangements apply:

- (a) if the date of application is before 1 December 2026 salary may also include allowances (the other restrictions in SW 14.20 also apply), providing the following conditions are met:
- (i) the applicant is applying to work for the same sponsor as in their previous permission; and
  - (ii) the allowances are guaranteed, will be paid for the duration of the applicant's permission, and would be paid to a local settled worker in similar circumstances, such as London weighting; and
- (b) if the date of application is before 24 May 2023 and the applicant had permission as a Tier 2 (General) Migrant based on a certificate of sponsorship given to them by their sponsor before 24 November 2016, the applicant does not need to score 20

tradeable points from options A to F, as set out in SW 8.1. to SW 13.6, instead, 20 tradeable points will be awarded for a salary of £20,800 or above, or at least the going rate for the occupation code, if higher (the other requirements in SW 12.1. to SW 12.4 also apply), but these points will not be awarded if the applicant is not also being awarded the 20 mandatory points for sponsorship under SW 5.7. and the 20 mandatory points for a job at the appropriate skill level under SW 6.4.

### **Financial requirement (mandatory) for a Skilled Worker**

SW 15.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SW 15.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

- (a) the applicant must have funds of at least £1,270; or
- (b) the sponsor must certify that they will, if necessary, maintain and accommodate the applicant up to the end of the first month of their employment, to an amount of at least £1,270.

SW 15.3. If SW 15.2.(a) applies, the applicant must show that they have held the required funds for a 28-day period and as specified in Appendix Finance.

### **Criminal record certificate requirement (mandatory) for a Skilled Worker**

SW 16.1. If the applicant is applying for entry clearance and is being sponsored for a job in any of the occupation codes listed below, they must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the 10 years before the date of application, and while aged 18 or over:

- 1181 Health services and public health managers and directors
- 1184 Social services managers and directors
- 1241 Health care practice managers
- 1242 Residential, day and domiciliary care managers and proprietors
- 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
- 3213 Paramedics
- 3216 Dispensing opticians
- 3217 Pharmaceutical technicians
- 3218 Medical and dental technicians
- 3219 Health associate professionals not elsewhere classified
- 3231 Youth and community workers
- 3234 Housing officers
- 3235 Counsellors



- 3239 Welfare and housing associate professionals not elsewhere classified
- 3443 Fitness instructors
- 3562 Human resources and industrial relations officers
- 6121 Nursery nurses and assistants
- 6122 Childminders and related occupations
- 6123 Playworkers
- 6125 Teaching assistants
- 6126 Educational support assistants
- 6141 Nursing auxiliaries and assistants
- 6143 Dental nurses
- 6144 Houseparents and residential wardens
- 6146 Senior care workers

SW 16.2. The requirement in SW 16.1. does not apply if the applicant provides a satisfactory explanation why it is not reasonably practicable for them to obtain a criminal record certificate from any or all of the relevant authorities.

## **DECISION ON AN APPLICATION AS A SKILLED WORKER**

SW 17.1. If the decision maker is satisfied all the suitability and relevant eligibility requirements for a Skilled Worker are met, the application will be granted, otherwise the application will be refused.

SW 17.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **PERIOD AND CONDITIONS OF GRANT FOR A SKILLED WORKER**

SW 18.1. The applicant will be granted entry clearance or permission to stay until 14 days after the end date of their certificate of sponsorship (which may be up to a maximum of 5 years after the start date of their certificate of sponsorship).

SW 18.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and

- (b) work is permitted only in the job the applicant is being sponsored for, subject to (c) to (e); and
- (c) supplementary employment is permitted, providing the person continues to work in the job for which they are being sponsored;  
and
- (d) voluntary work is permitted; and
- (e) working out a contractual notice period is permitted, for a job the applicant was lawfully working in on the date of application; and
- (f) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (g) if Part 10 applies, the applicant will be required to register with the police.

## **SETTLEMENT AS A SKILLED WORKER**

### **VALIDITY REQUIREMENTS FOR SETTLEMENT AS A SKILLED WORKER**

SW 19.1. A person applying for settlement as a Skilled Worker must apply online on the gov.uk website on the specified form, “Settle in the UK in various immigration categories: form SET(O)”.

SW 19.2. An application for settlement as a Skilled Worker must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

SW 19.3. The applicant must have, or have last been granted, permission as a Skilled Worker.

SW 19.4. An application which does not meet the validity requirements for settlement as a Skilled Worker is invalid and may be rejected and not considered.

## **SUITABILITY REQUIREMENTS FOR SETTLEMENT AS A SKILLED WORKER**

SW 20.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SW 20.2. The applicant must not be;

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **ELIGIBILITY REQUIREMENTS FOR SETTLEMENT AS A SKILLED WORKER**

### **Qualifying period requirement for settlement as a Skilled Worker**

SW 21.1. The applicant must have spent a continuous period of 5 years in the UK.

SW 21.2. The 5-year continuous period must consist of time with permission on any of, or any combination of, the following routes:

- (a) Skilled Worker; or
- (b) Global talent; or
- (c) Innovator; or
- (d) T2 Minister of Religion; or

- (e) T2 Sportsperson; or
- (f) Representative of an Overseas Business; or
- (g) as a Tier 1 Migrant, other than as a Tier 1 (Graduate Entrepreneur) Migrant.

### Continuous residence requirement for settlement as a Skilled Worker

SW 22.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SW 21.1.

### Knowledge of life in the UK requirement for settlement as a Skilled Worker

SW 23.1 The applicant must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### Sponsorship and salary requirement for settlement as a Skilled Worker

SW 24.1. The sponsor in the applicant's most recent permission must still be approved by the Home Office to sponsor Skilled Workers on the date of decision.

SW 24.2. The sponsor must confirm that they still require the applicant to work for them for the foreseeable future, and that the applicant is paid, and will be paid for the foreseeable future, at least the salary in SW 24.3.

SW 24.3. Subject to SW 24.4, the applicant's salary must be at least the general salary requirement or the going rate requirement listed in the table below, whichever is higher.

	<b>Applicant's circumstances</b>	<b>General salary</b>	<b>Going rate</b>
A	All cases where rows B and C do not apply	Salary of at least £25,600 per year	At least the going rate
B	The applicant was sponsored in their most recent permission for a job in a shortage occupation or a	Salary of at least £20,480 per year	At least the going rate

	<b>Applicant's circumstances</b>	<b>General salary</b>	<b>Going rate</b>
	health or education occupation code listed in Table 2 of Appendix Skilled Occupations		
C	<p>The 5-year qualifying period for settlement includes time as a Tier 2 (General) Migrant in which the applicant was sponsored for a job in one of the following occupation codes:</p> <ul style="list-style-type: none"> <li>• 2111 Chemical scientists</li> <li>• 2112 Biological scientists and biochemists</li> <li>• 2113 Physical scientists</li> <li>• 2114 Social and humanities scientists</li> <li>• 2119 Natural and social science professionals not elsewhere classified</li> <li>• 2150 Research and development managers</li> <li>• 2311 Higher education teaching professionals</li> </ul>	Salary of at least £20,480 per year	At least the going rate

SW 24.4. Salary under the table in SW 24.3 is subject to the following:

- (a) salary will be considered as set out in SW 14.1. to SW 14.5. (and in SW 14.3., references to the salary thresholds of £25,600 or £20,480 per year should be read as including references in the table in SW 24.3 above); and
- (b) if the applicant is currently absent from work for one of the reasons set out in Part 9 paragraph 9.30.1, or has returned from such an absence within the month before the date of application, consideration will be based on their salary on their return to work, as stated by their sponsor.

## **DECISION ON AN APPLICATION FOR SETTLEMENT AS A SKILLED WORKER**

SW 25.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a Skilled Worker are met, the applicant will be granted settlement, otherwise the application will be refused.

SW 25.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## DEPENDANTS OF A SKILLED WORKER

### VALIDITY REQUIREMENTS FOR A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER

SW 26.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child of a Skilled Worker must apply online on the gov.uk website on the specified form as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"> <li>• Dependant partner or dependant child using the UK Immigration: ID Check app; or</li> <li>• the forms listed below for dependant applicants outside or inside the UK as relevant.</li> </ul>
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependant is applying at the same time as the Skilled Worker, they can be included in the form Skilled Worker where the form allows dependants to be added. Otherwise: - Dependant partner

	- Dependant child
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SW 26.2. An application for entry clearance or permission to stay as a dependent partner or dependent child of a Skilled Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

SW 26.3. If the applicant is applying as a dependent partner they must be aged 18 or over on the date of application.

SW 26.4. An applicant who is applying for permission to stay as a dependent partner or dependent child of a Skilled Worker must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

SW 26.5. An application which does not meet the validity requirements for a dependent partner or dependent child of a Skilled Worker is invalid and may be rejected and not considered.

## **SUITABILITY REQUIREMENTS FOR A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 27.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SW 27.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **ELIGIBILITY REQUIREMENTS FOR A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

### **Entry requirement for a dependent partner or dependent child of a Skilled Worker**

SW 28.1. A person seeking to come to the UK as a dependent partner or dependent child of a Skilled Worker must apply for and obtain entry clearance as a dependent partner or dependent child of a Skilled Worker before they arrive in the UK.

SW 28.2. A person applying for entry clearance as the dependent partner or dependent child of a Skilled Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirement for a dependent partner of a Skilled Worker**

SW 29.1. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on the Skilled Worker route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Skilled Worker route; or



- (c) P is settled or has become a British citizen, providing P had permission on the Skilled Worker route when they settled and the applicant had permission as P's partner at that time.

SW 29.2. If the applicant and their Skilled Worker partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or their Skilled Worker partner with another person must have permanently broken down; and
- (c) the applicant and their Skilled Worker partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

SW 29.3. The relationship between the applicant and their Skilled Worker partner must be genuine and subsisting.

SW 29.4. The applicant and their Skilled Worker partner must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child of a Skilled Worker**

SW 30.1. The applicant must be the child of a parent (P) where one of the following applies:

- (a) P has permission on the Skilled Worker route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Skilled Worker route; or
- (c) P is settled or has become a British citizen, providing P had permission on the Skilled Worker route when they settled and the applicant had permission as P's child at that time.

SW 30.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a Skilled Worker is the sole surviving parent; or
- (b) the parent with permission as a Skilled Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission as a Skilled Worker.

SW 30.3. If the applicant is a child born in the UK to a Skilled Worker or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

### **Care requirement for a dependent child of a Skilled Worker**

SW 31.1. If the applicant is aged under 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child of a Skilled Worker**

SW 32.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SW 32.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

### **Financial requirement for a dependent partner or dependent child of a Skilled Worker**

SW 33.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SW 33.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

- (a) the applicant and/or their partner or parent(s) must have funds of at least the amount required in SW 33.3; or
- (b) the sponsor of the Skilled Worker must certify that they will, if necessary, maintain and accommodate the dependent partner and/or any dependent child as well as the Skilled Worker, up to the end of the first month of each of their grants of permission, to at least the amounts required in SW 33.3.

SW 33.3. The funds required are:

- (a) £285 for a dependent partner in the UK, or applying for entry clearance; and
- (b) £315 for the first dependent child in the UK, or applying for entry clearance; and
- (c) £200 for any other dependent child in the UK, or applying for entry clearance.

SW 33.4. If SW 33.2.(a) applies, the funds held for the applicant must be held in addition to any funds required for the Skilled Worker to meet the financial requirement and any other dependants in the UK or applying at the same time.

SW 33.5. If SW 33.2.(a) applies, the funds must have been held for a 28-day period and as specified in Appendix Finance.

### **Criminal record certificate requirement for a dependent partner of a Skilled Worker**

SW 34.1. Where a Skilled Worker is being sponsored for a job in an occupation code listed in SW 16.1, an applicant applying for entry clearance as the partner of the Skilled Worker must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the 10 years before the date of application, and while aged 18 or over.

SW 34.2. The requirement in SW 34.1. does not apply if the applicant provides a satisfactory explanation why it is not reasonably practicable for them to obtain a criminal record certificate from any or all of the relevant authorities.

### **DECISION ON AN APPLICATION AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 35.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child of a Skilled Worker are met, the application will be granted, otherwise the application will be refused.

SW 35.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **PERIOD AND CONDITIONS OF GRANT FOR A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 36.1. A partner will be granted:

- (a) permission which ends on the same date as their partner's permission as a Skilled Worker; or
- (b) 3 years' permission if the Skilled Worker was (or is being) granted settlement as a Skilled Worker.

SW 36.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

SW 36.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted, except as a professional sports person (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS, if the applicant is over the age of 18; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

## **SETTLEMENT AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

## **VALIDITY REQUIREMENTS FOR SETTLEMENT AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 37.1. A person applying for settlement as a dependent partner or dependent child of a Skilled Worker must apply online on the gov.uk website on the specified form, “Settle in the UK in various immigration categories: form SET(O)”.

SW 37.2. An application for settlement as a dependent partner or dependent child of a Skilled Worker must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK on the date of application.

SW 37.3. An application which does not meet the validity requirements for a dependent partner or dependent child of a Skilled Worker is invalid and may be rejected and not considered.

## **SUITABILITY REQUIREMENTS FOR SETTLEMENT AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 38.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SW 38.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **ELIGIBILITY REQUIREMENTS FOR SETTLEMENT AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

### **Relationship requirement for settlement for a dependent partner or dependent child of a Skilled Worker**

SW 39.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the Skilled Worker route; or
- (b) P is settled or has become a British citizen, providing P had permission on the Skilled Worker route when they settled and the applicant had permission as P's partner or child at that time.

SW 39.2. The applicant must have last been granted permission as a dependent partner or dependent child of the person (P) in SW 39.1.

SW 39.3. If applying as a partner, the applicant and the person (P) in SW 39.1. must meet the relationship requirement in SW 30.1. to SW 30.5. and must have met them throughout the 5 years ending on the date of application.

SW 39.4. If applying as a child, the applicant's other parent (who is not the person (P) in SW 39.1.) must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in SW 39.1. is the applicant's sole surviving parent; or
- (b) the person (P) in SW 39.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

### **Care requirement for settlement as a dependent child of a Skilled Worker**

SW 40.1. If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for settlement as a dependent child of a Skilled Worker**

SW 41.1. The applicant must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SW 41.2. If the applicant is aged 16 or over on the date of application, they must not be leading an independent life.

### **Qualifying period requirement for settlement as a dependent partner of a Skilled Worker**

SW 42.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in SW 39.1.

### **Continuous residence requirement for settlement as a dependent partner of a Skilled Worker**

SW 43.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SW 42.1.

### **English language requirement for settlement as a dependent partner or dependent child of a Skilled Worker**

SW 44.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

SW 44.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of life in the UK requirement for settlement as a dependent partner or dependent child of a Skilled Worker**

SW 45.1. If the applicant is aged 18 or over on the date of application, they must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

## **DECISION ON AN APPLICATION FOR SETTLEMENT AS A DEPENDENT PARTNER OR DEPENDENT CHILD OF A SKILLED WORKER**

SW 46.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child of a Skilled Worker, the application will be granted, otherwise the application will be refused.

SW 46.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix Intra-Company Routes

There are two Intra-Company routes: the Intra-Company Transfer route and the Intra-Company Graduate Trainee route.

The Intra-Company Transfer route is for established workers who are being transferred by the business they work for to do a skilled role in the UK.

The Intra-Company Graduate Trainee route is for workers who are being transferred by the business they work for to undertake a role in the UK as part of a structured graduate training programme.

A dependent partner and dependent children can apply to come to the UK on these routes.

The Intra-Company routes are not routes to settlement.

### Validity requirements for the Intra-Company routes

IC 1.1. A person applying for entry clearance or permission to stay on the Intra-Company routes must apply online on the gov.uk website on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either: <ul style="list-style-type: none"><li>• Intra-Company Transfer and Graduate Trainee using the UK Immigration: ID Check app (when available); or</li></ul>

	<ul style="list-style-type: none"> <li>the forms listed below for applicants outside or inside the UK (as relevant)</li> </ul>
Applicants outside the UK	Intra-Company Transfer and Graduate Trainee visa
Applicants inside the UK	Intra-Company Transfer and Graduate Trainee

IC 1.2. An application for entry clearance or permission to stay on the Intra-Company routes must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship from an approved Sponsor that was issued to them no more than three months before the date of application.

IC 1.3. The applicant must be aged 18 or over on the date of application.

IC 1.4. An applicant applying for entry clearance or permission to stay on the Intra-Company routes who has received an award from a Government or international scholarship agency in the 12 months before the date of application which covers both fees and living costs for study in the UK, must have provided written consent to the application from that Government or agency.

IC 1.5. An applicant applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the immigration rules.

IC 1.6. If a person does not meet the validity requirements for the Intra-Company routes the application may be rejected as invalid and not considered.

### **Suitability requirements for the Intra-Company routes**

IC 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

IC 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for the Intra-Company routes**

#### **Entry requirements for the Intra-Company routes**

IC 3.1. A person seeking to come to the UK on an Intra-Company route must have obtained entry clearance on an Intra-Company route before their arrival in the UK.

IC 3.2. A person applying for entry clearance on an Intra-Company route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### Points requirement for the Intra-Company routes

IC 4.1. The applicant must be awarded 60 points based on the table below:

Points requirements	Relevant rules	Points
Sponsorship	IC 5.1. to IC 5.10.	20
Job at an appropriate skill level	IC 6.1. to IC 6.7.	20
Salary at required level	IC 7.1. to IC 9.5.	20

### Points for Sponsorship for the Intra-Company routes (mandatory)

IC 5.1. The applicant must have a valid certificate of sponsorship for the job they are planning to do, which must:

- (a) confirm the applicant's name, that they are being sponsored as an Intra-Company Transfer or Intra-Company Graduate Trainee, details of the job, salary and any allowances the sponsor is offering them and PAYE details if HM Revenue and Customs (HMRC) requires income tax and national insurance for the sponsored job to be paid via PAYE; and

- (b) include a start date for the job, stated by the sponsor, which is no more than 3 months after the date of application; and
- (c) not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn); and
- (d) not have been withdrawn by the sponsor or cancelled by the Home Office; and
- (e) unless the applicant is a high earner, confirm that the applicant has worked for the sponsor group for the period required at IC 5.7. or IC 5.8.

IC 5.2. The sponsor must be authorised by the Home Office to sponsor the job in question under the Intra-Company routes.

IC 5.3. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission under the Intra-Company routes and is applying to continue working for the same sponsor as in their last permission.

IC 5.4. The sponsor must have paid in full any required Immigration Skills Charge.

IC 5.5. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do:

- (a) does not exist; or
- (b) is a sham; or
- (c) has been created mainly so the applicant can apply for entry clearance or permission to stay.

IC 5.6. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do amounts to:

- (a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent;  
or
- (b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.

IC 5.7. An applicant on the Intra-Company Transfer route must:

(a) be currently working for the sponsor group; and

(b) unless they are applying as a high earner must have worked outside the UK for the sponsor group for 12 months.

IC 5.8. In IC 5.7.(b) the 12 months' work outside the UK can have been accumulated over any period provided that:

(a) the applicant was continuously working for the sponsor group, whether in or out of the UK, from the start of the 12 months to the date of application; and

(b) the only breaks in the continuous work in IC 5.8.(a) were for the following reasons:

(i) statutory maternity, paternity, parental, or shared

(ii) parental leave; or

(iii) adoption leave; or

(iv) sick leave; or

(v) assisting with a national or international humanitarian or environmental crisis, with the agreement of the sponsor group; or

(vi) taking part in legally organised industrial action.

IC 5.9. An applicant on the Intra-Company Graduate Trainee route must have worked outside the UK for the sponsor group for a continuous period of at least 3 months immediately before the date of application.

IC 5.10. If the requirements in IC 5.1. to IC 5.9. are met, the applicant will be awarded 20 points for sponsorship.

### **Points for job at appropriate skill level for Intra-Company routes (mandatory)**

IC 6.1. The applicant will meet the job skill level requirement if they are being sponsored for a job in an occupation code listed in Appendix Skilled Occupations that is identified as eligible for the Intra-Company routes.

IC 6.2. The applicant will not meet the job skill level requirement if the decision maker has reasonable grounds to believe the sponsor has chosen a less appropriate occupation code for any of the following reasons:

- (a) the most appropriate occupation code is not eligible under the Intra-Company routes; or
- (b) the most appropriate occupation code has a higher going rate than the proposed salary.

IC 6.3. To support the assessment in IC 6.2, the decision maker may, in particular, consider:

- (a) whether the sponsor has shown a genuine need for the job as described; and
- (b) whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described; and
- (c) the sponsor's history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately; and
- (d) any additional information from the sponsor.

IC 6.4. If the applicant is applying on the Intra-Company Graduate Trainee route, the job must be part of a structured graduate training programme, with clearly defined progression towards a managerial or specialist role within the sponsor organisation.

IC 6.5. If the applicant is applying on the Intra-Company Graduate Trainee route the sponsor must not have assigned more than 20 certificates of sponsorship, to Intra-Company Graduate Trainees, including the certificate of sponsorship assigned to the applicant, in the financial year (which begins on 6 April and ends on 5 April each year) in which the certificate of sponsorship is assigned.

IC 6.6. If the requirements in IC 6.1. to IC 6.5. are met, the applicant will be awarded 20 points for job at the appropriate skills level, subject to IC 6.7.

IC 6.7. No points will be awarded for a job at the appropriate skills level if the applicant is not also being awarded 20 points for sponsorship under IC 5.10.

**Points for salary for Intra-Company routes (mandatory)**

IC 7.1. The salary for the job for which the applicant is being sponsored must equal or exceed both:

- (a) the general salary requirement in IC 8.1; and
- (b) the going rate requirement in IC 9.1. and IC 9.2.

IC 7.2. Salary under these requirements includes only:

- (a) guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions); and
- (b) allowances which are guaranteed to be paid for the duration of the applicant's employment in the UK (such as London weighting) or are paid as a mobility premium or to cover the additional cost of living in the UK.

IC 7.3. Where allowances under IC 7.2.(b) are solely for the purpose of accommodation they will only be taken into account up to a value of either:

- (a) 30% of the total salary package, where the applicant is applying in the Intra-Company Transfer route; or
- (b) 40% of the total salary package, where the applicant is applying in the Intra-Company Graduate Trainee route.

IC 7.4. Salary does not include other pay and benefits, such as any of the following:

- (a) flexible working where the nature of the job means that hours fluctuate and pay cannot be guaranteed; or
- (b) additional pay such as shift, overtime or bonus pay, whether or not it is guaranteed; or
- (c) employer pension and national insurance contributions; or
- (d) any allowances, other than those specified in IC 7.2 (b); or
- (e) in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food; or
- (f) one-off payments, such as 'golden hellos'; or



- (g) any payments relating to immigration costs, such as the fee or Immigration Health Charge; or
- (h) payments to cover business expenses, including (but not limited to) travel to and from the applicant's country of residence, equipment, clothing, travel or subsistence.

### **General salary requirement for Intra-Company routes**

IC 8.1. If the applicant is being sponsored for a job in one of the occupation codes listed in Table 1 of Appendix Skilled Occupations, the general salary requirement is:

- (a) £41,500 per year if the applicant is applying on the Intra-Company Transfer route; or
- (b) £23,000 per year if the applicant is applying on the Intra-Company Graduate Trainee route.

IC 8.2. If the applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week will be considered towards the general salary requirement.

For example, an applicant who works 60 hours a week for £10 per hour will be considered to have a salary of £24,960 ( $£10 \times 48 \times 52$ ) per year and not £31,200 ( $£10 \times 60 \times 52$ ).

### **Going rate requirement for Intra-Company routes**

IC 9.1. If the applicant is being sponsored for a job in one of the occupation codes listed in Table 1 of Appendix Skilled Occupations, the going rate requirement is:

- (a) 100% of the pro-rated going rate if the applicant is applying on the Intra-Company Transfer route, which will be calculated as follows:

1 x (the going rate for the occupation code stated in Table 1 of Appendix Skilled Occupations) x (the number of weekly working hours stated by the sponsor ÷ 39).

or

(b) 70% of the pro-rated going rate if the applicant is applying in the Intra-Company Graduate Trainee route, which will be calculated as follows:

0.7 x (the going rate for the occupation code stated in Table 1 of Appendix Skilled Occupations) x (the number of weekly working hours stated by the sponsor ÷ 39).

IC 9.2. If the applicant is being sponsored for a job in one of the health or education occupation codes listed in Table 2 of Appendix Skilled Occupations, the going rate requirement is 100% of the pro-rated going rate (and the going rate will be pro-rated according to the number of weekly working hours stated by the sponsor, and the pro-rating set out in Appendix Skilled Occupations).

IC 9.3. The applicant's full weekly hours will be included when checking their salary against the going rate, even if they work more than 48 hours a week.

For example, an applicant who works 60 hours a week in an occupation code with a going rate of £39,000 must be paid £54,000 ( $0.9 \times £39,000 \times 60 \div 39$ ) per year, not £43,200 ( $0.9 \times £39,000 \times 48 \div 39$ ).

IC 9.4. If the requirements in IC 9.1. to IC 9.3. are met, the applicant will be awarded 20 points for salary at the required level, subject to IC 9.5.

IC 9.5. No points will be awarded for salary if the applicant is not also being awarded 20 points for sponsorship under IC 5.10.

### Financial requirement for Intra-Company routes

IC 10.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

IC 10.2. If the applicant is applying for entry clearance or has been living in the UK for less than 12 months either:

- (a) The applicant must have funds of at least £1,270; or
- (b) the sponsor must certify on the certification of sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment up to a maximum amount of £1,270.

IC 10.3. If IC 10.2.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as set out in Appendix Finance.

### **Maximum length of assignments requirement for Intra-Company routes**

IC 11.1. If the applicant is a high earner, the grant of permission must not lead to the applicant being granted cumulative periods of permission in the Intra-Company routes totalling more than 9 years in any 10-year period.

IC 11.2. If the applicant is not a high earner, the grant of permission must not lead to the applicant being granted cumulative periods of permission in the Intra-Company routes totalling more than 5 years in any 6-year period.

IC 11.3. When calculating the cumulative periods of permission referred to in IC 11.1. and IC 11.2, the decision maker will include the following:

- (a) all previous permission on the Intra-Company routes; and
- (b) if the applicant does not currently hold permission in the Intra-Company routes, any permission they could be granted under this application, beginning on the start date of the job stated on the Certificate of Sponsorship; and

- (c) if the applicant is applying for permission to stay and has or last had permission on the Intra-Company routes, any permission they could be granted under this application, beginning on the date of decision; and
- (d) any period of permission on the Intra-Company routes extended under section 3C of the Immigration Act 1971.

### **Decision on the Intra-Company routes**

IC 12.1. If the decision maker is satisfied that all the suitability and eligibility requirements for an Intra-Company route are met the application will be granted, otherwise the application will be refused.

IC 12.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant on the Intra-Company routes**

IC 13.1. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted only in the job for which the applicant is being sponsored, subject to (c) to (e); and
- (c) supplementary employment is permitted; and
- (d) voluntary work is permitted; and
- (e) working out a contractual notice period is permitted, where the applicant was lawfully working in that job in the UK on the date of application; and
- (f) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (g) if Part 10 applies, the applicant will be required to register with the police.

IC 13.2. If the application is as an Intra-Company Transfer, permission will be granted for a period which is the shortest of the following:

- (a) 5 years after the start date of the job detailed in the Certificate of Sponsorship; or
- (b) 14 days after the end date of the job detailed in the Certificate of Sponsorship; or
- (c) if the applicant is a high earner, the date at which the applicant will have had cumulative permission in the Intra-Company routes totalling 9 years in any 10-year period; or
- (d) if the applicant is not a high earner, the date at which the applicant will have had cumulative permission in the Intra-Company routes totalling 5 years in any 6-year period.

IC 13.3. If the application is as an Intra-Company Graduate Trainee, the applicant will be granted permission until whichever is the shorter of:

- (a) 14 days after the end date of the job detailed in the Certificate of Sponsorship; or
- (b) 1 year after the start date of the job stated on their Certificate of Sponsorship.

IC 13.4. If the applicant does not currently hold permission on an Intra-Company route, any permission granted for the period between the date of decision and the start date of the job detailed in the Certificate of Sponsorship will be excluded from the cumulative permission for the purpose of determining the period of grant of permission under IC 13.2. and IC 13.3. (but not from the cumulative period in IC 11.3.).

### **Dependants on the Intra-Company routes**

#### **Validity requirements for a dependent partner or dependent child on the Intra-Company routes**

IC 14.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the Intra-Company routes must apply online on the gov.uk website on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"> <li>• Dependant partner or dependant child using the UK Immigration: ID Check app; or</li> <li>• the forms listed below for dependant applicants outside or inside the UK as relevant.</li> </ul>
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependant is applying at the same time as the Intra-Company applicant, they can be included in the form Intra-Company Transfer and Graduate Trainee where the form allows dependants to be added. Otherwise: <ul style="list-style-type: none"> <li>- Dependant partner</li> <li>- Dependant child</li> </ul>

IC 14.2. An application for entry clearance or permission to stay as a dependent partner or dependent child on an Intra-Company route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and

- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

IC 14.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

IC 14.4. A person applying for permission to stay as a dependent partner or dependent child on an Intra-Company route must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the immigration rules.

IC 14.5. An application which does not meet all the validity requirements for a dependent partner or dependent child on an Intra-Company route is invalid and may be rejected and not considered.

### **Suitability requirements for a dependent partner or dependent child on the Intra-Company routes**

IC 15.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

IC 15.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

### **Eligibility requirements for a dependent partner or dependent child on the Intra-Company routes**

#### **Entry requirement for a dependent partner or dependent child on the Intra-Company routes**

IC 16.1. A person seeking to come to the UK as a partner or child must apply for and obtain an entry clearance as a dependent partner and dependent child on an Intra-Company route before they arrive in the UK.

IC 16.2. A person applying for entry clearance as the partner or child on an Intra-Company route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Relationship requirement for a dependent partner on the Intra-Company routes**

IC 17.1. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on an Intra-Company route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Intra-Company route.

IC 17.2. If the applicant and their Intra-Company route partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or their Intra-Company route partner with another person must have permanently broken down; and



- (c) the applicant and their Intra-Company route partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

IC 17.3. The relationship between the applicant and their Intra-Company route partner must be genuine and subsisting.

IC 17.4. The applicant and their Intra-Company route partner must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the Intra-Company routes**

IC 18.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) on an Intra-Company route; or
- (b) as a partner on the Intra-Company route.

IC 18.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as on the Intra-Company route or as the partner on the Intra-Company route is the sole surviving parent; or
- (b) the parent with permission on the Intra-Company route or as the partner on the Intra-Company route has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the Intra-Company route or as the partner on the Intra-Company route.

IC 18.3. If the applicant is a child born in the UK to a person on the Intra-Company route or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

### **Care requirement for a dependent child on the Intra-Company routes**

IC 19.1. If the applicant is aged under 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child on the Intra-Company routes**

IC 20.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

IC 20.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

### **Financial requirement for a dependent partner or dependent child on the Intra-Company routes**

IC 21.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

IC 21.2. If the applicant is applying for entry clearance, or is applying for permission to stay and has not been in the UK for 12 months on the date of application, either:

- (a) the applicant and/or the person on the Intra-Company route (P) must have funds of at least the amounts in IC 21.3; or
- (b) the sponsor of P must confirm on the Certificate of Sponsorship that they will, if necessary, maintain and accommodate the dependent partner and/or any dependent child as well as P, up to the end of the first month of each of their permission, up to at least the amounts in IC 21.3.

IC 21.3. The required funds are:

- (a) £285 for a dependent partner in the UK or applying for entry clearance; and
- (b) £315 for the first dependent child in the UK or applying for entry clearance; and
- (c) £200 for any other dependent child in the UK or applying for entry clearance.

IC 21.4. If IC 21.2.(a) applies, the funds held must be held in addition to any funds required for the person on the Intra-Company routes to meet the financial requirement and the funds required for any dependants in the UK or applying at the same time.

IC 21.5. If IC 21.2.(a) applies, the funds must have been held for a 28-day period and as specified in Appendix Finance.

#### **Decision for a dependent partner and dependent child on the Intra-Company routes**

IC 22.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on an Intra-Company route the application will be granted, otherwise the application will be refused.

IC 22.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

#### **Conditions and period of grant for a dependent partner or dependent child on the Intra-Company routes**

IC 23.1. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sports person (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

IC 23.2. A dependent partner will be granted permission which ends on the same date as the person (P) who is their partner and has permission on an Intra-Company route.

IC 23.3. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

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# Immigration Rules

## Appendix Skilled Occupations

Eligible occupation codes and going rates for Skilled Workers and Intra-Company Transfers

In this appendix, “SW” refers to the Skilled Worker route, “ICT” refers to the Intra-Company Transfer route and “ICGT” refers to the Intra-Company Graduate Trainee route.

**Table 1: Eligible occupation codes where going rates are based on annual survey of hours and earnings (ASHE) data**

Going rates in Table 1 are per year and based on a 39-hour working week. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant’s sponsor. Options A to F refer to the tradeable points options set out in Appendix Skilled Worker.

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1115 Chief executives and senior officials	<ul style="list-style-type: none"> <li>• Chief executive</li> <li>• Chief medical officer</li> <li>• Civil servant (grade 5 and above)</li> <li>• Vice president</li> </ul>	£67,300 (£33.19 per hour)	£60,570 (£29.87 per hour)	£53,840 (£26.55 per hour)	£47,110 (£23.23 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1121 Production managers and directors in manufacturing	<ul style="list-style-type: none"> <li>• Engineering manager</li> <li>• Managing director (engineering)</li> <li>• Operations manager (manufacturing)</li> <li>• Production manager</li> </ul>	£33,000 (£16.27 per hour)	£29,700 (£14.64 per hour)	£26,400 (£13.02 per hour)	£23,100 (£11.39 per hour)	Yes	Yes
1122 Production managers and directors in construction	<ul style="list-style-type: none"> <li>• Building Services manager</li> <li>• Construction manager</li> <li>• Director (building construction)</li> <li>• Owner (electrical contracting)</li> </ul>	£34,900 (£17.21 per hour)	£31,410 (£15.49 per hour)	£27,920 (£13.77 per hour)	£24,430 (£12.05 per hour)	Yes	Yes
1123 Production managers and directors in mining and energy	<ul style="list-style-type: none"> <li>• Operations manager (mining, water &amp; energy)</li> <li>• Quarry manager</li> </ul>	£37,500 (£18.49 per hour)	£33,750 (£16.64 per hour)	£30,000 (£14.79 per hour)	£26,250 (£12.94 per hour)	Yes	Yes
1131 Financial managers and directors	<ul style="list-style-type: none"> <li>• Investment banker</li> <li>• Treasury manager</li> </ul>	£43,600 (£21.50 per hour)	£39,240 (£19.35 per hour)	£34,880 (£17.20 per hour)	£30,520 (£15.05 per hour)	Yes	Yes
1132 Marketing and sales directors	<ul style="list-style-type: none"> <li>• Marketing director</li> <li>• Sales director</li> </ul>	£54,900 (£27.07 per hour)	£49,410 (£24.36 per hour)	£43,920 (£21.66 per hour)	£38,430 (£18.95 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1133 Purchasing managers and directors	<ul style="list-style-type: none"> <li>• Bid manager</li> <li>• Purchasing manager</li> </ul>	£39,300 (£19.38 per hour)	£35,370 (£17.44 per hour)	£31,440 (£15.50 per hour)	£27,510 (£13.57 per hour)	Yes	Yes
1134 Advertising and public relations directors	<ul style="list-style-type: none"> <li>• Account director (advertising)</li> <li>• Head of public relations</li> </ul>	£45,400 (£22.39 per hour)	£40,860 (£20.15 per hour)	£36,320 (£17.91 per hour)	£31,780 (£15.67 per hour)	Yes	Yes
1135 Human resource managers and directors	<ul style="list-style-type: none"> <li>• Human resources manager</li> <li>• Personnel manager</li> <li>• Recruitment manager</li> </ul>	£36,400 (£17.95 per hour)	£32,760 (£16.15 per hour)	£29,120 (£14.36 per hour)	£25,480 (£12.56 per hour)	Yes	Yes
1136 Information technology and telecommunications directors	<ul style="list-style-type: none"> <li>• IT Director</li> <li>• Technical director (computer services)</li> <li>• Telecommunications director</li> </ul>	£56,100 (£27.66 per hour)	£50,490 (£24.90 per hour)	£44,880 (£22.13 per hour)	£39,270 (£19.36 per hour)	Yes	Yes
1139 Functional managers and directors not elsewhere classified	<ul style="list-style-type: none"> <li>• Manager (charitable organisation)</li> <li>• Research director</li> </ul>	£40,600 (£20.02 per hour)	£36,540 (£18.02 per hour)	£32,480 (£16.02 per hour)	£28,420 (£14.01 per hour)	Yes	Yes
1150 Financial institution managers and directors	<ul style="list-style-type: none"> <li>• Bank manager</li> <li>• Insurance manager</li> </ul>	£36,600 (£18.05 per hour)	£32,940 (£16.24 per hour)	£29,280 (£14.44 per hour)	£25,620 (£12.63 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1161 Managers and directors in transport and distribution	<ul style="list-style-type: none"> <li>Fleet manager</li> <li>Transport manager</li> </ul>	£30,900 (£15.24 per hour)	£27,810 (£13.71 per hour)	£24,720 (£12.19 per hour)	£21,630 (£10.67 per hour)	Yes	Yes
1162 Managers and directors in storage and warehousing	<ul style="list-style-type: none"> <li>Logistics manager</li> <li>Warehouse manager</li> </ul>	£24,300 (£11.98 per hour)	£21,870 (£10.78 per hour)	£19,440 (£9.59 per hour)	£17,010 (£8.39 per hour)	Yes	No
1172 Senior police officers	<ul style="list-style-type: none"> <li>Chief superintendent (police service)</li> <li>Detective inspector</li> <li>Police inspector</li> </ul>	£52,000 (£25.64 per hour)	£46,800 (£23.08 per hour)	£41,600 (£20.51 per hour)	£36,400 (£17.95 per hour)	Yes	Yes
1173 Senior officers in fire, ambulance, prison and related services	<ul style="list-style-type: none"> <li>Fire service officer (government)</li> <li>Prison governor</li> <li>Station officer (ambulance service)</li> </ul>	£36,300 (£17.90 per hour)	£32,670 (£16.11 per hour)	£29,040 (£14.32 per hour)	£25,410 (£12.53 per hour)	Yes	Yes
1181 Health services and public health managers and directors	<ul style="list-style-type: none"> <li>Director of nursing</li> <li>Health Service manager</li> <li>Information manager (health authority: hospital service)</li> </ul>	£38,400 (£18.93 per hour)	£34,560 (£17.04 per hour)	£30,720 (£15.15 per hour)	£26,880 (£13.25 per hour)	Yes	Yes



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1184 Social services managers and directors	<ul style="list-style-type: none"> <li>Care manager (local government: social services)</li> <li>Service manager (welfare services)</li> </ul>	£29,400 (£14.50 per hour)	£26,460 (£13.05 per hour)	£23,520 (£11.60 per hour)	£20,580 (£10.15 per hour)	Yes	Yes
1190 Managers and directors in retail and wholesale	<ul style="list-style-type: none"> <li>Managing director (retail trade)</li> <li>Retail manager</li> <li>Shop manager (charitable organisation)</li> <li>Wholesale manager</li> </ul>	£21,900 (£10.80 per hour)	£19,710 (£9.72 per hour)	£17,520 (£8.64 per hour)	£15,330 (£7.56 per hour)	Yes	No
1211 Managers and proprietors in agriculture and horticulture	<ul style="list-style-type: none"> <li>Farm manager</li> <li>Farm owner</li> <li>Nursery manager (horticulture)</li> </ul>	£25,200 (£12.43 per hour)	£22,680 (£11.18 per hour)	£20,160 (£9.94 per hour)	£17,640 (£8.70 per hour)	No	No
1213 Managers and proprietors in forestry, fishing and related services	<ul style="list-style-type: none"> <li>Cattery owner</li> <li>Forest manager</li> <li>Racehorse trainer</li> </ul>	£21,200 (£10.45 per hour)	£19,080 (£9.41 per hour)	£16,960 (£8.36 per hour)	£14,840 (£7.32 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1221 Hotel and accommodation managers and proprietors	<ul style="list-style-type: none"> <li>• Caravan park owner</li> <li>• Hotel manager</li> <li>• Landlady (boarding, guest, lodging house)</li> </ul>	£21,800 (£10.75 per hour)	£19,620 (£9.67 per hour)	£17,440 (£8.60 per hour)	£15,260 (£7.52 per hour)	No	No
1223 Restaurant and catering establishment managers and proprietors	<ul style="list-style-type: none"> <li>• Café owner</li> <li>• Fish &amp; chip shopkeeper</li> <li>• Operations manager (catering)</li> <li>• Restaurant manager</li> <li>• Shop manager (take-away food shop)</li> </ul>	£21,000 (£10.36 per hour)	£18,900 (£9.32 per hour)	£16,800 (£8.28 per hour)	£14,700 (£7.25 per hour)	No	No
1224 Publicans and managers of licensed premises	<ul style="list-style-type: none"> <li>• Landlady (public house)</li> <li>• Licensee</li> <li>• Manager (wine bar)</li> <li>• Publican</li> </ul>	£20,700 (£10.21 per hour)	£18,630 (£9.19 per hour)	£16,560 (£8.17 per hour)	£14,490 (£7.14 per hour)	No	No
1225 Leisure and sports managers	<ul style="list-style-type: none"> <li>• Amusement arcade owner</li> <li>• Leisure centre manager</li> <li>• Social club manager</li> <li>• Theatre manager</li> </ul>	£24,200 (£11.93 per hour)	£21,780 (£10.74 per hour)	£19,360 (£9.55 per hour)	£16,940 (£8.35 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1226 Travel agency managers and proprietors	<ul style="list-style-type: none"> <li>• Tourist information manager</li> <li>• Travel agency owner</li> <li>• Travel manager</li> </ul>	£24,800 (£12.23 per hour)	£22,320 (£11.01 per hour)	£19,840 (£9.78 per hour)	£17,360 (£8.56 per hour)	No	No
1241 Health care practice managers	<ul style="list-style-type: none"> <li>• Clinic manager</li> <li>• GP practice manager</li> <li>• Veterinary practice manager</li> </ul>	£25,500 (£12.57 per hour)	£22,950 (£11.32 per hour)	£20,400 (£10.06 per hour)	£17,850 (£8.80 per hour)	No	No
1242 Residential, day and domiciliary care managers and proprietors	<ul style="list-style-type: none"> <li>• Care manager</li> <li>• Day centre manager</li> <li>• Nursing home owner</li> <li>• Residential manager (residential home)</li> </ul>	£26,700 (£13.17 per hour)	£24,030 (£11.85 per hour)	£21,360 (£10.53 per hour)	£18,690 (£9.22 per hour)	No	No
1251 Property, housing and estate managers	<ul style="list-style-type: none"> <li>• Estate manager</li> <li>• Facilities manager</li> <li>• Landlord (property management)</li> <li>• Property manager</li> </ul>	£26,300 (£12.97 per hour)	£23,670 (£11.67 per hour)	£21,040 (£10.37 per hour)	£18,410 (£9.08 per hour)	No	No
1252 Garage managers and proprietors	<ul style="list-style-type: none"> <li>• Garage director</li> <li>• Garage owner</li> <li>• Manager (repairing: motor vehicles)</li> </ul>	£30,200 (£14.89 per hour)	£27,180 (£13.40 per hour)	£24,160 (£11.91 per hour)	£21,140 (£10.42 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
1253 Hairdressing and beauty salon managers and proprietors	<ul style="list-style-type: none"> <li>• Hairdressing salon owner</li> <li>• Health and fitness manager</li> <li>• Manager (beauty salon)</li> </ul>	£19,300 (£9.52 per hour)	£17,370 (£8.57 per hour)	£15,440 (£7.61 per hour)	£13,510 (£6.66 per hour)	No	No
1254 Shopkeepers and proprietors - wholesale and retail	<ul style="list-style-type: none"> <li>• Antiques dealer</li> <li>• Fashion retailer</li> <li>• Newsagent</li> <li>• Shopkeeper</li> </ul>	£24,600 (£12.13 per hour)	£22,140 (£10.92 per hour)	£19,680 (£9.70 per hour)	£17,220 (£8.49 per hour)	No	No
1255 Waste disposal and environmental services managers	<ul style="list-style-type: none"> <li>• Environmental manager (refuse disposal)</li> <li>• Manager (local government: cleansing dept.)</li> <li>• Recycling plant manager</li> <li>• Scrap metal dealer</li> </ul>	£32,900 (£16.22 per hour)	£29,610 (£14.60 per hour)	£26,320 (£12.98 per hour)	£23,030 (£11.36 per hour)	No	No
1259 Managers and proprietors in other services not elsewhere classified	<ul style="list-style-type: none"> <li>• Betting shop manager</li> <li>• Graphic design classified manager</li> <li>• Library manager</li> <li>• Plant hire manager</li> <li>• Production manager (entertainment)</li> </ul>	£22,700 (£11.19 per hour)	£20,430 (£10.07 per hour)	£18,160 (£8.95 per hour)	£15,890 (£7.84 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2111 Chemical Scientists	<ul style="list-style-type: none"> <li>• Analytical chemist</li> <li>• Chemist</li> <li>• Development chemist</li> <li>• Industrial chemist</li> <li>• Research chemist</li> </ul>	£26,700 (£13.17 per hour)	£24,030 (£11.85 per hour)	£21,360 (£10.53 per hour)	£18,690 (£9.22 per hour)	Yes	Yes
2112 Biological scientists and biochemists	<ul style="list-style-type: none"> <li>• Biomedical scientist</li> <li>• Forensic scientist</li> <li>• Horticulturist</li> <li>• Microbiologist</li> <li>• Pathologist</li> </ul>	£29,700 (£14.64 per hour)	£26,730 (£13.18 per hour)	£23,760 (£11.72 per hour)	£20,790 (£10.25 per hour)	Yes	Yes
2113 Physical scientists	<ul style="list-style-type: none"> <li>• Geologist</li> <li>• Geophysicist</li> <li>• Medical physicist</li> <li>• Meteorologist</li> <li>• Oceanographer</li> <li>• Physicist</li> <li>• Seismologist</li> </ul>	£36,500 (£18.00 per hour)	£32,850 (£16.20 per hour)	£29,200 (£14.40 per hour)	£25,550 (£12.60 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2114 Social and humanities scientists	<ul style="list-style-type: none"> <li>• Anthropologist</li> <li>• Archaeologist</li> <li>• Criminologist</li> <li>• Epidemiologist</li> <li>• Geographer</li> <li>• Historian</li> <li>• Political scientist</li> <li>• Social scientist</li> </ul>	£25,900 (£12.77 per hour)	£23,310 (£11.49 per hour)	£20,720 (£10.22 per hour)	£18,130 (£8.94 per hour)	Yes	Yes
2119 Natural and social science professionals not elsewhere classified <sup>1</sup>	<ul style="list-style-type: none"> <li>• Operational research scientist</li> <li>• Research associate (medical)</li> <li>• Research fellow</li> <li>• Researcher</li> <li>• Scientific officer</li> <li>• Scientist</li> <li>• Sports scientist</li> <li>• University researcher</li> </ul>	£33,000 (£16.27 per hour)	£29,700 (£14.64 per hour)	£26,400 (£13.02 per hour)	£23,100 (£11.39 per hour)	Yes	Yes

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<sup>1</sup> For Skilled Worker purposes, *occupation code* 2119 includes researchers in research organisations other than universities.

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2121 Civil engineers	<ul style="list-style-type: none"> <li>• Building engineer</li> <li>• Civil engineer (professional)</li> <li>• Highways engineer</li> <li>• Petroleum engineer</li> <li>• Public health engineer</li> <li>• Site engineer</li> <li>• Structural engineer</li> </ul>	£35,000 (£17.26 per hour)	£31,500 (£15.53 per hour)	£28,000 (£13.81 per hour)	£24,500 (£12.08 per hour)	Yes	Yes
2122 Mechanical engineers	<ul style="list-style-type: none"> <li>• Aeronautical engineer (professional)</li> <li>• Aerospace engineer</li> <li>• Automotive engineer (professional)</li> <li>• Marine engineer (professional)</li> <li>• Mechanical engineer (professional)</li> </ul>	£33,400 (£16.47 per hour)	£30,060 (£14.82 per hour)	£26,720 (£13.18 per hour)	£23,380 (£11.53 per hour)	Yes	Yes
2123 Electrical engineers	<ul style="list-style-type: none"> <li>• Electrical engineer (professional)</li> <li>• Electrical surveyor</li> <li>• Equipment engineer</li> <li>• Power engineer</li> <li>• Signal engineer (railways)</li> </ul>	£37,000 (£18.24 per hour)	£33,300 (£16.42 per hour)	£29,600 (£14.60 per hour)	£25,900 (£12.77 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2124 Electronics engineers	<ul style="list-style-type: none"> <li>• Avionics engineer</li> <li>• Broadcasting engineer (professional)</li> <li>• Electronics engineer (professional)</li> <li>• Microwave engineer</li> <li>• Telecommunications engineer (professional)</li> </ul>	£34,700 (£17.11 per hour)	£31,230 (£15.40 per hour)	£27,760 (£13.69 per hour)	£24,290 (£11.98 per hour)	Yes	Yes
2126 Design and development engineers	<ul style="list-style-type: none"> <li>• Clinical engineer</li> <li>• Design engineer</li> <li>• Development engineer</li> <li>• Ergonomist</li> <li>• Research and development engineer</li> </ul>	£34,100 (£16.81 per hour)	£30,690 (£15.13 per hour)	£27,280 (£13.45 per hour)	£23,870 (£11.77 per hour)	Yes	Yes
2127 Production and process engineers	<ul style="list-style-type: none"> <li>• Chemical engineer</li> <li>• Industrial engineer</li> <li>• Process engineer</li> <li>• Production consultant</li> <li>• Production engineer</li> </ul>	£33,100 (£16.32 per hour)	£29,790 (£14.69 per hour)	£26,480 (£13.06 per hour)	£23,170 (£11.43 per hour)	Yes	Yes



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2129 Engineering professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Acoustician (professional)</li> <li>• Ceramicist</li> <li>• Food technologist</li> <li>• Metallurgist</li> <li>• Patent agent</li> <li>• Project engineer</li> <li>• Scientific consultant</li> <li>• Technical engineer</li> <li>• Technologist</li> <li>• Traffic engineer</li> </ul>	£32,700 (£16.12 per hour)	£29,430 (£14.51 per hour)	£26,160 (£12.90 per hour)	£22,890 (£11.29 per hour)	Yes	Yes
2133 IT specialist managers	<ul style="list-style-type: none"> <li>• Data centre manager</li> <li>• IT manager</li> <li>• IT support manager</li> <li>• Network operations manager (computer services)</li> <li>• Service delivery manager</li> </ul>	£38,000 (£18.74 per hour)	£34,200 (£16.86 per hour)	£30,400 (£14.99 per hour)	£26,600 (£13.12 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2134 IT project and programme managers	<ul style="list-style-type: none"> <li>• Implementation manager (computing)</li> <li>• IT project manager</li> <li>• Programme manager (computing)</li> <li>• Project leader (software design)</li> </ul>	£40,000 (£19.72 per hour)	£36,000 (£17.75 per hour)	£32,000 (£15.78 per hour)	£28,000 (£13.81 per hour)	Yes	Yes
2135 IT business analysts, architects and systems designers	<ul style="list-style-type: none"> <li>• Business analyst (computing)</li> <li>• Data communications analyst</li> <li>• Systems analyst</li> <li>• Systems consultant</li> <li>• Technical analyst (computing)</li> <li>• Technical architect</li> </ul>	£36,600 (£18.05 per hour)	£32,940 (£16.24 per hour)	£29,280 (£14.44 per hour)	£25,620 (£12.63 per hour)	Yes	Yes
2136 Programmers and software development professionals	<ul style="list-style-type: none"> <li>• Analyst-programmer</li> <li>• Database developer</li> <li>• Games programmer</li> <li>• Programmer</li> <li>• Software engineer</li> </ul>	£33,300 (£16.42 per hour)	£29,970 (£14.78 per hour)	£26,640 (£13.14 per hour)	£23,310 (£11.49 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2137 Web design and development professionals	<ul style="list-style-type: none"> <li>• Internet developer</li> <li>• Multimedia developer</li> <li>• Web design consultant</li> <li>• Web designer</li> </ul>	£26,000 (£12.82 per hour)	£23,400 (£11.54 per hour)	£20,800 (£10.26 per hour)	£18,200 (£8.97 per hour)	Yes	Yes
2139 Information technology and telecommunications professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• IT consultant</li> <li>• Quality analyst (computing)</li> <li>• Software tester</li> <li>• Systems tester (computing)</li> <li>• Telecommunications planner</li> </ul>	£31,800 (£15.68 per hour)	£28,620 (£14.11 per hour)	£25,440 (£12.54 per hour)	£22,260 (£10.98 per hour)	Yes	Yes
2141 Conservation professionals	<ul style="list-style-type: none"> <li>• Conservation officer</li> <li>• Ecologist</li> <li>• Energy conservation officer</li> <li>• Heritage manager</li> <li>• Marine conservationist</li> </ul>	£23,600 (£11.64 per hour)	£21,240 (£10.47 per hour)	£18,880 (£9.31 per hour)	£16,520 (£8.15 per hour)	Yes	Yes
2142 Environment professionals	<ul style="list-style-type: none"> <li>• Energy manager</li> <li>• Environmental consultant</li> <li>• Environmental engineer</li> <li>• Environmental protection officer</li> <li>• Environmental scientist</li> <li>• Landfill engineer</li> </ul>	£27,900 (£13.76 per hour)	£25,110 (£12.38 per hour)	£22,320 (£11.01 per hour)	£19,530 (£9.63 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2150 Research and development managers	<ul style="list-style-type: none"> <li>• Creative manager (research and development)</li> <li>• Design manager</li> <li>• Market research manager</li> <li>• Research manager (broadcasting)</li> </ul>	£38,200 (£18.84 per hour)	£34,380 (£16.95 per hour)	£30,560 (£15.07 per hour)	£26,740 (£13.19 per hour)	Yes	Yes
2216 Veterinarians	<ul style="list-style-type: none"> <li>• Veterinarian</li> <li>• Veterinary practitioner</li> <li>• Veterinary surgeon</li> </ul>	£32,500 (£16.03 per hour)	£29,250 (£14.42 per hour)	£26,000 (£12.82 per hour)	£22,750 (£11.22 per hour)	Yes	Yes
2311 Higher education teaching professionals	<ul style="list-style-type: none"> <li>• Fellow (university)</li> <li>• Lecturer (higher education, university)</li> <li>• Professor (higher education, university)</li> <li>• Tutor (higher education, university)</li> <li>• University lecturer</li> </ul>	£40,700 (£20.07 per hour)	£36,630 (£18.06 per hour)	£32,560 (£16.06 per hour)	£28,490 (£14.05 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2317 Senior professionals of educational establishments	<ul style="list-style-type: none"> <li>• Administrator (higher education, university)</li> <li>• Bursar</li> <li>• Head teacher (primary school)</li> <li>• Principal (further education)</li> <li>• Registrar (educational establishments)</li> </ul>	£39,000 (£19.23 per hour)	£35,100 (£17.31 per hour)	£31,200 (£15.38 per hour)	£27,300 (£13.46 per hour)	Yes	Yes
2318 Education advisers and school inspectors	<ul style="list-style-type: none"> <li>• Curriculum adviser</li> <li>• Education adviser</li> <li>• Education officer</li> <li>• School inspector</li> </ul>	£25,500 (£12.57 per hour)	£22,950 (£11.32 per hour)	£20,400 (£10.06 per hour)	£17,850 (£8.80 per hour)	Yes	Yes
2319 Teaching and other educational professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Adult education tutor</li> <li>• Education consultant</li> <li>• Music teacher</li> <li>• Nursery manager (day nursery)</li> <li>• Owner (nursery: children's)</li> <li>• Private tutor</li> <li>• TEFL</li> </ul>	£21,300 (£10.50 per hour)	£19,170 (£9.45 per hour)	£17,040 (£8.40 per hour)	£14,910 (£7.35 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2412 Barristers and judges	<ul style="list-style-type: none"> <li>• Advocate</li> <li>• Barrister</li> <li>• Chairman (appeals tribunal, inquiry)</li> <li>• Coroner</li> <li>• Crown prosecutor</li> <li>• District judge</li> </ul>	£29,600 (£14.60 per hour)	£26,640 (£13.14 per hour)	£23,680 (£11.68 per hour)	£20,720 (£10.22 per hour)	Yes	Yes
2413 Solicitors	<ul style="list-style-type: none"> <li>• Managing clerk (qualified solicitor)</li> <li>• Solicitor</li> <li>• Solicitor-partner</li> <li>• Solicitor to the council</li> </ul>	£34,300 (£16.91 per hour)	£30,870 (£15.22 per hour)	£27,440 (£13.53 per hour)	£24,010 (£11.84 per hour)	Yes	Yes
2419 Legal professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Attorney</li> <li>• Justice's clerk</li> <li>• Lawyer</li> <li>• Legal adviser</li> <li>• Legal consultant</li> <li>• Legal counsel</li> <li>• Solicitor's clerk (articled)</li> </ul>	£49,700 (£24.51 per hour)	£44,730 (£22.06 per hour)	£39,760 (£19.61 per hour)	£34,790 (£17.15 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2421 Chartered and certified accountants	<ul style="list-style-type: none"> <li>• Accountant (qualified)</li> <li>• Auditor (qualified)</li> <li>• Chartered accountant</li> <li>• Company accountant</li> <li>• Cost accountant (qualified)</li> <li>• Financial controller (qualified)</li> <li>• Management accountant (qualified)</li> </ul>	£30,000 (£14.79 per hour)	£27,000 (£13.31 per hour)	£24,000 (£11.83 per hour)	£21,000 (£10.36 per hour)	Yes	Yes
2423 Management consultants and business analysts	<ul style="list-style-type: none"> <li>• Business adviser</li> <li>• Business consultant</li> <li>• Business continuity manager</li> <li>• Financial risk analyst</li> <li>• Management consultant</li> </ul>	£30,900 (£15.24 per hour)	£27,810 (£13.71 per hour)	£24,720 (£12.19 per hour)	£21,630 (£10.67 per hour)	Yes	Yes
2424 Business and financial project management professionals	<ul style="list-style-type: none"> <li>• Chief knowledge officer</li> <li>• Contracts manager (security services)</li> <li>• Project manager</li> <li>• Research support officer</li> </ul>	£37,300 (£18.39 per hour)	£33,570 (£16.55 per hour)	£29,840 (£14.71 per hour)	£26,110 (£12.87 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2425 Actuaries, economists and statisticians	<ul style="list-style-type: none"> <li>• Actuarial consultant</li> <li>• Actuary</li> <li>• Economist</li> <li>• Statistician</li> <li>• Statistical analyst</li> </ul>	£32,800 (£16.17 per hour)	£29,520 (£14.56 per hour)	£26,240 (£12.94 per hour)	£22,960 (£11.32 per hour)	Yes	Yes
2426 Business and related research professionals	<ul style="list-style-type: none"> <li>• Crime analyst (police force)</li> <li>• Fellow (research)</li> <li>• Games researcher (broadcasting)</li> <li>• Inventor</li> </ul>	£29,700 (£14.64 per hour)	£26,730 (£13.18 per hour)	£23,760 (£11.72 per hour)	£20,790 (£10.25 per hour)	Yes	Yes
2429 Business, research and administrative professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Civil servant (grade 6, 7)</li> <li>• Company secretary (qualified)</li> <li>• Policy adviser (government)</li> <li>• Registrar (government)</li> </ul>	£33,700 (£16.62 per hour)	£30,330 (£14.96 per hour)	£26,960 (£13.29 per hour)	£23,590 (£11.63 per hour)	Yes	Yes
2431 Architects	<ul style="list-style-type: none"> <li>• Architect</li> <li>• Architectural consultant</li> <li>• Chartered architect</li> <li>• Landscape architect</li> </ul>	£35,000 (£17.26 per hour)	£31,500 (£15.53 per hour)	£28,000 (£13.81 per hour)	£24,500 (£12.08 per hour)	Yes	Yes



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2432 Town planning officers	<ul style="list-style-type: none"> <li>• Planning officer (local government: building and contracting)</li> <li>• Town planner</li> <li>• Town planning consultant</li> </ul>	£28,500 (£14.05 per hour)	£25,650 (£12.65 per hour)	£22,800 (£11.24 per hour)	£19,950 (£9.84 per hour)	Yes	Yes
2433 Quantity surveyors	<ul style="list-style-type: none"> <li>• Quantity surveyor</li> <li>• Surveyor (quantity surveying)</li> </ul>	£30,600 (£15.09 per hour)	£27,540 (£13.58 per hour)	£24,480 (£12.07 per hour)	£21,420 (£10.56 per hour)	Yes	Yes
2434 Chartered surveyors	<ul style="list-style-type: none"> <li>• Building surveyor</li> <li>• Chartered surveyor</li> <li>• Hydrographic surveyor</li> <li>• Land surveyor</li> </ul>	£30,200 (£14.89 per hour)	£27,180 (£13.40 per hour)	£24,160 (£11.91 per hour)	£21,140 (£10.42 per hour)	Yes	Yes
2435 Chartered architectural technologists	<ul style="list-style-type: none"> <li>• Architectural technologist</li> </ul>	£27,900 (£13.76 per hour)	£25,110 (£12.38 per hour)	£22,320 (£11.01 per hour)	£19,530 (£9.63 per hour)	Yes	Yes
2436 Construction project managers and related professionals	<ul style="list-style-type: none"> <li>• Contract manager (building construction)</li> <li>• Project manager (building construction)</li> <li>• Transport planner</li> </ul>	£28,700 (£14.15 per hour)	£25,830 (£12.74 per hour)	£22,960 (£11.32 per hour)	£20,090 (£9.91 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2443 Probation officers	<ul style="list-style-type: none"> <li>• Inspector (National Probation Service)</li> <li>• Probation officer</li> <li>• Youth justice officer</li> </ul>	£28,700 (£14.15 per hour)	£25,830 (£12.74 per hour)	£22,960 (£11.32 per hour)	£20,090 (£9.91 per hour)	Yes	Yes
2449 Welfare professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Children's guardian</li> <li>• Rehabilitation officer</li> <li>• Social services officer</li> <li>• Youth worker (professional)</li> </ul>	£24,000 (£11.83 per hour)	£21,600 (£10.65 per hour)	£19,200 (£9.47 per hour)	£16,800 (£8.28 per hour)	Yes	Yes
2451 Librarians	<ul style="list-style-type: none"> <li>• Chartered librarian</li> <li>• Librarian</li> <li>• Technical librarian</li> <li>• University librarian</li> </ul>	£21,800 (£10.75 per hour)	£19,620 (£9.67 per hour)	£17,440 (£8.60 per hour)	£15,260 (£7.52 per hour)	Yes	Yes
2452 Archivists and curators	<ul style="list-style-type: none"> <li>• Archivist</li> <li>• Conservator</li> <li>• Curator</li> <li>• Keeper (art gallery)</li> <li>• Museum officer</li> </ul>	£23,600 (£11.64 per hour)	£21,240 (£10.47 per hour)	£18,880 (£9.31 per hour)	£16,520 (£8.15 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2461 Quality control and planning engineers	<ul style="list-style-type: none"> <li>• Planning engineer</li> <li>• Quality assurance engineer</li> <li>• Quality control officer (professional)</li> <li>• Quality engineer</li> </ul>	£30,500 (£15.04 per hour)	£27,450 (£13.54 per hour)	£24,400 (£12.03 per hour)	£21,350 (£10.53 per hour)	Yes	Yes
2462 Quality assurance and regulatory professionals	<ul style="list-style-type: none"> <li>• Compliance manager</li> <li>• Financial regulator</li> <li>• Patent attorney</li> <li>• Quality assurance manager</li> <li>• Quality manager</li> </ul>	£33,200 (£16.37 per hour)	£29,880 (£14.73 per hour)	£26,560 (£13.10 per hour)	£23,240 (£11.46 per hour)	Yes	Yes
2463 Environmental health professionals	<ul style="list-style-type: none"> <li>• Air pollution inspector</li> <li>• Environmental health officer</li> <li>• Food inspector</li> <li>• Public health inspector</li> <li>• Technical officer (environmental health)</li> </ul>	£29,600 (£14.60 per hour)	£26,640 (£13.14 per hour)	£23,680 (£11.68 per hour)	£20,720 (£10.22 per hour)	Yes	Yes
2471 Journalists, newspaper and periodical editors	<ul style="list-style-type: none"> <li>• Broadcast journalist</li> <li>• Editor</li> <li>• Journalist</li> <li>• Radio journalist</li> <li>• Reporter</li> </ul>	£26,500 (£13.07 per hour)	£23,850 (£11.76 per hour)	£21,200 (£10.45 per hour)	£18,550 (£9.15 per hour)	Yes	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
2472 Public relations professionals	<ul style="list-style-type: none"> <li>• Account manager (public relations)</li> <li>• Information officer (public relations)</li> <li>• PR consultant</li> <li>• Press officer</li> <li>• Public relations officer</li> </ul>	£25,700 (£12.67 per hour)	£23,130 (£11.41 per hour)	£20,560 (£10.14 per hour)	£17,990 (£8.87 per hour)	Yes	Yes
2473 Advertising accounts managers and creative directors	<ul style="list-style-type: none"> <li>• Account manager (advertising)</li> <li>• Advertising Manager</li> <li>• Campaign Manager</li> <li>• Creative Director</li> <li>• Projects Manager (advertising)</li> </ul>	£31,900 (£15.73 per hour)	£28,710 (£14.16 per hour)	£25,520 (£12.58 per hour)	£22,330 (£11.01 per hour)	Yes	Yes
3111 Laboratory technicians	<ul style="list-style-type: none"> <li>• Laboratory analyst</li> <li>• Laboratory technician</li> <li>• Medical laboratory assistant</li> <li>• Scientific technician</li> <li>• Water tester</li> </ul>	£18,200 (£8.97 per hour)	£16,380 (£8.08 per hour)	£14,560 (£7.18 per hour)	£12,740 (£6.28 per hour)	Yes	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3112 Electrical and electronics technicians	<ul style="list-style-type: none"> <li>• Avionics technician</li> <li>• Electrical technician</li> <li>• Electronics technician</li> <li>• Installation engineer (Electricity Supplier)</li> </ul>	£28,100 (£13.86 per hour)	£25,290 (£12.47 per hour)	£22,480 (£11.08 per hour)	£19,670 (£9.70 per hour)	Yes	No
3113 Engineering technicians	<ul style="list-style-type: none"> <li>• Aircraft technician</li> <li>• Commissioning engineer</li> <li>• Engineering technician</li> <li>• Manufacturing engineer</li> <li>• Mechanical technician</li> </ul>	£27,300 (£13.46 per hour)	£24,570 (£12.12 per hour)	£21,840 (£10.77 per hour)	£19,110 (£9.42 per hour)	Yes	No
3114 Building and civil engineering technicians	<ul style="list-style-type: none"> <li>• Building services consultant</li> <li>• Civil engineering technician</li> <li>• Survey technician</li> <li>• Technical assistant (civil engineering)</li> </ul>	£23,400 (£11.54 per hour)	£21,060 (£10.38 per hour)	£18,720 (£9.23 per hour)	£16,380 (£8.08 per hour)	Yes	No
3115 Quality assurance technicians	<ul style="list-style-type: none"> <li>• Quality assurance technician</li> <li>• Quality control technician</li> <li>• Quality officer</li> <li>• Quality technician</li> <li>• Test technician</li> </ul>	£23,600 (£11.64 per hour)	£21,240 (£10.47 per hour)	£18,880 (£9.31 per hour)	£16,520 (£8.15 per hour)	Yes	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3116 Planning, process and production technicians	<ul style="list-style-type: none"> <li>• Process technician</li> <li>• Production controller</li> <li>• Production planner</li> <li>• Production technician</li> </ul>	£25,200 (£12.43 per hour)	£22,680 (£11.18 per hour)	£20,160 (£9.94 per hour)	£17,640 (£8.70 per hour)	Yes	No
3119 Science, engineering and production technicians not elsewhere classified	<ul style="list-style-type: none"> <li>• School technician</li> <li>• Technical assistant</li> <li>• Technician</li> <li>• Textile consultant</li> <li>• Workshop technician</li> </ul>	£22,000 (£10.85 per hour)	£19,800 (£9.76 per hour)	£17,600 (£8.68 per hour)	£15,400 (£7.59 per hour)	Yes	No
3121 Architectural and town planning technicians	<ul style="list-style-type: none"> <li>• Architectural assistant</li> <li>• Architectural technician</li> <li>• Construction planner</li> <li>• Planning enforcement officer</li> </ul>	£23,800 (£11.74 per hour)	£21,420 (£10.56 per hour)	£19,040 (£9.39 per hour)	£16,660 (£8.21 per hour)	Yes	No
3122 Draughtspersons	<ul style="list-style-type: none"> <li>• CAD operator</li> <li>• Cartographer</li> <li>• Design technician</li> <li>• Draughtsman</li> </ul>	£25,800 (£12.72 per hour)	£23,220 (£11.45 per hour)	£20,640 (£10.18 per hour)	£18,060 (£8.91 per hour)	Yes	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3131 IT operations technicians	<ul style="list-style-type: none"> <li>• Computer games tester</li> <li>• Database administrator</li> <li>• IT technician</li> <li>• Network administrator</li> <li>• Systems administrator</li> </ul>	£24,500 (£12.08 per hour)	£22,050 (£10.87 per hour)	£19,600 (£9.66 per hour)	£17,150 (£8.46 per hour)	Yes	No
3132 IT user support technicians	<ul style="list-style-type: none"> <li>• Customer support analyst</li> <li>• Help desk operator</li> <li>• IT support technician</li> <li>• Systems support officer</li> </ul>	£24,400 (£12.03 per hour)	£21,960 (£10.83 per hour)	£19,520 (£9.63 per hour)	£17,080 (£8.42 per hour)	Yes	No
3216 Dispensing opticians	<ul style="list-style-type: none"> <li>• Dispensing optician</li> <li>• Optical dispenser</li> </ul>	£18,900 (£9.32 per hour)	£17,010 (£8.39 per hour)	£15,120 (£7.46 per hour)	£13,230 (£6.52 per hour)	No	No
3217 Pharmaceutical technicians	<ul style="list-style-type: none"> <li>• Dispensing technician</li> <li>• Pharmaceutical technician</li> <li>• Pharmacy technician</li> </ul>	£20,300 (£10.01 per hour)	£18,270 (£9.01 per hour)	£16,240 (£8.01 per hour)	£14,210 (£7.01 per hour)	No	No
3231 Youth and community workers	<ul style="list-style-type: none"> <li>• Community development officer</li> <li>• Youth and community worker</li> <li>• Youth project coordinator</li> <li>• Youth worker</li> </ul>	£22,200 (£10.95 per hour)	£19,980 (£9.85 per hour)	£17,760 (£8.76 per hour)	£15,540 (£7.66 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3234 Housing officers	<ul style="list-style-type: none"> <li>• Housing adviser</li> <li>• Housing officer</li> <li>• Homeless prevention officer</li> <li>• Housing support officer</li> </ul>	£24,200 (£11.93 per hour)	£21,780 (£10.74 per hour)	£19,360 (£9.55 per hour)	£16,940 (£8.35 per hour)	No	No
3235 Counsellors	<ul style="list-style-type: none"> <li>• Counsellor (welfare services)</li> <li>• Debt adviser</li> <li>• Drugs and alcohol counsellor</li> <li>• Student counsellor</li> </ul>	£20,800 (£10.26 per hour)	£18,720 (£9.23 per hour)	£16,640 (£8.21 per hour)	£14,560 (£7.18 per hour)	No	No
3239 Welfare and housing associate professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Day centre officer</li> <li>• Health coordinator</li> <li>• Key worker (welfare services)</li> <li>• Outreach worker (welfare services)</li> <li>• Probation services officer</li> <li>• Project worker (welfare services)</li> </ul>	£20,900 (£10.31 per hour)	£18,810 (£9.28 per hour)	£16,720 (£8.24 per hour)	£14,630 (£7.21 per hour)	No	No



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3312 Police officers (sergeant and below)	<ul style="list-style-type: none"> <li>• Detective (police service)</li> <li>• Police constable</li> <li>• Police officer</li> <li>• Sergeant</li> <li>• Transport police officer</li> </ul>	£35,400 (£17.46 per hour)	£31,860 (£15.71 per hour)	£28,320 (£13.96 per hour)	£24,780 (£12.22 per hour)	No	No
3313 Fire service officers (watch manager and below)	<ul style="list-style-type: none"> <li>• Fire engineer</li> <li>• Fire safety officer</li> <li>• Firefighter</li> <li>• Watch manager (fire service)</li> </ul>	£32,200 (£15.88 per hour)	£28,980 (£14.29 per hour)	£25,760 (£12.70 per hour)	£22,540 (£11.11 per hour)	No	No
3319 Protective service associate professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Customs officer</li> <li>• Immigration officer</li> <li>• Operations manager (security services)</li> <li>• Scenes of crime officer</li> <li>• Security manager</li> </ul>	£29,900 (£14.74 per hour)	£26,910 (£13.27 per hour)	£23,920 (£11.79 per hour)	£20,930 (£10.32 per hour)	No	No
3411 Artists	<ul style="list-style-type: none"> <li>• Artist</li> <li>• Illustrator</li> <li>• Portrait painter</li> <li>• Sculptor</li> </ul>	£21,000 (£10.36 per hour)	£18,900 (£9.32 per hour)	£16,800 (£8.28 per hour)	£14,700 (£7.25 per hour)	No	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3412 Authors, writers and translators	<ul style="list-style-type: none"> <li>• Copywriter</li> <li>• Editor (books)</li> <li>• Interpreter</li> <li>• Technical author</li> <li>• Translator</li> <li>• Writer</li> </ul>	£25,600 (£12.62 per hour)	£23,040 (£11.36 per hour)	£20,480 (£10.10 per hour)	£17,920 (£8.84 per hour)	No	Yes
3413 Actors, entertainers and presenters	<ul style="list-style-type: none"> <li>• Actor</li> <li>• Disc jockey</li> <li>• Entertainer</li> <li>• Presenter (broadcasting)</li> <li>• Singer</li> </ul>	£32,200 (£15.88 per hour)	£28,980 (£14.29 per hour)	£25,760 (£12.70 per hour)	£22,540 (£11.11 per hour)	No	Yes
3414 Dancers and choreographers	<ul style="list-style-type: none"> <li>• Ballet dancer</li> <li>• Choreographer</li> <li>• Dancer</li> <li>• Dance teacher</li> </ul>	£29,800 (£14.69 per hour)	£26,820 (£13.22 per hour)	£23,840 (£11.76 per hour)	£20,860 (£10.29 per hour)	No	Yes
3415 Musicians	<ul style="list-style-type: none"> <li>• Composer</li> <li>• Musician</li> <li>• Organist</li> <li>• Pianist</li> <li>• Song writer</li> <li>• Violinist</li> </ul>	£27,500 (£13.56 per hour)	£24,750 (£12.20 per hour)	£22,000 (£10.85 per hour)	£19,250 (£9.49 per hour)	No	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3416 Arts officers, producers and directors	<ul style="list-style-type: none"> <li>• Film editor</li> <li>• Production assistant (broadcasting)</li> <li>• Studio manager</li> <li>• Television producer</li> <li>• Theatrical agent</li> </ul>	£30,000 (£14.79 per hour)	£27,000 (£13.31 per hour)	£24,000 (£11.83 per hour)	£21,000 (£10.36 per hour)	No	Yes
3417 Photographers, audio-visual and broadcasting equipment operators	<ul style="list-style-type: none"> <li>• Audio visual technician</li> <li>• Cameraman</li> <li>• Photographer</li> <li>• Projectionist</li> <li>• Sound engineer</li> <li>• Theatre technician (entertainment)</li> </ul>	£21,100 (£10.40 per hour)	£18,990 (£9.36 per hour)	£16,880 (£8.32 per hour)	£14,770 (£7.28 per hour)	No	No
3421 Graphic designers	<ul style="list-style-type: none"> <li>• Commercial artist</li> <li>• Designer (advertising)</li> <li>• Graphic artist</li> <li>• Graphic designer</li> <li>• MAC operator</li> </ul>	£23,500 (£11.59 per hour)	£21,150 (£10.43 per hour)	£18,800 (£9.27 per hour)	£16,450 (£8.11 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3422 Product, clothing and related designers	<ul style="list-style-type: none"> <li>• Design consultant</li> <li>• Fashion designer</li> <li>• Furniture designer</li> <li>• Interior designer</li> <li>• Kitchen designer</li> <li>• Textile designer</li> </ul>	£25,400 (£12.52 per hour)	£22,860 (£11.27 per hour)	£20,320 (£10.02 per hour)	£17,780 (£8.77 per hour)	No	Yes
3443 Fitness instructors	<ul style="list-style-type: none"> <li>• Aerobics instructor</li> <li>• Fitness instructor</li> <li>• Gym instructor</li> <li>• Lifestyle consultant</li> <li>• Personal trainer</li> <li>• Pilates instructor</li> </ul>	£15,600 (£7.69 per hour)	£14,040 (£6.92 per hour)	£12,480 (£6.15 per hour)	£10,920 (£5.38 per hour)	No	No
3511 Air traffic controllers	<ul style="list-style-type: none"> <li>• Air traffic control officer</li> <li>• Air traffic controller</li> <li>• Air traffic services assistant</li> <li>• Flight planner</li> </ul>	£82,400 (£40.63 per hour)	£74,160 (£36.57 per hour)	£65,920 (£32.50 per hour)	£57,680 (£28.44 per hour)	No	No
3512 Aircraft pilots and flight engineers	<ul style="list-style-type: none"> <li>• Airline pilot</li> <li>• First officer (airlines)</li> <li>• Flight engineer</li> <li>• Flying instructor</li> <li>• Helicopter pilot</li> </ul>	£60,800 (£29.98 per hour)	£54,720 (£26.98 per hour)	£48,640 (£23.98 per hour)	£42,560 (£20.99 per hour)	No	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3513 Ship and hovercraft officers	<ul style="list-style-type: none"> <li>• Chief engineer (shipping)</li> <li>• Marine engineer (shipping)</li> <li>• Merchant navy officer</li> <li>• Petty officer</li> <li>• Tug master</li> <li>• Yacht skipper</li> </ul>	£32,900 (£16.22 per hour)	£29,610 (£14.60 per hour)	£26,320 (£12.98 per hour)	£23,030 (£11.36 per hour)	No	No
3520 Legal associate professionals	<ul style="list-style-type: none"> <li>• Barrister's clerk</li> <li>• Compliance officer</li> <li>• Conveyancer</li> <li>• Legal executive</li> <li>• Litigator</li> <li>• Paralegal</li> </ul>	£21,900 (£10.80 per hour)	£19,710 (£9.72 per hour)	£17,520 (£8.64 per hour)	£15,330 (£7.56 per hour)	No	No
3531 Estimators, valuers and assessors	<ul style="list-style-type: none"> <li>• Claims assessor</li> <li>• Claims investigator</li> <li>• Engineering surveyor</li> <li>• Estimator</li> <li>• Loss adjuster</li> <li>• Valuer</li> </ul>	£25,800 (£12.72 per hour)	£23,220 (£11.45 per hour)	£20,640 (£10.18 per hour)	£18,060 (£8.91 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3532 Brokers	<ul style="list-style-type: none"> <li>• Foreign exchange dealer</li> <li>• Insurance broker</li> <li>• Investment administrator</li> <li>• Stockbroker</li> <li>• Trader (stock exchange)</li> </ul>	£46,900 (£23.13 per hour)	£42,210 (£20.81 per hour)	£37,520 (£18.50 per hour)	£32,830 (£16.19 per hour)	No	Yes
3533 Insurance underwriters	<ul style="list-style-type: none"> <li>• Account handler (insurance)</li> <li>• Commercial underwriter</li> <li>• Insurance inspector</li> <li>• Mortgage underwriter</li> <li>• Underwriter</li> </ul>	£27,100 (£13.36 per hour)	£24,390 (£12.03 per hour)	£21,680 (£10.69 per hour)	£18,970 (£9.35 per hour)	No	No
3534 Finance and investment analysts and advisers	<ul style="list-style-type: none"> <li>• Financial adviser</li> <li>• Financial analyst</li> <li>• Financial consultant</li> <li>• Mortgage adviser</li> <li>• Pensions consultant</li> </ul>	£29,400 (£14.50 per hour)	£26,460 (£13.05 per hour)	£23,520 (£11.60 per hour)	£20,580 (£10.15 per hour)	No	Yes
3535 Taxation experts	<ul style="list-style-type: none"> <li>• Tax adviser</li> <li>• Tax consultant</li> <li>• Tax inspector</li> <li>• Taxation specialist</li> </ul>	£38,000 (£18.74 per hour)	£34,200 (£16.86 per hour)	£30,400 (£14.99 per hour)	£26,600 (£13.12 per hour)	No	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3536 Importers and exporters	<ul style="list-style-type: none"> <li>• Export controller</li> <li>• Export coordinator</li> <li>• Exporter</li> <li>• Import agent</li> <li>• Importer</li> </ul>	£22,300 (£11.00 per hour)	£20,070 (£9.90 per hour)	£17,840 (£8.80 per hour)	£15,610 (£7.70 per hour)	No	No
3537 Financial and accounting technicians	<ul style="list-style-type: none"> <li>• Accounting technician</li> <li>• Business associate (banking)</li> <li>• Financial controller</li> <li>• Insolvency administrator</li> <li>• Managing clerk (accountancy)</li> </ul>	£32,500 (£16.03 per hour)	£29,250 (£14.42 per hour)	£26,000 (£12.82 per hour)	£22,750 (£11.22 per hour)	No	No
3538 Financial accounts managers	<ul style="list-style-type: none"> <li>• Accounts manager</li> <li>• Audit manager</li> <li>• Credit manager</li> <li>• Fund manager</li> <li>• Relationship manager (bank)</li> </ul>	£29,100 (£14.35 per hour)	£26,190 (£12.91 per hour)	£23,280 (£11.48 per hour)	£20,370 (£10.04 per hour)	No	Yes

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3539 Business and related associate professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Business systems analyst</li> <li>• Data analyst</li> <li>• Marine consultant</li> <li>• Planning assistant</li> <li>• Project administrator</li> <li>• Project coordinator</li> </ul>	£23,300 (£11.49 per hour)	£20,970 (£10.34 per hour)	£18,640 (£9.19 per hour)	£16,310 (£8.04 per hour)	No	No
3541 Buyers and procurement officers	<ul style="list-style-type: none"> <li>• Buyer</li> <li>• Procurement officer</li> <li>• Purchasing consultant</li> </ul>	£25,500 (£12.57 per hour)	£22,950 (£11.32 per hour)	£20,400 (£10.06 per hour)	£17,850 (£8.80 per hour)	No	No
3542 Business sales executives	<ul style="list-style-type: none"> <li>• Corporate account executive</li> <li>• Sales agent</li> <li>• Sales consultant</li> <li>• Sales executive</li> <li>• Technical representative</li> </ul>	£25,800 (£12.72 per hour)	£23,220 (£11.45 per hour)	£20,640 (£10.18 per hour)	£18,060 (£8.91 per hour)	No	No
3543 Marketing associate professionals	<ul style="list-style-type: none"> <li>• Business development executive</li> <li>• Fundraiser</li> <li>• Market research analyst</li> <li>• Marketing consultant</li> <li>• Marketing executive</li> </ul>	£24,400 (£12.03 per hour)	£21,960 (£10.83 per hour)	£19,520 (£9.63 per hour)	£17,080 (£8.42 per hour)	No	No



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3544 Estate agents and auctioneers	<ul style="list-style-type: none"> <li>• Auctioneer</li> <li>• Auctioneer and valuer</li> <li>• Estate agent</li> <li>• Letting agent</li> <li>• Property consultant</li> </ul>	£20,700 (£10.21 per hour)	£18,630 (£9.19 per hour)	£16,560 (£8.17 per hour)	£14,490 (£7.14 per hour)	No	No
3545 Sales accounts and business development managers	<ul style="list-style-type: none"> <li>• Account manager (sales)</li> <li>• Area sales manager</li> <li>• Business development manager</li> <li>• Product development manager</li> <li>• Sales manager</li> </ul>	£35,400 (£17.46 per hour)	£31,860 (£15.71 per hour)	£28,320 (£13.96 per hour)	£24,780 (£12.22 per hour)	No	Yes
3546 Conference and exhibition managers and organisers	<ul style="list-style-type: none"> <li>• Conference coordinator</li> <li>• Event organiser</li> <li>• Events manager</li> <li>• Exhibition organiser</li> <li>• Hospitality manager</li> </ul>	£22,900 (£11.29 per hour)	£20,610 (£10.16 per hour)	£18,320 (£9.03 per hour)	£16,030 (£7.90 per hour)	No	No
3550 Conservation and environmental associate professionals	<ul style="list-style-type: none"> <li>• Conservation worker</li> <li>• Countryside ranger</li> <li>• National park warden</li> <li>• Park ranger</li> </ul>	£20,900 (£10.31 per hour)	£18,810 (£9.28 per hour)	£16,720 (£8.24 per hour)	£14,630 (£7.21 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3561 Public services associate professionals	<ul style="list-style-type: none"> <li>• Higher executive officer (government)</li> <li>• Principle revenue officer (local government)</li> <li>• Senior executive officer (government)</li> </ul>	£29,800 (£14.69 per hour)	£26,820 (£13.22 per hour)	£23,840 (£11.76 per hour)	£20,860 (£10.29 per hour)	No	No
3562 Human resources and industrial relations officers	<ul style="list-style-type: none"> <li>• Employment adviser</li> <li>• Human resources officer</li> <li>• Personnel officer</li> <li>• Recruitment consultant</li> </ul>	£23,500 (£11.59 per hour)	£21,150 (£10.43 per hour)	£18,800 (£9.27 per hour)	£16,450 (£8.11 per hour)	No	No
3563 Vocational and industrial trainers and instructors	<ul style="list-style-type: none"> <li>• IT trainer</li> <li>• NVQ assessor</li> <li>• Technical instructor</li> <li>• Training consultant</li> <li>• Training manager</li> </ul>	£23,400 (£11.54 per hour)	£21,060 (£10.38 per hour)	£18,720 (£9.23 per hour)	£16,380 (£8.08 per hour)	No	No
3564 Careers advisers and vocational guidance specialists	<ul style="list-style-type: none"> <li>• Careers adviser</li> <li>• Careers consultant</li> <li>• Careers teacher</li> <li>• Placement officer</li> </ul>	£24,500 (£12.08 per hour)	£22,050 (£10.87 per hour)	£19,600 (£9.66 per hour)	£17,150 (£8.46 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
3565 Inspectors of standards and regulations	<ul style="list-style-type: none"> <li>• Building inspector</li> <li>• Driving examiner</li> <li>• Housing inspector</li> <li>• Meat hygiene inspector</li> <li>• Trading standards officer</li> </ul>	£26,600 (£13.12 per hour)	£23,940 (£11.80 per hour)	£21,280 (£10.49 per hour)	£18,620 (£9.18 per hour)	No	No
3567 Health and safety officers	<ul style="list-style-type: none"> <li>• Fire protection engineer (professional)</li> <li>• Health and safety officer</li> <li>• Occupational hygienist</li> <li>• Safety consultant</li> <li>• Safety officer</li> </ul>	£29,500 (£14.55 per hour)	£26,550 (£13.09 per hour)	£23,600 (£11.64 per hour)	£20,650 (£10.18 per hour)	No	No
4112 National government administrative occupations	<ul style="list-style-type: none"> <li>• Administrative assistant (courts of justice)</li> <li>• Administrative officer (government)</li> <li>• Civil servant (EO)</li> <li>• Clerk (government)</li> <li>• Revenue officer (government)</li> </ul>	£22,400 (£11.05 per hour)	£20,160 (£9.94 per hour)	£17,920 (£8.84 per hour)	£15,680 (£7.73 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
4114 Officers of nongovernmental organisations	<ul style="list-style-type: none"> <li>• Administrator (charitable organisation)</li> <li>• Organiser (trade union)</li> <li>• Secretary (research association)</li> <li>• Trade union official</li> </ul>	£22,900 (£11.29 per hour)	£20,610 (£10.16 per hour)	£18,320 (£9.03 per hour)	£16,030 (£7.90 per hour)	No	No
4134 Transport and distribution clerks and assistants	<ul style="list-style-type: none"> <li>• Export clerk</li> <li>• Logistics controller</li> <li>• Shipping clerk</li> <li>• Transport administrator</li> <li>• Transport clerk</li> <li>• Transport coordinator</li> </ul>	£20,600 (£10.16 per hour)	£18,540 (£9.14 per hour)	£16,480 (£8.13 per hour)	£14,420 (£7.11 per hour)	No	No
4151 Sales administrators	<ul style="list-style-type: none"> <li>• Marketing administrator</li> <li>• Sales administrator</li> <li>• Sales clerk</li> <li>• Sales coordinator</li> </ul>	£18,700 (£9.22 per hour)	£16,830 (£8.30 per hour)	£14,960 (£7.38 per hour)	£13,090 (£6.45 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
4161 Office managers	<ul style="list-style-type: none"> <li>• Business support manager</li> <li>• Delivery office manager</li> <li>• Office manager</li> <li>• Practice manager</li> <li>• Sales administration manager</li> <li>• Sales office manager</li> </ul>	£25,000 (£12.33 per hour)	£22,500 (£11.09 per hour)	£20,000 (£9.86 per hour)	£17,500 (£8.63 per hour)	No	No
4214 Company secretaries	<ul style="list-style-type: none"> <li>• Assistant secretary</li> <li>• Club secretary</li> <li>• Company secretary</li> </ul>	£19,500 (£9.62 per hour)	£17,550 (£8.65 per hour)	£15,600 (£7.69 per hour)	£13,650 (£6.73 per hour)	No	No
4215 Personal assistants and other secretaries	<ul style="list-style-type: none"> <li>• Executive assistant</li> <li>• PA-secretary</li> <li>• Personal assistant</li> <li>• Personal secretary</li> <li>• Secretary</li> </ul>	£22,000 (£10.85 per hour)	£19,800 (£9.76 per hour)	£17,600 (£8.68 per hour)	£15,400 (£7.59 per hour)	No	No
5111 Farmers	<ul style="list-style-type: none"> <li>• Agricultural contractor</li> <li>• Agricultural technician</li> <li>• Crofter (farming)</li> <li>• Farmer</li> <li>• Herd manager</li> </ul>	£20,100 (£9.91 per hour)	£18,090 (£8.92 per hour)	£16,080 (£7.93 per hour)	£14,070 (£6.94 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5112 Horticultural trades	<ul style="list-style-type: none"> <li>• Grower</li> <li>• Horticulturalist (market gardening)</li> <li>• Market Gardener</li> <li>• Nursery Assistant (agriculture)</li> <li>• Nurseryman</li> </ul>	£17,000 (£8.38 per hour)	£15,300 (£7.54 per hour)	£13,600 (£6.71 per hour)	£11,900 (£5.87 per hour)	No	No
5113 Gardeners and landscape gardeners	<ul style="list-style-type: none"> <li>• Garden designer</li> <li>• Gardener</li> <li>• Gardener-handyman</li> <li>• Landscape gardener</li> </ul>	£18,600 (£9.17 per hour)	£16,740 (£8.25 per hour)	£14,880 (£7.34 per hour)	£13,020 (£6.42 per hour)	No	No
5114 Grounds-men and greenkeepers	<ul style="list-style-type: none"> <li>• Greenkeeper</li> <li>• Groundsman</li> <li>• Groundsperson</li> </ul>	£17,700 (£8.73 per hour)	£15,930 (£7.86 per hour)	£14,160 (£6.98 per hour)	£12,390 (£6.11 per hour)	No	No
5119 Agricultural and fishing trades not elsewhere classified	<ul style="list-style-type: none"> <li>• Aboricultural consultant</li> <li>• Bee farmer</li> <li>• Gamekeeper</li> <li>• Share fisherman</li> <li>• Trawler skipper</li> <li>• Tree surgeon</li> </ul>	£18,800 (£9.27 per hour)	£16,920 (£8.34 per hour)	£15,040 (£7.42 per hour)	£13,160 (£6.49 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5211 Smiths and forge workers	<ul style="list-style-type: none"> <li>• Blacksmith</li> <li>• Chain repairer</li> <li>• Farrier</li> <li>• Pewtersmith</li> <li>• Steel presser</li> </ul>	£20,400 (£10.06 per hour)	£18,360 (£9.05 per hour)	£16,320 (£8.05 per hour)	£14,280 (£7.04 per hour)	No	No
5212 Moulders, core makers and die casters	<ul style="list-style-type: none"> <li>• Core Maker (metal trades)</li> <li>• Die Caster</li> <li>• Moulder (metal trades)</li> <li>• Pipe Maker (foundry)</li> </ul>	£17,300 (£8.53 per hour)	£15,570 (£7.68 per hour)	£13,840 (£6.82 per hour)	£12,110 (£5.97 per hour)	No	No
5213 Sheet metal workers	<ul style="list-style-type: none"> <li>• Coppersmith</li> <li>• Panel beater (metal trades)</li> <li>• Sheet metal fabricator</li> <li>• Sheet metal worker</li> </ul>	£21,800 (£10.75 per hour)	£19,620 (£9.67 per hour)	£17,440 (£8.60 per hour)	£15,260 (£7.52 per hour)	No	No
5214 Metal plate workers, and riveters	<ul style="list-style-type: none"> <li>• Boiler maker</li> <li>• Metal plate worker</li> <li>• Plater</li> <li>• Plater-welder</li> </ul>	£25,300 (£12.48 per hour)	£22,770 (£11.23 per hour)	£20,240 (£9.98 per hour)	£17,710 (£8.73 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5215 Welding trades	<ul style="list-style-type: none"> <li>• Fabricator-welder</li> <li>• Fitter-welder</li> <li>• Spot welder (metal)</li> <li>• Welder</li> <li>• Welding technician</li> </ul>	£22,800 (£11.24 per hour)	£20,520 (£10.12 per hour)	£18,240 (£8.99 per hour)	£15,960 (£7.87 per hour)	No	No
5216 Pipe fitters	<ul style="list-style-type: none"> <li>• Pipe engineer</li> <li>• Pipe fitter</li> <li>• Pipe welder-fitter</li> </ul>	£32,300 (£15.93 per hour)	£29,070 (£14.33 per hour)	£25,840 (£12.74 per hour)	£22,610 (£11.15 per hour)	No	No
5221 Metal machining	<ul style="list-style-type: none"> <li>• CNC machinist</li> <li>• CNC programmer</li> <li>• Centre lathe turner</li> <li>• Miller (metal trades)</li> <li>• Tool setter</li> <li>• Turner</li> </ul>	£22,000 (£10.85 per hour)	£19,800 (£9.76 per hour)	£17,600 (£8.68 per hour)	£15,400 (£7.59 per hour)	No	No
5222 Tool makers, tool fitters and markers-out	<ul style="list-style-type: none"> <li>• Die maker</li> <li>• Engineer-toolmaker</li> <li>• Jig maker</li> <li>• Marker-out (engineering)</li> <li>• Tool fitter</li> <li>• Tool maker</li> </ul>	£24,700 (£12.18 per hour)	£22,230 (£10.96 per hour)	£19,760 (£9.74 per hour)	£17,290 (£8.53 per hour)	No	No



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5223 Metal working production and maintenance fitters	<ul style="list-style-type: none"> <li>• Agricultural engineer</li> <li>• Bench fitter</li> <li>• Engineering machinist</li> <li>• Fabricator</li> <li>• Installation engineer</li> <li>• Maintenance fitter</li> <li>• Mechanical engineer</li> </ul>	£25,300 (£12.48 per hour)	£22,770 (£11.23 per hour)	£20,240 (£9.98 per hour)	£17,710 (£8.73 per hour)	No	No
5224 Precision instrument makers and repairers	<ul style="list-style-type: none"> <li>• Calibration engineer</li> <li>• Horologist</li> <li>• Instrument maker</li> <li>• Instrument mechanic</li> <li>• Instrument technician</li> <li>• Optical technician</li> <li>• Precision engineer</li> <li>• Watchmaker</li> </ul>	£21,000 (£10.36 per hour)	£18,900 (£9.32 per hour)	£16,800 (£8.28 per hour)	£14,700 (£7.25 per hour)	No	No
5225 Air-conditioning and refrigeration engineers	<ul style="list-style-type: none"> <li>• Air conditioning engineer</li> <li>• Air conditioning fitter</li> <li>• Refrigeration engineer</li> <li>• Refrigeration technician</li> <li>• Service engineer (refrigeration)</li> </ul>	£26,800 (£13.21 per hour)	£24,120 (£11.89 per hour)	£21,440 (£10.57 per hour)	£18,760 (£9.25 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5231 Vehicle technicians, mechanics and electricians	<ul style="list-style-type: none"> <li>• Auto electrician</li> <li>• Car mechanic</li> <li>• HGV mechanic</li> <li>• Mechanic (garage)</li> <li>• MOT tester</li> <li>• Motor mechanic</li> <li>• Motor vehicle technician</li> <li>• Technician (motor vehicles)</li> <li>• Vehicle technician</li> </ul>	£21,900 (£10.80 per hour)	£19,710 (£9.72 per hour)	£17,520 (£8.64 per hour)	£15,330 (£7.56 per hour)	No	No
5232 Vehicle body builders and repairers	<ul style="list-style-type: none"> <li>• Bodyshop technician</li> <li>• Car body repairer</li> <li>• Coach builder</li> <li>• Panel beater</li> <li>• Restoration technician (motor vehicles)</li> <li>• Vehicle builder</li> </ul>	£20,700 (£10.21 per hour)	£18,630 (£9.19 per hour)	£16,560 (£8.17 per hour)	£14,490 (£7.14 per hour)	No	No
5234 Vehicle paint technicians	<ul style="list-style-type: none"> <li>• Car paint sprayer</li> <li>• Coach painter</li> <li>• Paint technician (motor vehicles)</li> <li>• Vehicle refinisher</li> </ul>	£23,000 (£11.34 per hour)	£20,700 (£10.21 per hour)	£18,400 (£9.07 per hour)	£16,100 (£7.94 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5235 Aircraft maintenance and related trades	<ul style="list-style-type: none"> <li>• Aeronautical engineer</li> <li>• Aircraft electrician</li> <li>• Aircraft engineer</li> <li>• Aircraft fitter</li> <li>• Aircraft mechanic</li> <li>• Maintenance engineer (aircraft)</li> </ul>	£31,700 (£15.63 per hour)	£28,530 (£14.07 per hour)	£25,360 (£12.50 per hour)	£22,190 (£10.94 per hour)	No	No
5236 Boat and ship builders and repairers	<ul style="list-style-type: none"> <li>• Boat builder</li> <li>• Fitter (boat building)</li> <li>• Frame turner (ship building)</li> <li>• Marine engineer</li> <li>• Ship's joiner</li> <li>• Shipwright</li> </ul>	£25,000 (£12.33 per hour)	£22,500 (£11.09 per hour)	£20,000 (£9.86 per hour)	£17,500 (£8.63 per hour)	No	No
5237 Rail and rolling stock builders and repairers	<ul style="list-style-type: none"> <li>• Coach repairer (railways)</li> <li>• Mechanical fitter (railway and rolling stock)</li> <li>• Railway engineer</li> <li>• Rolling stock technician</li> </ul>	£37,200 (£18.34 per hour)	£33,480 (£16.51 per hour)	£29,760 (£14.67 per hour)	£26,040 (£12.84 per hour)	No	No
5241 Electricians and electrical fitters	<ul style="list-style-type: none"> <li>• Electrical contractor</li> <li>• Electrical engineer</li> <li>• Electrical fitter</li> <li>• Electrician</li> </ul>	£27,200 (£13.41 per hour)	£24,480 (£12.07 per hour)	£21,760 (£10.73 per hour)	£19,040 (£9.39 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5242 Telecommunications engineers	<ul style="list-style-type: none"> <li>• Cable joiner</li> <li>• Customer service engineer (telecommunications)</li> <li>• Installation engineer (telecommunications)</li> <li>• Network officer (telecommunications)</li> <li>• Telecommunications engineer</li> <li>• Telephone engineer</li> </ul>	£30,300 (£14.94 per hour)	£27,270 (£13.45 per hour)	£24,240 (£11.95 per hour)	£21,210 (£10.46 per hour)	No	No
5244 TV, video and audio engineers	<ul style="list-style-type: none"> <li>• Installation engineer (radio, television and video)</li> <li>• Satellite engineer</li> <li>• Service engineer (radio, television and video)</li> <li>• Technician (radio, television and video)</li> <li>• Television engineer</li> </ul>	£28,300 (£13.95 per hour)	£25,470 (£12.56 per hour)	£22,640 (£11.16 per hour)	£19,810 (£9.77 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5245 IT engineers	<ul style="list-style-type: none"> <li>• Computer repairer</li> <li>• Computer service engineer</li> <li>• Hardware engineer (computer)</li> <li>• Maintenance engineer (computer servicing)</li> </ul>	£24,400 (£12.03 per hour)	£21,960 (£10.83 per hour)	£19,520 (£9.63 per hour)	£17,080 (£8.42 per hour)	No	No
5249 Electrical and electronic trades not elsewhere classified	<ul style="list-style-type: none"> <li>• Alarm engineer</li> <li>• Electronics engineer</li> <li>• Field engineer</li> <li>• Linesman</li> <li>• Service engineer</li> </ul>	£28,000 (£13.81 per hour)	£25,200 (£12.43 per hour)	£22,400 (£11.05 per hour)	£19,600 (£9.66 per hour)	No	No
5250 Skilled metal, electrical and electronic trades supervisors	<ul style="list-style-type: none"> <li>• Electrical supervisor</li> <li>• Maintenance supervisor (manufacturing)</li> <li>• Workshop manager</li> </ul>	£30,300 (£14.94 per hour)	£27,270 (£13.45 per hour)	£24,240 (£11.95 per hour)	£21,210 (£10.46 per hour)	No	No
5311 Steel erectors	<ul style="list-style-type: none"> <li>• Steel erector</li> <li>• Steel fabricator</li> <li>• Steel worker (structural engineering)</li> </ul>	£23,700 (£11.69 per hour)	£21,330 (£10.52 per hour)	£18,960 (£9.35 per hour)	£16,590 (£8.18 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5312 Bricklayers and masons	<ul style="list-style-type: none"> <li>• Bricklayer</li> <li>• Dry stone waller</li> <li>• Stone mason</li> </ul>	£23,000 (£11.34 per hour)	£20,700 (£10.21 per hour)	£18,400 (£9.07 per hour)	£16,100 (£7.94 per hour)	No	No
5313 Roofers, roof tilers and slaters	<ul style="list-style-type: none"> <li>• Mastic asphalt spreader</li> <li>• Roof tiler</li> <li>• Roofer</li> <li>• Roofing contractor</li> <li>• Slater</li> <li>• Thatcher</li> </ul>	£21,400 (£10.55 per hour)	£19,260 (£9.50 per hour)	£17,120 (£8.44 per hour)	£14,980 (£7.39 per hour)	No	No
5314 Plumbers and heating and ventilating engineers	<ul style="list-style-type: none"> <li>• Gas engineer</li> <li>• Gas service engineer</li> <li>• Heating and ventilating engineer</li> <li>• Heating engineer</li> <li>• Plumber</li> <li>• Plumbing and heating engineer</li> </ul>	£25,800 (£12.72 per hour)	£23,220 (£11.45 per hour)	£20,640 (£10.18 per hour)	£18,060 (£8.91 per hour)	No	No
5315 Carpenters and joiners	<ul style="list-style-type: none"> <li>• Carpenter</li> <li>• Carpenter and joiner</li> <li>• Joiner</li> <li>• Kitchen fitter</li> <li>• Shop fitter</li> </ul>	£22,300 (£11.00 per hour)	£20,070 (£9.90 per hour)	£17,840 (£8.80 per hour)	£15,610 (£7.70 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5316 Glaziers, window fabricators and fitters	<ul style="list-style-type: none"> <li>• Glass Cutter</li> <li>• Glazier</li> <li>• Installer (double glazing)</li> <li>• Window fabricator</li> <li>• Window fitter</li> </ul>	£19,100 (£9.42 per hour)	£17,190 (£8.48 per hour)	£15,280 (£7.53 per hour)	£13,370 (£6.59 per hour)	No	No
5319 Construction and building trades not elsewhere classified	<ul style="list-style-type: none"> <li>• Acoustician</li> <li>• Builder</li> <li>• Building contractor</li> <li>• Fencer</li> <li>• Maintenance manager (buildings and other structures)</li> <li>• Property developer (building construction)</li> </ul>	£23,000 (£11.34 per hour)	£20,700 (£10.21 per hour)	£18,400 (£9.07 per hour)	£16,100 (£7.94 per hour)	No	No
5321 Plasterers	<ul style="list-style-type: none"> <li>• Fibrous plasterer</li> <li>• Plasterer</li> <li>• Plastering contractor</li> </ul>	£24,300 (£11.98 per hour)	£21,870 (£10.78 per hour)	£19,440 (£9.59 per hour)	£17,010 (£8.39 per hour)	No	No
5322 Floorers and wall tilers	<ul style="list-style-type: none"> <li>• Carpet fitter</li> <li>• Ceramic tiler</li> <li>• Flooring contractor</li> <li>• Mosaic floor layer</li> </ul>	£21,800 (£10.75 per hour)	£19,620 (£9.67 per hour)	£17,440 (£8.60 per hour)	£15,260 (£7.52 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5323 Painters and decorators	<ul style="list-style-type: none"> <li>• Artexer</li> <li>• French polisher</li> <li>• Paper hanger</li> <li>• Ship sprayer</li> <li>• Wood stainer</li> </ul>	£21,400 (£10.55 per hour)	£19,260 (£9.50 per hour)	£17,120 (£8.44 per hour)	£14,980 (£7.39 per hour)	No	No
5330 Construction and building trades supervisors	<ul style="list-style-type: none"> <li>• Builder's foreman</li> <li>• Construction foreman</li> <li>• Construction supervisor</li> <li>• Maintenance supervisor</li> <li>• Site foreman</li> </ul>	£31,400 (£15.48 per hour)	£28,260 (£13.93 per hour)	£25,120 (£12.39 per hour)	£21,980 (£10.84 per hour)	No	No
5411 Weavers and knitters	<ul style="list-style-type: none"> <li>• Carpet weaver</li> <li>• Knitter</li> <li>• Knitwear manufacturer</li> <li>• Weaver</li> </ul>	£19,300 (£9.52 per hour)	£17,370 (£8.57 per hour)	£15,440 (£7.61 per hour)	£13,510 (£6.66 per hour)	No	No
5412 Upholsterers	<ul style="list-style-type: none"> <li>• Curtain fitter</li> <li>• Curtain maker</li> <li>• Soft furnisher</li> <li>• Trimmer (furniture mfr)</li> <li>• Upholsterer</li> </ul>	£18,500 (£9.12 per hour)	£16,650 (£8.21 per hour)	£14,800 (£7.30 per hour)	£12,950 (£6.39 per hour)	No	No



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5413 Footwear and leather working trades	<ul style="list-style-type: none"> <li>• Cobbler</li> <li>• Leather worker (leather goods mfr)</li> <li>• Machinist (leather goods mfr)</li> <li>• Shoe machinist</li> <li>• Shoe repairer</li> </ul>	£17,300 (£8.53 per hour)	£15,570 (£7.68 per hour)	£13,840 (£6.82 per hour)	£12,110 (£5.97 per hour)	No	No
5414 Tailors and dressmakers	<ul style="list-style-type: none"> <li>• Cutter (hosiery, knitwear mfr)</li> <li>• Dressmaker</li> <li>• Fabric cutter</li> <li>• Tailor</li> <li>• Tailoress</li> </ul>	£16,200 (£7.99 per hour)	£14,580 (£7.19 per hour)	£12,960 (£6.39 per hour)	£11,340 (£5.59 per hour)	No	No
5419 Textiles, garments and related trades not elsewhere classified	<ul style="list-style-type: none"> <li>• Clothing manufacturer</li> <li>• Embroiderer</li> <li>• Hand sewer</li> <li>• Sail maker</li> <li>• Upholstery cutter</li> </ul>	£18,300 (£9.02 per hour)	£16,470 (£8.12 per hour)	£14,640 (£7.22 per hour)	£12,810 (£6.32 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5421 Pre-press technicians	<ul style="list-style-type: none"> <li>• Compositor</li> <li>• Plate maker</li> <li>• Pre-press manager</li> <li>• Pre-press technician</li> <li>• Type setter</li> </ul>	£19,900 (£9.81 per hour)	£17,910 (£8.83 per hour)	£15,920 (£7.85 per hour)	£13,930 (£6.87 per hour)	No	No
5422 Printers	<ul style="list-style-type: none"> <li>• Lithographic printer</li> <li>• Machine minder (printing)</li> <li>• Print manager</li> <li>• Screen printer</li> <li>• Wallpaper printer</li> </ul>	£20,800 (£10.26 per hour)	£18,720 (£9.23 per hour)	£16,640 (£8.21 per hour)	£14,560 (£7.18 per hour)	No	No
5423 Print finishing and binding workers	<ul style="list-style-type: none"> <li>• Binder's assistant</li> <li>• Book binder</li> <li>• Finishing supervisor (printing)</li> <li>• Print finisher</li> </ul>	£19,800 (£9.76 per hour)	£17,820 (£8.79 per hour)	£15,840 (£7.81 per hour)	£13,860 (£6.83 per hour)	No	No
5431 Butchers	<ul style="list-style-type: none"> <li>• Butcher</li> <li>• Butcher's assistant</li> <li>• Butchery manager</li> <li>• Master butcher</li> <li>• Slaughterman</li> </ul>	£19,300 (£9.52 per hour)	£17,370 (£8.57 per hour)	£15,440 (£7.61 per hour)	£13,510 (£6.66 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5432 Bakers and flour confectioners	<ul style="list-style-type: none"> <li>• Baker</li> <li>• Baker's assistant</li> <li>• Bakery manager</li> <li>• Cake decorator</li> <li>• Confectioner</li> </ul>	£17,300 (£8.53 per hour)	£15,570 (£7.68 per hour)	£13,840 (£6.82 per hour)	£12,110 (£5.97 per hour)	No	No
5433 Fishmongers and poultry dressers	<ul style="list-style-type: none"> <li>• Butcher (fish, poultry)</li> <li>• Filleter (fish)</li> <li>• Fish processor</li> <li>• Fishmonger</li> <li>• Poultry processor</li> </ul>	£17,100 (£8.43 per hour)	£15,390 (£7.59 per hour)	£13,680 (£6.75 per hour)	£11,970 (£5.90 per hour)	No	No
5434 Chefs	<ul style="list-style-type: none"> <li>• Chef</li> <li>• Chef-manager</li> <li>• Head chef</li> <li>• Pastry chef</li> </ul>	£18,900 (£9.32 per hour)	£17,010 (£8.39 per hour)	£15,120 (£7.46 per hour)	£13,230 (£6.52 per hour)	No	No
5436 Catering and bar managers	<ul style="list-style-type: none"> <li>• Bar manager</li> <li>• Catering manager</li> <li>• Floor manager (restaurant)</li> <li>• Kitchen manager</li> <li>• Steward (club)</li> </ul>	£18,400 (£9.07 per hour)	£16,560 (£8.17 per hour)	£14,720 (£7.26 per hour)	£12,880 (£6.35 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5441 Glass and ceramics makers, decorators and finishers	<ul style="list-style-type: none"> <li>• Ceramic artist</li> <li>• Glass blower</li> <li>• Potter (ceramics mfr)</li> <li>• Pottery worker</li> <li>• Sprayer (ceramics mfr)</li> <li>• Stained glass artist</li> </ul>	£17,800 (£8.78 per hour)	£16,020 (£7.90 per hour)	£14,240 (£7.02 per hour)	£12,460 (£6.14 per hour)	No	No
5442 Furniture makers and other craft woodworkers	<ul style="list-style-type: none"> <li>• Antiques restorer</li> <li>• Cabinet maker</li> <li>• Coffin maker</li> <li>• Furniture restorer</li> <li>• Picture framer</li> <li>• Sprayer (furniture mfr)</li> </ul>	£18,900 (£9.32 per hour)	£17,010 (£8.39 per hour)	£15,120 (£7.46 per hour)	£13,230 (£6.52 per hour)	No	No
5443 Florists	<ul style="list-style-type: none"> <li>• Floral assistant</li> <li>• Floral designer</li> <li>• Florist</li> <li>• Flower arranger</li> </ul>	£14,000 (£6.90 per hour)	£12,600 (£6.21 per hour)	£11,200 (£5.52 per hour)	£9,800 (£4.83 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
5449 Other skilled trades not elsewhere classified	<ul style="list-style-type: none"> <li>• Diamond mounter</li> <li>• Engraver</li> <li>• Goldsmith</li> <li>• Paint sprayer</li> <li>• Piano tuner</li> <li>• Sign maker</li> <li>• Silversmith</li> <li>• Wig maker</li> </ul>	£22,300 (£11.00 per hour)	£20,070 (£9.90 per hour)	£17,840 (£8.80 per hour)	£15,610 (£7.70 per hour)	No	No
6121 Nursery nurses and assistants	<ul style="list-style-type: none"> <li>• Crèche assistant</li> <li>• Crèche worker</li> <li>• Nursery assistant</li> <li>• Nursery nurse</li> </ul>	£14,700 (£7.25 per hour)	£13,230 (£6.52 per hour)	£11,760 (£5.80 per hour)	£10,290 (£5.07 per hour)	No	No
6122 Childminders and related occupations	<ul style="list-style-type: none"> <li>• Au pair</li> <li>• Child care assistant</li> <li>• Child minder</li> <li>• Nanny</li> </ul>	£17,600 (£8.68 per hour)	£15,840 (£7.81 per hour)	£14,080 (£6.94 per hour)	£12,320 (£6.07 per hour)	No	No
6123 Playworkers	<ul style="list-style-type: none"> <li>• Playgroup assistant</li> <li>• Playgroup leader</li> <li>• Playgroup supervisor Playworker</li> </ul>	£12,700 (£6.26 per hour)	£11,430 (£5.64 per hour)	£10,160 (£5.01 per hour)	£8,890 (£4.38 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
6125 Teaching assistants	<ul style="list-style-type: none"> <li>• Classroom assistant</li> <li>• School assistant</li> <li>• Teaching assistant</li> </ul>	£14,400 (£7.10 per hour)	£12,960 (£6.39 per hour)	£11,520 (£5.68 per hour)	£10,080 (£4.97 per hour)	No	No
6126 Educational support assistants	<ul style="list-style-type: none"> <li>• Education support assistant</li> <li>• Learning support assistant</li> <li>• Non-teaching assistant (schools)</li> <li>• Special needs assistant (educational establishments)</li> <li>• Support assistant (educational establishments)</li> </ul>	£13,800 (£6.80 per hour)	£12,420 (£6.12 per hour)	£11,040 (£5.44 per hour)	£9,660 (£4.76 per hour)	No	No
6131 Veterinary nurses	<ul style="list-style-type: none"> <li>• Animal nurse</li> <li>• Veterinary nurse</li> </ul>	£16,900 (£8.33 per hour)	£15,210 (£7.50 per hour)	£13,520 (£6.67 per hour)	£11,830 (£5.83 per hour)	No	No
6139 Animal care services occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Animal technician</li> <li>• Canine beautician</li> <li>• Groom</li> <li>• Kennel assistant</li> <li>• Kennel maid</li> <li>• Stable hand</li> </ul>	£16,100 (£7.94 per hour)	£14,490 (£7.14 per hour)	£12,880 (£6.35 per hour)	£11,270 (£5.56 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
6144 Houseparents and residential wardens	<ul style="list-style-type: none"> <li>• Foster carer</li> <li>• Matron (residential home)</li> <li>• Resident warden</li> <li>• Team leader (residential care home)</li> <li>• Warden (sheltered housing)</li> </ul>	£19,700 (£9.71 per hour)	£17,730 (£8.74 per hour)	£15,760 (£7.77 per hour)	£13,790 (£6.80 per hour)	No	No
6146 Senior care workers	<ul style="list-style-type: none"> <li>• Senior care assistant</li> <li>• Senior carer</li> <li>• Senior support worker (Local government: welfare services)</li> <li>• Team leader (nursing home)</li> </ul>	£16,900 (£8.33 per hour)	£15,210 (£7.50 per hour)	£13,520 (£6.67 per hour)	£11,830 (£5.83 per hour)	No	No
6214 Air travel assistants	<ul style="list-style-type: none"> <li>• Air hostess</li> <li>• Cabin crew</li> <li>• Customer service agent (travel)</li> <li>• Flight attendant</li> <li>• Passenger service agent</li> </ul>	£17,600 (£8.68 per hour)	£15,840 (£7.81 per hour)	£14,080 (£6.94 per hour)	£12,320 (£6.07 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
6215 Rail travel assistants	<ul style="list-style-type: none"> <li>• Retail service manager (railways)</li> <li>• Station assistant (underground railway)</li> <li>• Ticket inspector (railways)</li> <li>• Train conductor</li> <li>• Train manager</li> </ul>	£31,400 (£15.48 per hour)	£28,260 (£13.93 per hour)	£25,120 (£12.39 per hour)	£21,980 (£10.84 per hour)	No	No
7125 Merchandisers and window dressers	<ul style="list-style-type: none"> <li>• Merchandiser</li> <li>• Sales merchandiser</li> <li>• Visual merchandising manager</li> <li>• Window dresser</li> </ul>	£19,100 (£9.42 per hour)	£17,190 (£8.48 per hour)	£15,280 (£7.53 per hour)	£13,370 (£6.59 per hour)	No	No
7130 Sales supervisors	<ul style="list-style-type: none"> <li>• Sales supervisor (retail trade: delivery round)</li> <li>• Section manager (retail trade)</li> <li>• Shop supervisor (retail trade)</li> <li>• Supervisor (retail, wholesale trade)</li> <li>• Team leader (retail trade)</li> </ul>	£18,900 (£9.32 per hour)	£17,010 (£8.39 per hour)	£15,120 (£7.46 per hour)	£13,230 (£6.52 per hour)	No	No



Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
7215 Market research interviewers	<ul style="list-style-type: none"> <li>• Interviewer (market research)</li> <li>• Market researcher (interviewing)</li> <li>• Telephone interviewer</li> <li>• Telephone researcher</li> <li>• Traffic enumerator</li> </ul>	£9,800 (£4.83 per hour)	£8,820 (£4.35 per hour)	£7,840 (£3.87 per hour)	£6,860 (£3.38 per hour)	No	No
7220 Customer service managers and supervisors	<ul style="list-style-type: none"> <li>• After sales manager</li> <li>• Call centre supervisor</li> <li>• Customer service manager</li> <li>• Customer service supervisor</li> <li>• Team leader (customer care)</li> </ul>	£22,900 (£11.29 per hour)	£20,610 (£10.16 per hour)	£18,320 (£9.03 per hour)	£16,030 (£7.90 per hour)	No	No
8124 Energy plant operatives	<ul style="list-style-type: none"> <li>• Boilerman</li> <li>• Control room operator(electric)</li> <li>• Hydraulic engineman</li> <li>• Plant operator (electricity supplier)</li> <li>• Power station operator</li> </ul>	£23,900 (£11.79 per hour)	£21,510 (£10.61 per hour)	£19,120 (£9.43 per hour)	£16,730 (£8.25 per hour)	No	No

Occupation code	Related job titles	Going rate (SW - option A, ICT - minimum rate)	90% of going rate (SW - option B)	80% of going rate (SW - options C and D)	70% of going rate (SW - option E, ICGT - minimum rate)	Eligible for PhD points (SW)?	Eligible for ICT and ICGT?
8126 Water and sewerage plant operatives	<ul style="list-style-type: none"> <li>• Controller (water treatment)</li> <li>• Plant operator (sewage works)</li> <li>• Pump attendant</li> <li>• Water treatment engineer</li> <li>• Water treatment operator</li> </ul>	£25,000 (£12.33 per hour)	£22,500 (£11.09 per hour)	£20,000 (£9.86 per hour)	£17,500 (£8.63 per hour)	No	No
8215 Driving instructors	<ul style="list-style-type: none"> <li>• Driving instructor</li> <li>• HGV instructor</li> <li>• Instructor (driving school)</li> <li>• Motorcycle instructor</li> </ul>	£22,800 (£11.24 per hour)	£20,520 (£10.12 per hour)	£18,240 (£8.99 per hour)	£15,960 (£7.87 per hour)	No	No
8232 Marine and waterways transport operatives	<ul style="list-style-type: none"> <li>• Engine room attendant (shipping)</li> <li>• Engineer, nos (boat, barge)</li> <li>• Ferryman</li> <li>• Merchant seaman</li> <li>• Seaman (shipping)</li> </ul>	£30,200 (£14.89 per hour)	£27,180 (£13.40 per hour)	£24,160 (£11.91 per hour)	£21,140 (£10.42 per hour)	No	No



# Home Office

**Table 2: Eligible health and education occupation codes where going rates are based on national pay scales**

Occupation codes in Table 2 are eligible for the Intra-Company Routes unless otherwise stated.

Occupation code	Related job titles	Going rate (annual)	National pay scale source
2211 Medical practitioners	<ul style="list-style-type: none"> <li>• Anaesthetist</li> <li>• Consultant (Hospital Service)</li> <li>• Doctor</li> <li>• General practitioner</li> <li>• Medical practitioner</li> <li>• Paediatrician</li> <li>• Psychiatrist</li> <li>• Radiologist</li> <li>• Surgeon</li> </ul>	<p>Medical professionals on the NHS junior doctor contract:</p> <ul style="list-style-type: none"> <li>• Foundation year 1 (F1) and equivalent: £28,243</li> <li>• Foundation year 2 (F2) and equivalent: £32,691</li> <li>• Specialty registrar (StR) at ST/CT1-2 and equivalent: £38,693</li> <li>• Specialty registrar (StR) at CT/ST3 and above £49,036</li> </ul> <p>Other medical professionals including those on contract with health services of devolved administrations:</p> <ul style="list-style-type: none"> <li>• Foundation year 1 (F1) and equivalent: £24,504</li> <li>• Foundation year 2 (F2) and equivalent: £30,393</li> <li>• Specialty registrar (StR) and equivalent: £32,478</li> <li>• Specialty doctor and equivalent: £40,037</li> <li>• Salaried General practitioner (GP) and equivalent: £58,808</li> <li>• Consultant and equivalent: £79,860</li> </ul> <p>These going rates are per year and based on a 40-hour working week. They must be pro-rated for other working patterns, based on the</p>	<p><a href="#">NHS Employers Pay and Conditions Circular (M&amp;D) 1/2020</a></p>

		weekly working hours stated by the applicant's sponsor.	
2212 Psychologists	<ul style="list-style-type: none"> <li>• Clinical psychologist</li> <li>• Educational psychologist</li> <li>• Forensic psychologist</li> <li>• Occupational psychologist</li> <li>• Psychologist</li> <li>• Psychometrist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2213 Pharmacists	<ul style="list-style-type: none"> <li>• Chemist (pharmaceutical)</li> <li>• Dispensary manager</li> <li>• Pharmaceutical chemist</li> <li>• Pharmacist</li> <li>• Pharmacy manager</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2214 Ophthalmic opticians	<ul style="list-style-type: none"> <li>• Ophthalmic optician</li> <li>• Optician</li> <li>• Optologist</li> <li>• Optometrist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2215 Dental practitioners	<ul style="list-style-type: none"> <li>• Dental surgeon</li> <li>• Dentist</li> <li>• Orthodontist</li> <li>• Periodontist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2217 Medical radiographers	<ul style="list-style-type: none"> <li>• Medical radiographer</li> <li>• Radiographer</li> <li>• Sonographer</li> <li>• Therapeutic radiographer</li> <li>• Vascular technologist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2218 Podiatrists	<ul style="list-style-type: none"> <li>• Chiropodist</li> <li>• Chiropodist-podiatrist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>

	<ul style="list-style-type: none"> <li>• Podiatrist</li> </ul>		
2219 Health professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Audiologist</li> <li>• Dental hygiene therapist</li> <li>• Dietician-nutritionist</li> <li>• Family planner</li> <li>• Occupational health adviser</li> <li>• Paramedical practitioner</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2221 Physiotherapists	<ul style="list-style-type: none"> <li>• Electro-therapist</li> <li>• Physiotherapist</li> <li>• Physiotherapy practitioner</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2222 Occupational therapists	<ul style="list-style-type: none"> <li>• Occupational therapist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2223 Speech and language therapists	<ul style="list-style-type: none"> <li>• Language therapist</li> <li>• Speech and language therapist</li> <li>• Speech therapist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2229 Therapy professionals not elsewhere classified	<ul style="list-style-type: none"> <li>• Art therapist</li> <li>• Chiropractor</li> <li>• Cognitive behavioural therapist</li> <li>• Dance movement therapist</li> <li>• Family therapist</li> <li>• Nutritionist</li> <li>• Osteopath</li> <li>• Psychotherapist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2231 Nurses	<ul style="list-style-type: none"> <li>• District nurse</li> <li>• Health visitor</li> <li>• Mental health practitioner</li> <li>• Nurse</li> <li>• Practice nurse</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>

	<ul style="list-style-type: none"> <li>• Psychiatric nurse</li> <li>• Staff nurse</li> <li>• Student nurse</li> </ul>		
2232 Midwives	<ul style="list-style-type: none"> <li>• Midwife</li> <li>• Midwifery sister</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
2312 Further education teaching professionals	<ul style="list-style-type: none"> <li>• FE College lecturer</li> <li>• Lecturer (further education)</li> <li>• Teacher (further education)</li> <li>• Tutor (further education)</li> </ul>	<ul style="list-style-type: none"> <li>• Lecturer or equivalent (new entrant): £22,609</li> <li>• Senior lecturer / advanced teacher and equivalent: £37,258</li> <li>• Further education management / principal lecturer and equivalent: £43,734</li> </ul> <p>These going rates are per year and based on the definition of a full-time teaching professional used when determining these pay scales. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor.</p>	Teachers' national pay scales from each devolved authority, lowest value selected
2314 Secondary education teaching professionals	<ul style="list-style-type: none"> <li>• Deputy head teacher (secondary school)</li> <li>• Secondary school teacher</li> <li>• Sixth form teacher</li> <li>• Teacher (secondary school)</li> </ul>	See relevant pay rate in Table 4	<a href="#">Teachers' national pay scales</a>
2315 Primary and nursery education teaching professionals	<ul style="list-style-type: none"> <li>• Deputy head teacher (primary school)</li> <li>• Infant teacher</li> <li>• Nursery school teacher</li> <li>• Primary school teacher</li> </ul>	See relevant pay rate in Table 4	<a href="#">Teachers' national pay scales</a>

2316 Special needs education teaching professionals	<ul style="list-style-type: none"> <li>• Deputy head teacher (special school)</li> <li>• Learning support teacher</li> <li>• Special needs coordinator</li> <li>• Special needs teacher</li> </ul>	See relevant pay rate in Table 4	<a href="#">Teachers' national pay scales</a>
2442 Social workers	<ul style="list-style-type: none"> <li>• Psychiatric social worker</li> <li>• Senior practitioner (local government: social services)</li> <li>• Social worker</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
3213 Paramedics	<ul style="list-style-type: none"> <li>• Ambulance paramedic</li> <li>• Emergency care practitioner</li> <li>• Paramedic</li> <li>• Paramedic-ECP</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
3218 Medical and dental technicians (not eligible for ICT or ICGT)	<ul style="list-style-type: none"> <li>• Cardiographer</li> <li>• Dental hygienist</li> <li>• Dental technician</li> <li>• Medical technical officer</li> <li>• Orthopaedic technician</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
3219 Health associate professionals not elsewhere classified (not eligible for ICT or ICGT)	<ul style="list-style-type: none"> <li>• Acupuncturist</li> <li>• Homeopath</li> <li>• Hypnotherapist</li> <li>• Massage therapist</li> <li>• Reflexologist</li> <li>• Sports therapist</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>
6141 Nursing auxiliaries and assistants (not eligible for ICT or ICGT)	<ul style="list-style-type: none"> <li>• Auxiliary nurse</li> <li>• Health care assistant (hospital service)</li> <li>• Health care support worker</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>

	<ul style="list-style-type: none"> <li>• Nursing assistant</li> <li>• Nursing auxiliary</li> </ul>		
6143 Dental nurses (not eligible for ICT or ICGT)	<ul style="list-style-type: none"> <li>• Dental assistant</li> <li>• Dental nurse</li> <li>• Dental nurse-receptionist</li> <li>• Dental surgery assistant</li> </ul>	See relevant pay band in Table 3	<a href="#">NHS Agenda for Change 2020/21</a>



**Table 3: Going rates for listed healthcare occupation codes by administration and band**

Going rates in Table 3 are per year and based on a 37.5-hour week. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor.

<b>Band or equivalent</b>	<b>England</b>	<b>Scotland</b>	<b>Wales</b>	<b>Northern Ireland</b>
Band 3	£19,737	£20,700	£19,737	£19,737
Band 4	£21,892	£22,700	£21,892	£21,892
Band 5	£24,907	£25,100	£24,907	£24,907
Band 6	£31,365	£31,800	£31,365	£31,365
Band 7	£38,890	£39,300	£38,890	£38,890
Band 8a	£45,753	£49,480	£45,753	£45,753
Band 8b	£53,168	£59,539	£53,168	£53,168
Band 8c	£63,751	£71,365	£63,751	£63,751
Band 8d	£75,914	£85,811	£75,914	£75,914
Band 9	£91,004	£102,558	£91,004	£91,004

**Table 4: Going rates for listed education occupation codes by administration and role**

Going rates in Table 4 are per year and based on the definition of a full-time teacher used when determining these pay scales. They must be pro-rated for other working patterns, based on the weekly working hours stated by the applicant's sponsor.

<b>Role</b>	<b>England (excluding London / Fringe)</b>	<b>London Fringe</b>	<b>Outer London</b>	<b>Inner London</b>	<b>Scotland</b>	<b>Wales</b>	<b>Northern Ireland</b>
Unqualified teachers / Probationers	£17,682	£18,844	£21,004	£22,237	£27,498	£17,682	£14,760
Qualified teachers	£24,373	£25,543	£28,355	£30,480	£32,994	£24,906	£23,199
Chartered teachers	-	-	-	-	£42,696	-	-
Principal teachers	-	-	-	-	£45,150	-	-
Leadership group	£41,065	£42,195	£44,323	£48,824	-	£41,065	£40,256
Lead practitioners	£41,267	£42,403	£44,541	£49,065	-	£41,267	-

**Table 5: Occupation codes which are not eligible for the Skilled Worker, Intra-Company Transfer and Intra-Company Graduate Trainee routes**

These occupations are ineligible because:

- they do not meet the required skill level; or
- applicants must be sponsored in other routes for jobs in these occupations; or
- those subject to immigration control cannot apply for jobs in these occupations.

Where indicated, some occupations codes in Tables 1 and 2 are also not eligible for the Intra-Company Transfer and Intra-Company Graduate Trainee routes.

<b>Occupation code</b>	<b>Related job titles</b>
1116 Elected officers and representatives	<ul style="list-style-type: none"> <li>• Councillor (local government)</li> <li>• Member of Parliament</li> </ul>
1171 Officers in armed forces	<ul style="list-style-type: none"> <li>• Army officer</li> <li>• Flight-lieutenant</li> <li>• Squadron-leader</li> </ul>
2444 Clergy	<ul style="list-style-type: none"> <li>• Chaplain Minister (religious organisation)</li> <li>• Pastor</li> <li>• Priest</li> <li>• Vicar</li> </ul>
3311 NCOs and other ranks	<ul style="list-style-type: none"> <li>• Aircraftman</li> <li>• Aircraft technician (armed forces)</li> <li>• Lance-corporal</li> <li>• Sergeant (armed forces)</li> <li>• Soldier</li> <li>• Weapons engineer (armed forces)</li> </ul>
3314 Prison service officers (below principal officer)	<ul style="list-style-type: none"> <li>• Prison custodial officer</li> <li>• Prison escort officer</li> <li>• Prison officer</li> <li>• Prison warden</li> </ul>
3441 Sports players	<ul style="list-style-type: none"> <li>• Cricketer</li> <li>• Footballer</li> <li>• Golfer</li> </ul>

Occupation code	Related job titles
3442 Sports coaches, instructors and officials	<ul style="list-style-type: none"> <li>• Referee</li> <li>• Riding instructor</li> <li>• Sports development officer</li> <li>• Swimming teacher</li> </ul>
3233 Child and early years officers	<ul style="list-style-type: none"> <li>• Child protection officer</li> <li>• Education welfare officer</li> <li>• Portage worker (educational establishments)</li> </ul>
3315 Police community support officers	<ul style="list-style-type: none"> <li>• Civilian support officer (police service)</li> <li>• Community support officer (police service)</li> <li>• Police community support officer</li> </ul>
4113 Local government administrative occupations	<ul style="list-style-type: none"> <li>• Administrative assistant (local government)</li> <li>• Administrative officer (police service)</li> <li>• Benefits assistant (local government)</li> <li>• Clerical officer (local government)</li> <li>• Local government officer nos</li> </ul>
4121 Credit controllers	<ul style="list-style-type: none"> <li>• Credit control clerk</li> <li>• Credit controller</li> <li>• Debt management associate</li> <li>• Loans administrator</li> </ul>
4122 Book-keepers, payroll managers and wages clerks	<ul style="list-style-type: none"> <li>• Accounts administrator</li> <li>• Accounts assistant</li> <li>• Accounts clerk</li> <li>• Auditor</li> <li>• Bookkeeper</li> <li>• Payroll clerk</li> </ul>
4123 Bank and post office clerks	<ul style="list-style-type: none"> <li>• Bank clerk</li> <li>• Cashier (bank)</li> <li>• Customer adviser (building society)</li> <li>• Customer service officer (bank)</li> <li>• Post office clerk</li> </ul>
4124 Finance officers	<ul style="list-style-type: none"> <li>• Deputy finance officer</li> <li>• Finance officer</li> <li>• Regional finance officer (PO)</li> </ul>

Occupation code	Related job titles
4129 Financial administrative occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Cashier</li> <li>• Finance administrator</li> <li>• Finance assistant</li> <li>• Finance clerk</li> <li>• Tax assistant</li> <li>• Treasurer</li> <li>• Valuation assistant</li> </ul>
4131 Records clerks and assistants	<ul style="list-style-type: none"> <li>• Admissions officer</li> <li>• Clerical officer (hospital service)</li> <li>• Filing clerk</li> <li>• Records clerk</li> <li>• Ward clerk</li> </ul>
4132 Pensions and insurance clerks and assistants	<ul style="list-style-type: none"> <li>• Administrator (insurance)</li> <li>• Claims handler</li> <li>• Clerical assistant (insurance)</li> <li>• Insurance clerk</li> <li>• Pensions administrator</li> </ul>
4133 Stock control clerks and assistants	<ul style="list-style-type: none"> <li>• Despatch clerk</li> <li>• Material controller</li> <li>• Stock control clerk</li> <li>• Stock controller</li> <li>• Stores administrator</li> </ul>
4135 Library clerks and assistants	<ul style="list-style-type: none"> <li>• Information assistant (library)</li> <li>• Learning resource assistant</li> <li>• Library assistant</li> <li>• Library clerk</li> <li>• Library supervisor</li> </ul>
4138 Human resources administrative occupations	<ul style="list-style-type: none"> <li>• Course administrator</li> <li>• Human resources administrator</li> <li>• Personnel administrator</li> <li>• Personnel clerk</li> </ul>
4159 Other administrative occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Administrative assistant</li> <li>• Clerical assistant</li> <li>• Clerical officer</li> <li>• Clerk Office administrator</li> </ul>

Occupation code	Related job titles
4162 Office supervisors	<ul style="list-style-type: none"> <li>• Administration supervisor</li> <li>• Clerical supervisor</li> <li>• Facilities supervisor</li> <li>• Office supervisor</li> </ul>
4211 Medical secretaries	<ul style="list-style-type: none"> <li>• Clinic coordinator</li> <li>• Clinic administrator</li> <li>• Medical administrator</li> <li>• Medical secretary</li> <li>• Secretary (medical practice)</li> </ul>
4212 Legal secretaries	<ul style="list-style-type: none"> <li>• Legal administrator</li> <li>• Legal clerk</li> <li>• Legal secretary</li> <li>• Secretary (legal services)</li> </ul>
4213 School secretaries	<ul style="list-style-type: none"> <li>• Clerical assistant (schools)</li> <li>• School administrator</li> <li>• School secretary</li> <li>• Secretary (schools)</li> </ul>
4216 Receptionists	<ul style="list-style-type: none"> <li>• Dental receptionist</li> <li>• Doctor's receptionist</li> <li>• Medical receptionist</li> <li>• Receptionist</li> <li>• Receptionist-secretary</li> </ul>
4217 Typists and related keyboard occupations	<ul style="list-style-type: none"> <li>• Audio typist</li> <li>• Computer operator</li> <li>• Typist</li> <li>• Typist-clerk</li> <li>• Word processor</li> </ul>
5435 Cooks	<ul style="list-style-type: none"> <li>• Cook</li> <li>• Cook-supervisor</li> <li>• Head cook</li> </ul>
6132 Pest control officers	<ul style="list-style-type: none"> <li>• Fumigator</li> <li>• Pest control officer</li> <li>• Pest control technician</li> <li>• Pest controller</li> </ul>

Occupation code	Related job titles
6142 Ambulance staff (excluding paramedics)	<ul style="list-style-type: none"> <li>• Ambulance care assistant</li> <li>• Ambulance driver</li> <li>• Ambulance technician</li> <li>• Emergency medical technician</li> </ul>
6145 Care workers and home carers	<ul style="list-style-type: none"> <li>• Care assistant</li> <li>• Care worker</li> <li>• Carer</li> <li>• Home care assistant</li> <li>• Home carer</li> <li>• Support worker (nursing home)</li> </ul>
6147 Care escorts	<ul style="list-style-type: none"> <li>• Bus escort</li> <li>• Escort</li> <li>• Escort-driver</li> <li>• School escort</li> </ul>
6148 Undertakers, mortuary and crematorium assistants	<ul style="list-style-type: none"> <li>• Crematorium technician</li> <li>• Funeral director</li> <li>• Pall bearer</li> <li>• Undertaker</li> </ul>
6211 Sports and leisure assistants	<ul style="list-style-type: none"> <li>• Croupier</li> <li>• Leisure attendant</li> <li>• Lifeguard</li> <li>• Sports assistant</li> </ul>
6212 Travel agents	<ul style="list-style-type: none"> <li>• Reservations clerk (travel)</li> <li>• Sales consultant (travel agents)</li> <li>• Travel adviser</li> <li>• Travel agent</li> <li>• Travel consultant</li> </ul>
6219 Leisure and travel service occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Bus conductor</li> <li>• Holiday representative</li> <li>• Information assistant (tourism)</li> <li>• Steward (shipping)</li> <li>• Tour guide</li> </ul>
6221 Hairdressers and barbers	<ul style="list-style-type: none"> <li>• Barber</li> <li>• Colourist (hairdressing)</li> <li>• Hair stylist</li> <li>• Hairdresser</li> </ul>

Occupation code	Related job titles
6222 Beauticians and related occupations	<ul style="list-style-type: none"> <li>• Beautician Beauty therapist</li> <li>• Nail technician</li> <li>• Tattooist</li> </ul>
6231 Housekeepers and related occupations	<ul style="list-style-type: none"> <li>• Cook-housekeeper</li> <li>• House keeper</li> <li>• Lifestyle manager</li> </ul>
6232 Caretakers	<ul style="list-style-type: none"> <li>• Caretaker</li> <li>• Janitor</li> <li>• Porter (college)</li> <li>• Site manager (educational establishments)</li> </ul>
6240 Cleaning and housekeeping managers and supervisors	<ul style="list-style-type: none"> <li>• Butler</li> <li>• Cleaner-in-charge</li> <li>• Cleaning supervisor</li> <li>• Domestic supervisor</li> <li>• Head house keeper</li> <li>• Supervisor (cleaning)</li> </ul>
7111 Sales and retail assistants	<ul style="list-style-type: none"> <li>• Retail assistant</li> <li>• Sales adviser</li> <li>• Sales assistant</li> <li>• Sales consultant (retail trade)</li> <li>• Shop assistant</li> </ul>
7112 Retail cashiers and check-out operators	<ul style="list-style-type: none"> <li>• Check-out operator</li> <li>• Forecourt attendant</li> <li>• General assistant (retail trade: check-out)</li> <li>• Till operator</li> </ul>
7113 Telephone salespersons	<ul style="list-style-type: none"> <li>• Sales adviser (telephone sales)</li> <li>• Telesales executive</li> <li>• Telesales operator</li> </ul>
7114 Pharmacy and other dispensing assistants	<ul style="list-style-type: none"> <li>• Dispenser</li> <li>• Health care assistant (retail chemist)</li> <li>• Optical assistant</li> <li>• Pharmacy assistant</li> </ul>
7115 Vehicle and parts salespersons and advisers	<ul style="list-style-type: none"> <li>• Car sales executive</li> <li>• Car salesman</li> <li>• Parts adviser (retail trade)</li> <li>• Parts salesman (motor vehicle repair)</li> </ul>



Occupation code	Related job titles
7121 Collector salespersons and credit agents	<ul style="list-style-type: none"> <li>• Agent (insurance)</li> <li>• Canvasser</li> <li>• Collector (insurance)</li> <li>• Distributor (door-to-door sales)</li> <li>• Insurance agent</li> </ul>
7122 Debt, rent and other cash collectors	<ul style="list-style-type: none"> <li>• Collecting agent</li> <li>• Collector (gas supplier)</li> <li>• Debt collector</li> <li>• Meter reader</li> <li>• Vending operator</li> </ul>
7123 Roundspersons and van salespersons	<ul style="list-style-type: none"> <li>• Dairyman (retail trade: delivery round)</li> <li>• Ice-cream salesman</li> <li>• Milkman (milk retailing)</li> <li>• Roundsman</li> <li>• Van salesman</li> </ul>
7124 Market and street traders and assistants	<ul style="list-style-type: none"> <li>• Market assistant</li> <li>• Market trader</li> <li>• Owner (market stall)</li> <li>• Stall holder</li> <li>• Street trader</li> </ul>
7129 Sales related occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Demonstrator</li> <li>• Hire controller</li> <li>• Sales representative (retail trade)</li> </ul>
7211 Call and contact centre occupations	<ul style="list-style-type: none"> <li>• Call centre agent</li> <li>• Call centre operator</li> <li>• Customer service adviser (call centre)</li> <li>• Customer service operator</li> </ul>
7213 Telephonists	<ul style="list-style-type: none"> <li>• Call handler (motoring organisation)</li> <li>• Operator (telephone)</li> <li>• Switchboard operator (telephone)</li> <li>• Telephonist</li> <li>• Telephonist-receptionist</li> </ul>
7214 Communication operators	<ul style="list-style-type: none"> <li>• Call handler (emergency services)</li> <li>• Communications operator</li> <li>• Control room operator (emergency services)</li> <li>• Controller (taxi service)</li> </ul>

Occupation code	Related job titles
7219 Customer service occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Customer adviser</li> <li>• Customer service administrator</li> <li>• Customer service adviser</li> <li>• Customer service assistant</li> <li>• Customer services representative</li> </ul>
8111 Food, drink and tobacco process operatives	<ul style="list-style-type: none"> <li>• Baker (food products mfr)</li> <li>• Bakery assistant</li> <li>• Factory worker (food products mfr)</li> <li>• Meat processor</li> <li>• Process worker (brewery)</li> <li>• Process worker (dairy)</li> </ul>
8112 Glass and ceramics process operatives	<ul style="list-style-type: none"> <li>• Glass worker</li> <li>• Kiln man (glass mfr)</li> <li>• Process worker (fibre glass mfr)</li> </ul>
8113 Textile process operatives	<ul style="list-style-type: none"> <li>• Hosiery worker</li> <li>• Machinist (rope, twine mfr)</li> <li>• Process worker (textile mfr)</li> <li>• Spinner (paper twine mfr)</li> </ul>
8114 Chemical and related process operatives	<ul style="list-style-type: none"> <li>• Gas producer operator</li> <li>• Process technician (chemical mfr)</li> <li>• Process worker (cement mfr)</li> <li>• Process worker (nuclear fuel production)</li> </ul>
8115 Rubber process operatives	<ul style="list-style-type: none"> <li>• Disc cutter (rubber mfr)</li> <li>• Moulder (rubber goods mfr)</li> <li>• Process worker (rubber reclamation)</li> <li>• Tyre builder</li> </ul>
8116 Plastics process operatives	<ul style="list-style-type: none"> <li>• Extrusion operator (plastics mfr)</li> <li>• Fabricator (plastics mfr)</li> <li>• Injection moulder</li> <li>• Laminator (fibreglass)</li> <li>• Process worker (plastic goods mfr)</li> </ul>
8117 Metal making and treating process operatives	<ul style="list-style-type: none"> <li>• Degreaser (metal trades)</li> <li>• Foreman (metal refining)</li> <li>• Furnaceman (metal trades)</li> <li>• Process worker (nickel mfr)</li> <li>• Wire drawer</li> </ul>

Occupation code	Related job titles
8118 Electroplaters	<ul style="list-style-type: none"> <li>• Electroplater</li> <li>• Galvaniser</li> <li>• Metal sprayer</li> <li>• Powder coater</li> </ul>
8119 Process operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Melting pot assistant (electric cable)</li> <li>• Mixing plant foreman (asphalt mfr)</li> <li>• Process worker (electrical engineering)</li> <li>• Stone finisher (cast concrete products mfr)</li> </ul>
8121 Paper and wood machine operatives	<ul style="list-style-type: none"> <li>• Box maker (cardboard)</li> <li>• Guillotine operator (printing)</li> <li>• Machinist (paper goods mfr)</li> <li>• Sawyer</li> <li>• Wood machinist</li> </ul>
8122 Coal mine operatives	<ul style="list-style-type: none"> <li>• Coal miner</li> <li>• Colliery worker</li> <li>• Driller (coal mine)</li> </ul>
8123 Quarry workers and related operatives	<ul style="list-style-type: none"> <li>• Derrickman (oil wells)</li> <li>• Diamond driller (well sinking)</li> <li>• Plant operator (quarry)</li> <li>• Quarry operative</li> </ul>
8125 Metal working machine operatives	<ul style="list-style-type: none"> <li>• Engineer, nos</li> <li>• Machinist (metal trades)</li> <li>• Metal polisher</li> <li>• Process worker (metal trades)</li> </ul>
8127 Printing machine assistants	<ul style="list-style-type: none"> <li>• Finishing operative (printing)</li> <li>• Lithographer (printing)</li> <li>• Machinist (printing)</li> <li>• Print operator</li> <li>• Printer's assistant</li> </ul>
8129 Plant and machine operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Bench hand (metal trades)</li> <li>• Cable maker (spring mfr)</li> <li>• Laser operator</li> <li>• Manufacturer (metal goods mfr)</li> <li>• Saw doctor</li> </ul>

Occupation code	Related job titles
8131 Assemblers (electrical and electronic products)	<ul style="list-style-type: none"> <li>• Assembler (electrical, electronic equipment mfr)</li> <li>• Line operator (electrical)</li> <li>• Solderer</li> <li>• Team leader (electrical, electronic equipment mfr: assembly)</li> <li>• Technical operator (circuit board mfr)</li> </ul>
8132 Assemblers (vehicles and metal goods)	<ul style="list-style-type: none"> <li>• Assembler (metal trades)</li> <li>• Lineworker (vehicle mfr)</li> <li>• Manufacturing operator (metal trades)</li> <li>• Process worker (metal trades: assembly)</li> <li>• Team leader (motor vehicle mfr: assembly)</li> </ul>
8133 Routine inspectors and testers	<ul style="list-style-type: none"> <li>• Quality assurance inspector</li> <li>• Quality auditor</li> <li>• Quality controller</li> <li>• Quality inspector</li> <li>• Test engineer</li> </ul>
8134 Weighers, graders and sorters	<ul style="list-style-type: none"> <li>• Grader (food products mfr)</li> <li>• Metal sorter</li> <li>• Selector (ceramics mfr)</li> <li>• Weighbridge clerk</li> <li>• Weighbridge operator</li> </ul>
8135 Tyre, exhaust and windscreen fitters	<ul style="list-style-type: none"> <li>• Tyre and exhaust fitter</li> <li>• Tyre fitter</li> <li>• Tyre technician</li> <li>• Windscreen fitter</li> </ul>
8137 Sewing machinists	<ul style="list-style-type: none"> <li>• Overlocker</li> <li>• Seamstress</li> <li>• Sewing machinist</li> <li>• Stitcher</li> <li>• Upholstery machinist</li> </ul>
8139 Assemblers and routine operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Assembler</li> <li>• Gluer (furniture mfr)</li> <li>• Paint line operator</li> <li>• Production assistant</li> <li>• Riveter (soft toy mfr)</li> </ul>

Occupation code	Related job titles
8141 Scaffolders, staggers and riggers	<ul style="list-style-type: none"> <li>• Bell hanger (church bells)</li> <li>• Stage rigger (shipbuilding)</li> <li>• Tackleman (steelworks)</li> </ul>
8142 Road construction operatives	<ul style="list-style-type: none"> <li>• Asphalter</li> <li>• Concrete finisher (building construction)</li> <li>• Highways maintenance hand</li> <li>• Paver</li> <li>• Road worker</li> </ul>
8143 Rail construction and maintenance operatives	<ul style="list-style-type: none"> <li>• Line Inspector (railways)</li> <li>• Maintenance man (railway maintenance and repair)</li> <li>• Relayer (railways)</li> <li>• Trackman (railways)</li> <li>• Ultrasonic engineer (railway maintenance and repair)</li> </ul>
8149 Construction operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Asbestos remover</li> <li>• Cable layer</li> <li>• Demolition worker</li> <li>• Dry liner</li> <li>• General handyman</li> <li>• Maintenance man</li> <li>• Thermal insulation engineer</li> </ul>
8211 Large goods vehicle drivers	<ul style="list-style-type: none"> <li>• Haulage contractor</li> <li>• HGV driver</li> <li>• Lorry driver</li> <li>• Owner (heavy goods vehicle)</li> <li>• Tanker driver</li> </ul>
8212 Van drivers	<ul style="list-style-type: none"> <li>• Courier driver</li> <li>• Delivery driver</li> <li>• Driver</li> <li>• Parcel delivery driver</li> <li>• Van driver</li> </ul>
8213 Bus and coach drivers	<ul style="list-style-type: none"> <li>• Bus driver</li> <li>• Coach driver</li> <li>• Coach operator</li> <li>• Minibus driver</li> <li>• PSV driver</li> </ul>

Occupation code	Related job titles
8214 Taxi and cab drivers and chauffeurs	<ul style="list-style-type: none"> <li>• Chauffeur</li> <li>• Mini cab driver</li> <li>• Taxi driver</li> <li>• Taxi owner</li> </ul>
8221 Crane drivers	<ul style="list-style-type: none"> <li>• Crane driver</li> <li>• Crane operator</li> <li>• Haulage engine driver</li> <li>• Winchman</li> </ul>
8222 Fork-lift truck drivers	<ul style="list-style-type: none"> <li>• Fork lift driver</li> <li>• Fork lift truck driver</li> <li>• Fork truck operator</li> <li>• Stacker-driver</li> </ul>
8223 Agricultural machinery drivers	<ul style="list-style-type: none"> <li>• Agricultural machinist</li> <li>• Attendant (agricultural machinery)</li> <li>• Operator (agricultural machinery)</li> <li>• Tractor driver (agriculture)</li> </ul>
8229 Mobile machine drivers and operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Digger driver</li> <li>• Dredger</li> <li>• Excavator driver</li> <li>• JCB driver</li> <li>• Plant operator</li> <li>• Rig operator</li> </ul>
8231 Train and tram drivers	<ul style="list-style-type: none"> <li>• Train driver</li> <li>• Train operator</li> <li>• Tram driver</li> </ul>
8233 Air transport operatives	<ul style="list-style-type: none"> <li>• Aircraft dispatcher</li> <li>• Baggage handler</li> <li>• Cargo handler (airport)</li> <li>• Ramp agent</li> <li>• Refueller (airport)</li> </ul>
8234 Rail transport operatives	<ul style="list-style-type: none"> <li>• Railway worker</li> <li>• Shunter</li> <li>• Signaller (railways)</li> <li>• Transport supervisor (railways)</li> </ul>

Occupation code	Related job titles
8239 Other drivers and transport operatives not elsewhere classified	<ul style="list-style-type: none"> <li>• Bus inspector</li> <li>• Operations assistant (freight handling)</li> <li>• Test driver (motor vehicle mfr)</li> <li>• Transport supervisor</li> <li>• Yard foreman (road transport)</li> </ul>
9111 Farm workers	<ul style="list-style-type: none"> <li>• Agricultural worker</li> <li>• Farm labourer</li> <li>• Farm worker</li> <li>• Herdsman</li> <li>• Shepherd</li> </ul>
9112 Forestry workers	<ul style="list-style-type: none"> <li>• Forestry contractor</li> <li>• Forestry worker</li> <li>• Lumberjack</li> </ul>
9119 Fishing and other elementary agriculture occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Horticultural worker</li> <li>• Labourer (landscape gardening)</li> <li>• Mushroom picker</li> <li>• Nursery worker</li> </ul>
9120 Elementary construction occupations	<ul style="list-style-type: none"> <li>• Electrician's mate (building construction)</li> <li>• Ground worker (building construction)</li> <li>• Hod carrier</li> <li>• Labourer (building construction)</li> </ul>
9132 Industrial cleaning process occupations	<ul style="list-style-type: none"> <li>• Cleaner and greaser</li> <li>• Factory cleaner</li> <li>• Hygiene operator</li> <li>• Industrial cleaner</li> </ul>
9134 Packers, bottlers, canners and fillers	<ul style="list-style-type: none"> <li>• Factory worker (packing)</li> <li>• Packaging operator</li> <li>• Packer</li> <li>• Paint filler</li> </ul>
9139 Elementary process plant occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Factory worker</li> <li>• Fitter's mate</li> <li>• Labourer (engineering)</li> <li>• Material handler</li> </ul>

Occupation code	Related job titles
9211 Postal workers, mail sorters, messengers and couriers	<ul style="list-style-type: none"> <li>• Courier</li> <li>• Leaflet distributor</li> <li>• Mail sorter</li> <li>• Messenger</li> <li>• Postman</li> </ul>
9219 Elementary administration occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• General assistant</li> <li>• Office junior</li> <li>• Office worker</li> <li>• Reprographic technician</li> </ul>
9231 Window cleaners	<ul style="list-style-type: none"> <li>• Window cleaner</li> <li>• Window cleaning contractor</li> </ul>
9232 Street cleaners	<ul style="list-style-type: none"> <li>• Cleansing operative (street cleaning)</li> <li>• Road sweeper</li> <li>• Street cleaner</li> </ul>
9233 Cleaners and domestics	<ul style="list-style-type: none"> <li>• Chambermaid</li> <li>• Cleaner</li> <li>• Domestic</li> <li>• Home help</li> <li>• School cleaner</li> </ul>
9234 Launderers, dry cleaners and pressers	<ul style="list-style-type: none"> <li>• Carpet cleaner</li> <li>• Dry cleaner</li> <li>• Garment presser</li> <li>• Laundry assistant</li> <li>• Laundry worker</li> </ul>
9235 Refuse and salvage occupations	<ul style="list-style-type: none"> <li>• Binman (local government: cleansing department)</li> <li>• Hopper attendant (refuse destruction)</li> <li>• Refuse disposal operative</li> <li>• Salvage worker</li> </ul>
9236 Vehicle valeters and cleaners	<ul style="list-style-type: none"> <li>• Car wash assistant</li> <li>• Carriage service man (railways)</li> <li>• Motor car polisher (garage)</li> <li>• Vehicle valeter</li> </ul>
9239 Elementary cleaning occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Amenity block attendant</li> <li>• Chimney cleaner</li> <li>• Sweep (chimney)</li> <li>• Toilet attendant</li> </ul>



<b>Occupation code</b>	<b>Related job titles</b>
9241 Security guards and related occupations	<ul style="list-style-type: none"> <li>• CCTV operator</li> <li>• Park keeper</li> <li>• Private investigator</li> <li>• Security guard</li> <li>• Security officer</li> </ul>
9242 Parking and civil enforcement occupations	<ul style="list-style-type: none"> <li>• Car park attendant</li> <li>• Community warden</li> <li>• Parking attendant</li> <li>• Traffic warden</li> </ul>
9244 School midday and crossing patrol occupations	<ul style="list-style-type: none"> <li>• Dinner lady (schools)</li> <li>• Lollipop man</li> <li>• Lunchtime supervisor</li> <li>• Midday supervisor</li> <li>• School crossing patrol</li> </ul>
9249 Elementary security occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Bailiff</li> <li>• Commissionaire</li> <li>• Court usher</li> <li>• Door supervisor</li> <li>• Doorman</li> </ul>
9251 Shelf fillers	<ul style="list-style-type: none"> <li>• General assistant (retail trade)</li> <li>• Grocery assistant</li> <li>• Shelf filler</li> <li>• Shelf stacker</li> </ul>
9259 Elementary sales occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Code controller (wholesale, retail trade)</li> <li>• Home shopper</li> <li>• Order picker (retail trade)</li> <li>• Trolley assistant (wholesale, retail trade)</li> </ul>
9260 Elementary storage occupations	<ul style="list-style-type: none"> <li>• Labourer (haulage contractor)</li> <li>• Order picker</li> <li>• Warehouse assistant</li> <li>• Warehouse operator</li> <li>• Warehouse supervisor</li> <li>• Warehouseman</li> </ul>
9271 Hospital porters	<ul style="list-style-type: none"> <li>• Hospital porter</li> <li>• Porter (hospital service)</li> <li>• Portering supervisor (hospital services)</li> </ul>

Occupation code	Related job titles
9272 Kitchen and catering assistants	<ul style="list-style-type: none"> <li>• Catering assistant</li> <li>• Crew member (fast food outlet)</li> <li>• Kitchen assistant</li> <li>• Kitchen porter</li> </ul>
9273 Waiters and waitresses	<ul style="list-style-type: none"> <li>• Head waiter</li> <li>• Silver service waiter</li> <li>• Steward (catering)</li> <li>• Waiter</li> <li>• Waitress</li> </ul>
9274 Bar staff	<ul style="list-style-type: none"> <li>• Bar supervisor</li> <li>• Barmaid</li> <li>• Barperson</li> <li>• Bartender</li> <li>• Glass collector (public house)</li> </ul>
9275 Leisure and theme park attendants	<ul style="list-style-type: none"> <li>• Arcade assistant</li> <li>• Cinema attendant</li> <li>• Ride operator</li> <li>• Steward (sports ground)</li> <li>• Usher</li> <li>• Usherette</li> </ul>
9279 Other elementary services occupations not elsewhere classified	<ul style="list-style-type: none"> <li>• Bingo caller</li> <li>• Hotel assistant</li> <li>• Night porter</li> <li>• Porter (residential buildings)</li> <li>• Stage hand (entertainment)</li> </ul>

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# Immigration Rules

## Appendix Shortage Occupation List

Shortage Occupations for the Skilled Worker route

**Table 1: shortage occupations where applicants for entry clearance or permission to stay may be paid 80% of the going rate for the occupation code**

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
2111 Chemical scientists – only jobs in the nuclear industry	-	Yes	-	-
2112 Biological scientists and biochemists – all jobs	Yes	Yes	Yes	Yes
2113 Physical scientists – only the following jobs in the construction-related ground engineering industry: <ul style="list-style-type: none"> <li>• engineering geologist</li> <li>• hydrogeologist</li> <li>• geophysicist</li> </ul>	Yes	Yes	Yes	Yes
2113 Physical scientists – only the following jobs in the oil and gas industry: <ul style="list-style-type: none"> <li>• geophysicist</li> <li>• geoscientist</li> <li>• geologist</li> <li>• geochemist</li> <li>• technical services manager in the decommissioning and waste areas of the nuclear industry</li> <li>• senior resource geologist and staff geologist in the mining sector</li> </ul>	Yes	Yes	Yes	Yes

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
2114 Social and humanities scientists – only archaeologists	Yes	Yes	Yes	Yes
2121 Civil engineers – all jobs	Yes	Yes	Yes	Yes
2122 Mechanical engineers – all jobs	Yes	Yes	Yes	Yes
2123 Electrical engineers – all jobs	Yes	Yes	Yes	Yes
2124 Electronics engineers – all jobs	Yes	Yes	Yes	Yes
2126 Design and development engineers – all jobs	Yes	Yes	Yes	Yes
2127 Production and process engineers – all jobs	Yes	Yes	Yes	Yes
2129 Engineering professionals not elsewhere classified – all jobs	Yes	Yes	Yes	Yes
2135 IT business analysts, architects and systems designers – all jobs	Yes	Yes	Yes	Yes
2136 Programmers and software development professionals – all jobs	Yes	Yes	Yes	Yes
2137 Web design and development professionals – all jobs	Yes	Yes	Yes	Yes
2139 Information technology and communications professionals not elsewhere classified – only cyber security specialists	Yes	Yes	Yes	Yes
2216 Veterinarians – all jobs	Yes	Yes	Yes	Yes
2425 Actuaries, economists and statisticians – only bio-informaticians and informaticians	Yes	Yes	Yes	Yes
2431 Architects – all jobs	Yes	Yes	Yes	Yes
2461 Quality control and planning engineers – all jobs	Yes	Yes	Yes	Yes

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
3411 Artists – all jobs	Yes	Yes	Yes	Yes
3414 Dancers and choreographers – only skilled classical ballet dancers or skilled contemporary dancers who meet the standard required by internationally recognised UK ballet or contemporary dance companies.  The company must be endorsed as being internationally recognised by a UK industry body such as the Arts Councils (of England, Scotland or Wales).	Yes	Yes	Yes	Yes
3415 Musicians – only skilled orchestral musicians who are leaders, principals, sub-principals or numbered string positions, and who meet the standard required by internationally recognised UK orchestras.  The orchestra must be endorsed as being internationally recognised by the Association of British Orchestras.	Yes	Yes	Yes	Yes
3416 Arts officers, producers and directors – all jobs	Yes	Yes	Yes	Yes
3421 Graphic designers – all jobs	Yes	Yes	Yes	Yes
5215 Welding trades – only high integrity pipe welders, where the job requires 3 or more years' related on-the-job experience	Yes	Yes	Yes	Yes

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
<p>5434 Chefs – only skilled chefs where all of the following requirements are met:</p> <ul style="list-style-type: none"> <li>• the pay for which points are awarded is at least £29,570 per year; and</li> <li>• the job requires 5 or more years' relevant experience in a role of at least equivalent status; and</li> <li>• the job is not in either a fast food or standard fare outlet; and</li> <li>• the job is in one of the following roles: <ul style="list-style-type: none"> <li>- executive chef - limited to 1 per establishment</li> <li>- head chef - limited to 1 per establishment</li> <li>- sous chef - limited to 1 for every 4 kitchen staff per establishment</li> <li>- specialist chef - limited to 1 per speciality per establishment</li> </ul> </li> </ul>	Yes	Yes	Yes	Yes

**Table 2: shortage occupations in eligible health and education occupation codes where going rates are based on national pay scales**

Occupation code and any further criteria	Shortage occupation in			
	England	Scotland	Wales	Northern Ireland
2211 Medical practitioners – all jobs	Yes	Yes	Yes	Yes
2212 Psychologists – all jobs	Yes	Yes	Yes	Yes
2217 Medical radiographers – all jobs (including radiotherapy practitioners / technologists)	Yes	Yes	Yes	Yes
2222 Occupational therapists – all jobs	Yes	Yes	Yes	Yes
2223 Speech and language therapists – all jobs	Yes	Yes	Yes	Yes
2231 Nurses – all jobs	Yes	Yes	Yes	Yes
2314 Secondary education teaching professionals – only teachers in maths, physics, science (where an element of physics will be taught), computer science and Mandarin	Yes	Yes	Yes	Yes
2314 Secondary education teaching professionals – only teachers in Gaelic	-	Yes	-	-
2315 Primary and nursery education teaching professionals – only Gaelic medium teachers	-	Yes	-	-
2442 Social workers – all jobs	Yes	Yes	Yes	Yes
3213 Paramedics – all jobs	Yes	Yes	Yes	Yes

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# Immigration Rules

## Appendix T2 Minister of Religion

This route is for a person who has a key leading role within their faith-based organisation or a religious order in the UK.

A dependent partner and dependent children of a Minister of Religion can apply on this route.

T2 Minister of Religion is a route to settlement.

### Validity requirements for a T2 Minister of Religion

MOR 1.1. A person applying for entry clearance or permission to stay as a T2 Minister of Religion must apply online on the gov.uk website on the specified form as follows:

- (a) for entry clearance, form “Tier 2 (Minister of Religion) visa”; or
- (b) for permission to stay, form “Tier 2 (Minister of Religion) leave to remain”.

MOR 1.2. An application for entry clearance or permission to stay as a T2 Minister of Religion must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship that was issued to them no more than 3 months before the date of application.

MOR 1.3. The applicant must be aged 16 or over on the date of application.

MOR 1.4. If the applicant has in the last 12 months received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

MOR 1.5. A person applying for permission to stay as a T2 Minister of Religion must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal worker; or
- (e) as a Domestic worker in a private household; or
- (f) outside the Immigration Rules.

MOR 1.6. An application which does not meet the validity requirements for a T2 Minister of Religion is invalid and may be rejected and not considered.

## Suitability Requirements for a T2 Minister of Religion

MOR 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

MOR 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## Eligibility Requirements for a T2 Minister of Religion

### Entry requirement for a T2 Minister of Religion

MOR 3.1. A person seeking to come to the UK as a T2 Minister of Religion must apply for and obtain entry clearance as a T2 Minister of Religion before they arrive in the UK.

MOR 3.2. A person applying for entry clearance as a T2 Minister of Religion must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### Points Requirement for a T2 Minister of Religion

MOR 4.1. An applicant must be awarded at least 70 points based on the table below.

<b>Points requirements (all mandatory) required</b>	<b>70 points</b>
Offer of a job by an approved sponsor	50
Financial requirement	10
English language at level B2 (intermediate)	10

### Certificate of Sponsorship requirements (offer of a job by an approved sponsor)

MOR 5.1. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a T2 Minister of Religion and is applying to continue working for the same sponsor as in their last permission.

MOR 5.2. The Certificate of Sponsorship must confirm all the following:

- (a) the applicant's name and details of the job and salary and any other remuneration of the applicant; and
- (b) the job is as a T2 Minister of Religion; and
- (c) the applicant is qualified to do the job of a T2 Minister of Religion; and
- (d) the applicant is a member of the sponsor's religious order (if the sponsor's organisation is a religious order); and
- (e) the applicant will perform religious duties within the sponsor's organisation or directed by the sponsor's organisation in the UK (which may include preaching, pastoral and non-pastoral work); and

- (f) the applicant's role will not involve mainly non-pastoral duties, such as school teaching, media production, domestic work or administrative and clerical work, unless the role is a senior position within the sponsor's organisation; and
- (g) that applicant will receive pay and conditions at least equal to those given to settled workers in the same role and compliant with the national minimum wage; and
- (h) that the applicant will be based in the UK; and
- (i) that if the application is successful, the applicant will comply with the conditions of their permission.

MOR 5.3. The Certificate of Sponsorship must not have been withdrawn by the sponsor or cancelled by the Home Office.

MOR 5.4. The date of application must be no more than 3 months before the start date of the job, as stated in the Certificate of Sponsorship.

MOR 5.5. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

### **Genuine T2 Minister of Religion requirement**

MOR 6.1. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted at MOR 11.3.

### **Financial requirement for a T2 Minister of Religion**

MOR 7.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

MOR 7.2. If the applicant is applying for entry clearance, or has been living in the UK for less than 12 months, either:

- (a) the applicant must have funds of at least £1,270; or
- (b) the applicant's A-rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

MOR 7.3. If MOR 7.2.(a) applies, the applicant must have held the required level of funds for a 28-day period and must show funds as specified in Appendix Finance.

### **English language requirement for a T2 Minister of Religion**

MOR 8.1. The applicant must have English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B2.

MOR 8.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Parental consent requirement for T2 Minister of Religion aged under 18.**

MOR 9.1. If the applicant is aged under 18 on the date of application they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

MOR 9.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

**Decision on application as a T2 Minister of Religion**

MOR 10.1. If the decision maker is satisfied all the eligibility and suitability requirements for a T2 Minister of Religion are met the application will be granted, otherwise the application will be refused.

MOR 10.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period of grant and conditions of permission as a T2 Minister of Religion**

MOR 11.1. If the applicant is applying for entry clearance, permission will be granted for whichever is the shorter of:

- (a) up to 14 days after the period of employment stated on their Certificate of Sponsorship; or
- (b) 3 years and 1 month.

MOR 11.2. If the applicant is applying for permission to stay, it will be granted for whichever is the shorter of:

- (a) up to 14 days after the period of employment stated on their Certificate of Sponsorship; or
- (b) 3 years; or
- (c) the difference between 6 years and the period they have already been granted permission as a T2 Minister of Religion, T2 Sports person, or Skilled Worker (or any combination of these routes).

MOR 11.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted in the job the applicant is being sponsored for; and
- (c) supplementary employment is permitted; and
- (d) voluntary work is permitted; and
- (e) working out a contractual notice period is permitted, for a job the person was lawfully working in on the date of application; and

- (f) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (g) if Part 10 applies the applicant will be required to register with the police.

## Settlement as a T2 Minister of Religion

### Validity requirements for settlement by a T2 Minister of Religion

MOR 12.1. A T2 Minister of Religion who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

MOR 12.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

MOR 12.3. The applicant must have, or have last been granted, permission as a T2 Minister of Religion.

MOR 12.4. An application which does not meet all the validity requirements for settlement for a T2 Minister of Religion is invalid and may be rejected and not considered.

### Suitability Requirements for settlement by a T2 Minister of Religion

MOR 13.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

MOR 13.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### Eligibility requirements for settlement by a T2 Minister of Religion

#### Sponsor requirement for settlement by a T2 Minister of Religion

MOR 14.1. The sponsor in the applicant’s most recent permission must still be approved by the Home Office to sponsor a T2 Minister of Religion.

MOR 14.2. The sponsor must confirm that they still require the applicant to work for them, and that the applicant will be required for the foreseeable future and that the applicant has been, and will continue to be, paid the appropriate salary under MOR 5.2.(g).

#### Qualifying period requirement for settlement by a T2 Minister of Religion

MOR 15.1. The applicant must have spent the 5 years before the date of application in the UK with permission on any (or a combination) of the following routes:

- (a) T2 Minister of Religion; or
- (b) T2 Sportsperson; or
- (c) Skilled Worker; or
- (d) Tier 1 Migrant, other than as a Tier 1 (Graduate Entrepreneur); or
- (e) Representative of an Overseas Business; or
- (f) Innovator; or
- (g) Global Talent.

**Continuous residence requirement for settlement by a T2 Minister of Religion**

MOR 16.1. The applicant must meet the continuous residence requirement as specified in Appendix Continuous residence for the period in MOR 15.1.

**Knowledge of Life in the UK requirement for settlement by a T2 Minister of Religion**

MOR 17.1. The applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

**Decision on an application for settlement by a T2 Minister of Religion**

MOR 18.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a T2 Minister of Religion are met the applicant will be granted settlement, otherwise the application will be refused.

MOR 18.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Dependants on the T2 Minister of Religion route**

**Validity requirements for a dependent partner or dependent child on the T2 Minister of Religion route**

MOR 19.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child of a T2 Minister of Religion must apply online on the gov.uk website on the specified form as follows:

<b>Location of partner or child</b>	<b>Specified form</b>
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the Tier 2 (Minister of Religion) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

MOR 19.2. An application for entry clearance or permission to stay as a dependent partner or dependent child of a T2 Minister of Religion must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

MOR 19.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

MOR 19.4. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal worker; or
- (e) as a Domestic worker in a private household: or
- (f) outside the Immigration Rules.

MOR 19.5. An application which does not meet all the validity requirements for a dependent partner or dependent child on the T2 Minister of Religion route is invalid and may be rejected and not considered.

### **Suitability requirements for a partner or child on the T2 Minister of Religion route**

MOR 20.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

MOR 20.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a partner or child on the T2 Minister of Religion route**

#### **Entry requirements for a partner or child on the T2 Minister of Religion route**

MOR 21.1. A person seeking to come to the UK as a partner or child on the T2 Minister of Religion route must apply for and obtain an entry clearance as a partner or child of a T2 Minister of Religion before they arrive in the UK.

MOR 21.2. A person applying for entry clearance as a T2 Minister of Religion must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

**Relationship requirement for a dependent partner on the T2 Minister or**

**Religion route** MOR 22.1. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission as a T2 Minister of Religion; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission as a T2 Minister of Religion; or
- (c) P is settled or has become a British citizen, providing they settled while on the T2 Minister of Religion route and the applicant had permission as their partner or child at that time.

MOR 22.2. If the applicant and their T2 Minister of Religion partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or their T2 Minister of Religion partner with another person must have permanently broken down; and
- (c) the applicant and their T2 Minister of Religion partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

MOR 22.3. The relationship between the applicant and their T2 Minister of Religion partner must be genuine and subsisting.

MOR 22.4. The applicant and their T2 Minister of Religion partner must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the T2 Minister of Religion route**

MOR 23.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a T2 Minister of Religion; or
- (b) as a partner of a T2 Minister of Religion.

MOR 23.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a T2 Minister of Religion or as the partner of a T2 Minister of Religion is the sole surviving parent; or
- (b) the parent with permission as a T2 Minister of Religion route or as the partner of a T2 Minister of Religion has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the T2 Minister of Religion route.

MOR 23.3. If the applicant is a child born in the UK to a person on the as a T2 Minister of Religion route or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.



**Care requirement for a dependent child on the T2 Minister of Religion route**

MOR 24.1. If the applicant is aged under 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the T2 Minister of Religion route**

MOR 25.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

MOR 25.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a partner or child on the T2 Minister of Religion route**

MOR 26.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

MOR 26.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant or the T2 Minister of Religion must have funds of at least the levels in MOR 26.3; or
- (b) the T2 Minister of Religion's A-rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant and any other dependants in the UK, up to the end of the first month of their stay for an amount of at least the level required in MOR 26.3.

MOR 26.3. The level of funds required are:

- (a) £285 for a dependent partner living with or joining the T2 Minister of Religion in the UK; and
- (b) £315 for the first child living with or joining their parent in the UK; and
- (c) £200 for each additional child living with or joining their parent in the UK.

MOR 26.4. The funds in MOR 26.3. must be in addition to the funds required for the T2 Minister of Religion to meet the financial requirement and any other dependants in the UK or applying at the same time.

MOR 26.5. If MOR 26.2.(a) applies, the required level of funds must have been held for a 28-day period and as specified in Appendix Finance.

**Decision on application for a dependent partner or dependent child on the T2 Minister of Religion route**

MOR 27.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the T2 Minister of Religion route the application will be granted, otherwise the application will be refused.

MOR 27.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner or dependent child on the T2 Minister of Religion route**

MOR 28.1. A partner will be granted:

- (a) permission which ends on the same date as their partner's permission as a T2 Minister of Religion; or
- (b) 3 years' permission if the T2 Minister of Religion was (or is being) granted settlement as a T2 Minister of Religion.

MOR 28.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

MOR 28.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sports person (including as a sports coach); and
- (c) study is permitted, subject to the ATAs condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

### **Settlement for dependent partner and dependent child on the T2 Minister of Religion route**

#### **Validity requirements for settlement by a partner or child on the T2 Minister of Religion route**

MOR 29.1. A partner or child on the T2 Minister of Religion route who is applying for settlement must apply online on the gov.uk website on the specified form "Settle in the UK in various immigration categories: form SET(O)".

MOR 29.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

MOR 29.3. The applicant must have, or have last been granted, permission as a partner or child on the T2 Minister of Religion route.

MOR 29.4. An application which does not meet all the validity requirements for settlement as a partner and child on the T2 Minister of Religion route is invalid and may be rejected and not considered.

#### **Suitability requirements for settlement by a partner or child on the T2 Minister of Religion route**

MOR 30.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

MOR 30.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for settlement by a partner or child on the T2 Minister of Religion route**

### **Relationship requirement for settlement by a dependent partner or dependent child on the T2 Minister of Religion route**

MOR 31.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the T2 Minister of Religion route; or
- (b) P is settled or has become a British citizen, providing P had permission on the T2 Minister of Religion route when they settled and the applicant had permission as P's partner or child at that time.

MOR 31.2. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in MOR 31.1. is the applicant's sole surviving parent; or
- (b) the person (P) in MOR 31.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

### **Care requirement for settlement by a child on the T2 Minister of Religion route**

MOR 32.1. If the child is aged under 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for settlement by a child on the T2 Minister of Religion route**

MOR 33.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

MOR 33.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

### **Qualifying period requirement for settlement by a partner on the T2 Minister of Religion route**

MOR 34.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in MOR 31.1.

### **Continuous residence requirement for settlement by a partner on the T2 Minister of Religion route**

MOR 35.1. The applicant must meet the continuous resident requirement as set out in Appendix Continuous residence during the period in MOR 34.1.

**English language requirement for settlement by a partner or child on the T2 Minister of Religion route**

MOR 36.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

MOR 36.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of life in the UK requirement for settlement by a partner or child on the T2 Minister of Religion route**

MOR 37.1. If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

**Decision on an application for settlement as a dependent partner or dependent child on the T2 Minister of Religion route**

MOR 38.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the T2 Minister of Religion route, the applicant will be granted settlement, otherwise the application will be refused.

MOR 38.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix T2 Sportsperson

This route is for an elite sportsperson or qualified coach who is sponsored on a long-term contract to make a significant contribution to the development of sport at the highest level in the UK and who has a Governing Body Endorsement from the appropriate Sports Governing Body.

A dependent partner and dependent children of a T2 Sportsperson can apply under this route.

T2 Sportsperson is a route to settlement.

A Sportsperson or coach sponsored on a short-term contract (up to 12 months) can apply on the T5 (Temporary Worker) Creative & Sporting route.

### Validity requirements for a T2 Sportsperson

SP 1.1. A person applying for entry clearance or permission to stay as a T2 Sportsperson must apply online on the gov.uk website on the specified form as follows:

- (a) entry clearance, form “Tier 2 (Sportsperson) visa”; or
- (b) permission to stay, form “Tier 2 (Sportsperson) leave to remain”.

SP 1.2. An application for entry clearance or permission to stay as a T2 Sportsperson must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship from an approved Sponsor that was issued to them no more than 3 months before the date of application.

SP 1.3. The applicant must be aged 16 or over at the date of application.

SP 1.4. If the applicant has, in the last 12 months before the date of application, received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

SP 1.5. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission on any of the following routes:

- (a) Visitor; or
- (b) Short-term student; or

- (c) Parent of a Child Student; or
- (d) Seasonal Worker; or
- (e) Domestic worker in a private household; or
- (f) outside the Immigration Rules.

SP 1.6. An application which does not meet all the validity requirements for a T2 Sports person is invalid and may be rejected and not considered.

### Suitability requirements for a T2 Sports person

SP 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SP 2.2. If applying for permission to stay, the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### Eligibility requirements for a T2 Sports person

#### Entry requirements for a T2 Sports person

SP 3.1. A person seeking to come to the UK as a T2 Sports person must apply for and obtain an entry clearance as a T2 Sports person before they arrive in the UK.

SP 3.2. A person applying for entry clearance as a T2 Sports person must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### Points Requirements for a T2 Sports person

SP 4.1. An applicant must be awarded a total of 70 points based on the table below.

Points required (all mandatory)	Total points required 70
Certificate of Sponsorship requirement	50
Financial Requirement	10
English language at level A1	10

#### Certificate of Sponsorship requirement for a T2 Sports person

SP 5.1. The applicant must provide a letter from the relevant Sports Governing Body listed in Appendix M containing the endorsement number required in paragraph SP

5.4.(d) and confirming that:

- (a) the applicant is internationally established at the highest level; and
- (b) the employment of the applicant will make a significant contribution to the development of their sport at the highest level in the UK.

SP 5.2. An applicant must have a Certificate of Sponsorship from an approved sponsor.

SP 5.3. The sponsor must be listed as A-rated on the Home Office's register of

licensed sponsors, unless the applicant was last granted permission as a T2 Sportsperson and is applying to continue working for the same sponsor as in their last permission.

SP 5.4. The Certificate of Sponsorship must confirm all the following:

- (a) the applicant's name and details of the job and salary and any other remuneration offered to the applicant; and
- (b) that the sponsor is sponsoring the worker as a T2 Sportsperson; and
- (c) the job is one the applicant is qualified to undertake; and
- (d) the applicant has been issued a unique endorsement number from the appropriate governing body specified in Appendix M; and
- (e) the applicant intends to be based in the UK; and
- (f) if the application is successful, the applicant will comply with the conditions of their permission.

SP 5.5. The Certificate of Sponsorship must not have been withdrawn by the sponsor or cancelled by the Home Office.

SP 5.6. The date of application must be no more than 3 months before the start date of the job, as stated in the Certificate of Sponsorship.

SP 5.7. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

### **Genuine T2 Sportsperson requirement**

SP 6.1. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted at SP 11.3.

### **Financial Requirement for a T2 Sportsperson**

SP 7.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds

SP 7.2. If the applicant is applying for entry clearance, or has been living in the UK for less than 12 months, either:

- (a) the applicant must have funds of at least £1,270; or
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

SP 7.3. If SP 7.2.(a) applies, the applicant must have held the required level of funds for a 28-day period and must show funds as specified in Appendix Finance.

### **English language requirement for a T2 Sportsperson**

SP 8.1. The applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening of at least level A1.

SP 8.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Parental consent requirement for a T2 Sportsperson aged under 18**

SP 9.1. If the applicant is aged under 18 on the date of application, they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

SP 9.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application as a T2 Sportsperson**

SP 10.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a T2 Sportsperson, the application will be granted, otherwise the application will be refused.

SP 10.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a T2 Sportsperson**

SP 11.1. If the applicant is applying for entry clearance, permission will be granted for whichever is the shorter of:

- (a) up to 14 days after the period of employment stated on their Certificate of Sponsorship; or
- (b) 3 years and 1 month.

SP 11.2. If the applicant is applying for permission to stay, permission will be granted for whichever is the shorter of:

- (a) up to 14 days after the period of employment stated on their Certificate of Sponsorship; or
- (b) 3 years; or
- (c) the difference between 6 years and the period they have already been granted permission as a T2 Sportsperson, T2 Minister of Religion or a Skilled Worker (or any combination of these routes).

SP 11.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted in the job the applicant is being sponsored for; and



- (c) supplementary employment is permitted; and
- (d) voluntary work is permitted; and
- (e) working out a contractual notice period is permitted, for a job the applicant was lawfully working in on the date of application; and
- (f) employment as a sportsperson for the applicant's national team while their national team is in the UK, playing in British University and College Sport (BUCS) competitions, and temporary engagements as a sports broadcaster providing guest expert commentary on a particular sporting event, are permitted; and
- (g) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (h) if Part 10 applies the applicant will be required to register with the police.

## Settlement as a T2 Sportsperson

### Validity requirements for settlement by a T2 Sportsperson

SP 12.1. A T2 Sportsperson who is applying for settlement must apply online on the gov.uk website on the specified form "Settle in the UK in various immigration categories: form SET(O)".

SP 12.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

SP 12.3. The applicant must have, or have last been granted, permission as a T2 Sportsperson.

SP 12.4. An application which does not meet all the validity requirements for settlement by a T2 Sportsperson is invalid and may be rejected and not considered.

### Suitability Requirements for settlement by a T2 Sportsperson

SP 13.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SP 13.2. The applicant: must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### Eligibility requirements for settlement by a T2 Sportsperson

#### Sponsor requirement for settlement by a T2 Sportsperson

SP 14.1. The sponsor in the applicant's most recent permission must still be approved by the Home Office to sponsor a T2 Sportsperson.

SP 14.2. The sponsor must confirm that they still require the applicant to work for them for the foreseeable future, and that the applicant is paid, and will be paid for the foreseeable future, at least £35,800 per year.

SP 14.3. The salary in SP 14.2 is subject to the following requirements:

- (a) the salary must:
  - (i) be basic pay (excluding overtime); and
  - (ii) must only include allowances where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances; and
  - (iii) not include other allowances and benefits, such as bonus or incentive pay, employer pension contributions, travel and subsistence (including travel to and from the applicant's home country); and
  - (iv) not include the value of any shares the applicant has received as an employee-owner in exchange for some of their UK employment rights; and
- (b) if the applicant is being sponsored to work more than 48 hours a week, only the salary for the first 48 hours a week will be considered towards the salary threshold of £35,800; and
- (c) if the applicant is currently absent from work for one of the reasons set out in Part 9, paragraph 9.30.1. or has returned from such an absence within the month before the date of application, consideration will be based on their salary on their return to work, as stated by their sponsor.

#### **Qualifying period requirement for settlement by a T2 Sportsperson**

SP 15.1. The applicant must have spent the 5 years before the date of application in the UK with permission on any (or a combination) of the following routes:

- (a) T2 Sportsperson; or
- (b) T2 Minister of Religion; or
- (c) Skilled Worker; or
- (d) as a Tier 1 Migrant, other than as a Tier 1 (Graduate Entrepreneur); or
- (e) Representative of an Overseas Business; or
- (f) Innovator; or
- (g) Global Talent.

#### **Continuous residence requirement for settlement by a T2 Sportsperson**

SP 16.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous residence.

#### **English language requirement for settlement by a T2 Sportsperson**

SP 17.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

SP 17.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

#### **Knowledge of life in the UK requirement for settlement by a T2 Sportsperson**

SP 18.1. The applicant must meet the knowledge of Life in the UK requirement as specified in Appendix KOL UK.

### **Decision on an application for settlement by a T2 Sportsperson**

SP 19.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement by a T2 Sportsperson, the applicant will be granted settlement, otherwise the application will be refused.

SP 19.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Dependants on the T2 Sportsperson route**

#### **Validity requirements for a dependent partner or dependent child on the T2 Sportsperson route**

SP 20.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the T2 Sportsperson route must apply online on the gov.uk website on the specified form as follows:

<b>Location of partner or child</b>	<b>Specified form</b>
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the Tier 2 (Sports person) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

SP 20.2. An application for entry clearance or permission to stay as a partner or child on the T2 Sportsperson route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

SP 20.3. A person applying as a dependent partner must be aged 18 or over at the date of application.

SP 20.4. An applicant who is applying for permission to stay must be in the UK at the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term student; or
- (c) as a Parent of a Child Student; or

- (d) as a Seasonal worker; or
- (e) as a Domestic worker in a private household; or
- (f) outside the Immigration Rules.

SP 20.5. An application which does not meet all the validity requirements for a partner or child on the T2 Sportsperson route is invalid and may be rejected and not considered.

### **Suitability requirements for a partner or child on the T2 Sportsperson route**

SP 21.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SP 21.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependent partner or dependent child on the T2 Sportsperson route**

#### **Entry requirements for a dependent partner or child on the T2 Sportsperson route**

SP 22.1. A person seeking to come to the UK as a partner or child must apply for and obtain entry clearance as a partner or child of a T2 Sportsperson before they arrive in the UK.

SP 22.2. A person applying for entry clearance as a partner or child on the T2 Sportsperson route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Relationship requirement for a dependent partner on the T2 Sportsperson route**

SP 23.1. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission as a T2 Sportsperson; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission as a T2 Sportsperson; or
- (c) P is settled or has become a British citizen, providing they settled while on the T2 Sportsperson route and the applicant had permission as their partner or child at that time.

SP 23.2. If the applicant and their T2 Sportsperson partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and

- (b) any previous relationship of the applicant or their T2 Sportsperson partner with another person must have permanently broken down; and
- (c) the applicant and their T2 Sportsperson partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

SP 23.3. The relationship between the applicant and their T2 Sportsperson partner must be genuine and subsisting.

SP 23.4. The applicant and their T2 Sportsperson partner must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the T2 Sportsperson route**

SP 24.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a T2 Sportsperson; or
- (b) as a partner of a T2 Sportsperson.

SP 24.2. The applicant's parents must each be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless:

- (a) the parent with permission as a T2 Sportsperson or as the partner of a T2 Sportsperson is the sole surviving parent; or
- (b) the parent with permission as a T2 Sportsperson or as the partner of a T2 Sportsperson has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent who has permission on the T2 Sportsperson route.

SP 24.3. If the applicant is a child born in the UK to a person on the as a T2 Sportsperson route or their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

**Care requirement for a dependent child on the T2 Sportsperson route**

SP 25.1. If the applicant is aged under 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the T2 Sportsperson route**

SP 26.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SP 26.2. If the child is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a partner or child on the T2 Sportsperson route**

SP 27.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SP 27.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant or the T2 Sports person must have funds of at least the levels in SP 27.3; or
- (b) the T2 Sports person's A-rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant and any other dependants in the UK, up to the end of the first month of their stay for an amount of at least the level required in SP 27.3.

SP 27.3. The level of funds required are:

- (a) £285 for a dependent partner living with or joining the T2 Sports person in the UK; and
- (b) £315 for the first child living with or joining their parent in the UK; and
- (c) £200 for each additional child living with or joining their parent in the UK.

SP 27.4. The funds in SP 27.3. must be in addition to the funds required to meet the financial requirement for the T2 Sports person and any other dependants in the UK or applying at the same time.

SP 27.5. If SP 27.2.(a) applies, the required level of funds must have been held for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a dependent partner and dependent child on the T2 Sports person route**

SP 28.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the T2 Sports person route the application will be granted, otherwise the application will be refused.

SP 28.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child on the T2 Sports person route**

SP 29.1. A partner will be granted:

- (a) permission which ends on the same date as their partner's permission as a T2 Sports person; or
- (b) 3 years' permission if the T2 Sports person was (or is being) granted settlement as a T2 Sports person.

SP 29.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

SP 29.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for

- employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAs condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

## **Settlement by dependent partner and dependent child on the T2 Sportsperson route**

### **Validity requirements for settlement by a dependent partner or dependent child on the T2 Sportsperson route**

SP 30.1. A partner or child on the T2 Sportsperson route who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

SP 30.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

SP 30.3. The applicant must have, or have last been granted, permission as a partner or child on the T2 Sportsperson route.

SP 30.4. An application which does not meet all the validity requirements for settlement as a partner or child on the T2 Sportsperson route is invalid and may be rejected and not considered.

### **Suitability requirements for settlement by a dependent partner and dependent child on the T2 Sportsperson route**

SP 31.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SP 31.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement by a dependent partner or dependent child on the T2 Sportsperson route**

#### **Relationship requirement for settlement by a partner or child on the T2 Sportsperson route**

SP 32.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the T2 Sportsperson route; or

- (b) P is settled or has become a British citizen, providing P had permission on the T2 Sportsperson route when they settled and the applicant had permission as P's partner or child at that time.

SP 32.2. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in SP 32.1. is the applicant's sole surviving parent; or
- (b) the person (P) in SP 32.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

**Care requirement for settlement by a child on the T2 Sportsperson route**

SP 33.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for settlement by a child on the T2 Sportsperson route**

SP 34.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SP 34.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

**Qualifying period requirement for settlement by a partner on the T2 Sportsperson route**

SP 35.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in SP 32.1.

**Continuous residence requirement for settlement by a partner on the T2 Sportsperson route**

SP 36.1. The applicant must meet the continuous resident requirement as set out in Appendix Continuous Residence during the period in SP 35.1.

**English language requirement for settlement by a partner or child on the T2 Sportsperson route**

SP 37.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

SP 37.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of life in the UK requirement for settlement by a partner or child on the T2 Sportsperson route**

SP 38.1. If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.



## **Decision on an application for settlement by a partner or child on the T2 Sportsperson route**

SP 39.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the T2 Sportsperson route, the applicant will be granted settlement, otherwise the application will be refused.

SP 39.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix Representative of an Overseas Business

The Representative of an Overseas Business route is for an employee of an overseas business which does not have a presence in the UK.

A person applying as a Representative of an Overseas Business must either be a Sole Representative or a Media Representative.

A Sole Representative is a senior employee of an overseas business who is assigned to the United Kingdom for the purpose of establishing a branch or subsidiary.

A Media Representative is an employee of an overseas media organisation posted to the United Kingdom on a long-term assignment.

A dependent partner and dependent children can apply under this route.

Representative of an Overseas Business is a route to settlement.

### Validity requirements for a Representative of an Overseas Business

ROB 1.1. A person applying for entry clearance or permission to stay as a Representative of an Overseas Business must apply online on gov.uk on the specified form as follows:

- (a) for entry clearance, form “Other work” on the “Find and apply for other visas from outside the UK” form; or
- (b) for permission to stay, form “Application to extend stay in the UK: FLR(IR)”.

ROB 1.2. An application for entry clearance or permission to stay as the Representative of an Overseas Business must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

ROB 1.3. The applicant must be at aged 18 or over on the date of application.

ROB 1.4. If the applicant has, in the last 12 months before the date of application, received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

ROB 1.5. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

ROB 1.6. An application which does not meet all the validity requirements for a Representative of an Overseas Business is invalid and may be rejected and not considered.

### **Suitability requirements for a Representative of an Overseas Business**

ROB 2.1. The applicant must not fall for refusal Part 9: grounds for refusal.

ROB 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for Representative of an Overseas Business**

#### **Entry requirement for Representative of an Overseas Business**

ROB 3.1. A person seeking to come to the UK as a Representative of an Overseas Business must have applied for and obtained entry clearance as a Representative of an Overseas Business before their arrival in the UK.

ROB 3.2. A person applying for entry clearance as a Representative of an Overseas Business must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Work requirement for Representative of an Overseas Business**

ROB 4.1. The overseas business or media organisation that the applicant represents must be active and trading outside the UK, with its headquarters and principle place of business remaining outside the UK.

ROB 4.2. The applicant must have been recruited and taken on as an employee outside the UK by the business they will represent.

ROB 4.3. The applicant must intend to work full-time as the representative of the overseas business or media organisation and must not intend to undertake work for any other business or engage in business of their own.

ROB 4.4. An applicant must be either:

- (a) a Sole Representative who is a senior employee of an overseas business, who is assigned to the UK to establish and supervise a branch or subsidiary of an overseas business, where that branch or subsidiary will actively trade in the same type of business as the overseas business; or
- (b) a Media Representative who is posted on a long-term assignment to the UK on behalf of a newspaper, news agency or broadcasting organisation.

### **Genuineness requirement for the Representative of an Overseas Business**

ROB 5.1. The decision maker must be satisfied that the applicant is a genuine Representative of an Overseas Business.

ROB 5.2. The decision maker must not have reasonable grounds to believe the business is being established in the UK by the overseas business, or the applicant has been appointed as a representative of the overseas business or media organisation, mainly so the applicant can apply for entry clearance or permission to stay.

## **English language requirement for a Representative of an Overseas Business**

ROB 6.1. The applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening of at least level A1.

ROB 6.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

## **Financial requirement for a Representative of an Overseas Business**

ROB 7.1. The decision maker must be satisfied that the applicant can, and will, adequately maintain and accommodate themselves, and any dependants in the UK, without recourse to public funds.

ROB 7.2. Funds must be shown as specified in Appendix Finance.

## **Additional business requirements for a Sole Representative on the Representative of an Overseas Business route**

ROB 8.1. Where the applicant is applying as a Sole Representative on the Representative of an Overseas Business route, the applicant must meet the additional business requirements set out in ROB 8.2. to ROB 8.6.

ROB 8.2. The applicant must be a senior employee of the overseas business with the skills, experience and knowledge of the business necessary to undertake the role, with full authority to negotiate and take operational decisions on behalf of the overseas business.

ROB 8.3. The applicant must not have a majority stake in, or otherwise own or control a majority of the overseas business they represent, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement.

ROB 8.4. Where the applicant does not have, or was not last granted, permission as a Sole Representative, the applicant must represent an overseas business that does not have any other active branch, subsidiary or representative in the UK.

ROB 8.5. Where the applicant does not have, or was not last granted, permission as a Sole Representative, the applicant must provide all of the following from their employer:

- (a) a full description of the overseas business's activities, including details of assets and accounts and the share distribution or ownership for the previous year; and
- (b) a letter which confirms the overseas business will establish a registered branch or wholly-owned subsidiary in the UK in the same business activity as the overseas business; and
- (c) a job description, salary details and contract of employment for the applicant; and
- (d) a letter confirming the applicant has the relevant skills, experience, knowledge and authority required at ROB 8.2; and
- (e) a notarised statement which confirms the applicant will be their sole representative in the UK, that the company has no other active branch, subsidiary or representative in the UK and, that its operations will remain centred overseas.

ROB 8.6. Where the applicant is applying for permission to stay and has, or was last granted permission as a Sole Representative, the applicant must meet all the following requirements:

- (a) the applicant must have established the registered branch or wholly-owned subsidiary of the overseas business for which they were last granted permission under this route; and
- (b) the applicant must be engaged in full time employment and must supervise the registered branch or wholly-owned subsidiary that they have established, and must be required by their employer to continue in that role; and
- (c) the applicant must provide all of the following:
  - (i) evidence of business that has been generated, principally with firms in the UK, on behalf of their employer since their last permission, in the form of accounts, copies of invoices or letters from businesses with whom the applicant has done business, including the value of transactions; and
  - (ii) a Companies House certificate of registration as a UK establishment (for a branch), or a certificate of incorporation (for a subsidiary), together with

either a copy of the share register or a letter from the overseas business's accountant confirming that the UK business is wholly owned by the overseas business; and

(iii) a letter from the applicant's employer confirming that the applicant supervises the UK branch or subsidiary and is required to continue in that employment; and

(iv) evidence of salary paid by the employer in the 12 months immediately before the date of application and details of the remuneration package the employee receives.

### **Additional business requirements for a Media Representative on the Representative of an Overseas Business route**

ROB 9.1. Where the applicant is applying as a Media Representative on the Representative of Overseas Business route, the applicant must meet the additional business requirements in ROB 9.2. and ROB 9.3.

ROB 9.2. The applicant must be an employee of an overseas newspaper, news agency or broadcasting organisation undertaking a long-term assignment as a representative of their overseas employer.

ROB 9.3. Where the applicant is applying for permission to stay and has, or was last granted, permission as a Media Representative, the applicant must meet all the following:

(a) the applicant must be engaged in full time employment for which their last period of permission was granted and be required by their employer to continue in that role; and

(b) the applicant must provide the following:

(i) a letter from the applicant's employer confirming that the applicant is required to continue in their employment; and

(ii) evidence of the applicant's salary paid in the 12 months immediately before the date of application and details of the remuneration package the employee receives.

### **Decision on application as Representative of an Overseas Business**

ROB 10.1. If the decision maker is satisfied that all the suitability and relevant eligibility requirements are met as a Representative of an Overseas Business the application will be granted, otherwise the application will be refused.

ROB 10.2. If the application is refused, a person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant**

ROB 11.1. If the applicant is applying for entry clearance under the Representative of an Overseas Business routes or is applying for permission to stay and does not have, or did not last have, permission on the Representative of an Overseas Business route they will be granted permission for a period not exceeding 3 years.

ROB 11.2. If the applicant has or last had, permission under the Representative of an Overseas Business route, they will be granted permission for a period not exceeding 2 years.

ROB 11.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work permitted other than working for the overseas business which the applicant represents; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

### **Settlement as a Representative of an Overseas Business Route**

#### **Validity requirements for Settlement by a Representative of an Overseas Business**

ROB 12.1. A person applying for settlement as a Representative of an Overseas Business must apply online on the gov.uk website on the specified form, "Settle in the UK in various immigration categories: form SET(O)".

ROB 12.2. An application for settlement as a Representative of an Overseas Business must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and



- (c) the applicant must have provided a valid passport or other travel document which satisfactorily establishes their identity and nationality.

ROB 12.3. The applicant must be in the UK and have, or have last been granted, permission as a Representative of an Overseas Business.

ROB 12.4. An application which does not meet the validity requirements for settlement as a Representative of an Overseas Business is invalid and may be rejected and not considered.

### **Suitability requirements for settlement by a Representative of an Overseas Business**

ROB 13.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

ROB 13.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement by a Representative of an Overseas Business**

#### **Qualifying period requirement for settlement by a Representative of an Overseas Business**

ROB 14.1. The applicant must have spent the last 5 years before the date of application in the UK with permission as a Representative of an Overseas Business.

#### **Continuous residence requirement for settlement by a Representative of an Overseas Business**

ROB 15.1. The applicant must meet the continuous resident requirement in Appendix Continuous Residence during the period in ROB 14.1.

#### **Work requirement for settlement by a Representative of an Overseas Business**

ROB 16.1. The applicant's employer must confirm that they still require the applicant to work for them, that the applicant has been, and will continue to be, paid the appropriate salary, and that the applicant will be required for the foreseeable future.

### **English language requirement for settlement by a Representative of an Overseas Business**

ROB 17.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

ROB 17.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of language and life in the UK requirement for settlement by a Representative of an Overseas Business**

ROB 18.1. The applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

### **Decision on an application for settlement as a Representative of an Overseas Business Route**

ROB 19.1. If the decision maker is satisfied all the suitability and relevant eligibility requirements are met for settlement by a Representative of an Overseas Business, the applicant will be granted settlement, otherwise the application will be refused.

ROB 19.2. If the application is refused, a person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Dependants of Representatives of Overseas Businesses**

#### **Validity requirements for a dependent partner or dependent child of a Representative of an Overseas Business**

ROB.20.1. A person applying for entry clearance or permission to stay as a partner or child on the Representative of an Overseas Business route must apply online on the gov.uk website on the specified form as follows:

(a) for entry clearance, “Join or accompany a family member” on the “Find and apply for other visas from outside the UK” form; or

(b) for permission to stay, “Application to extend stay in the UK: FLR(IR)”.

ROB 20.2. An application for entry clearance or permission to stay as a partner or child on the Representative of an Overseas Business route must meet all the following requirements:

(a) any fee and Immigration Health Charge must have been paid; and

(b) the applicant must have provided any required biometrics; and

(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

ROB 20.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

ROB 20.4. A person applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

(a) as a Visitor; or

(b) as a Short-term student; or

(c) as a Parent of a Child Student; or

(d) as a Seasonal worker; or

(e) as a Domestic worker in a private household: or

(f) outside the Immigration Rules.

ROB 20.5. An application which does not meet all the validity requirements for a partner or child on the Representative of an Overseas Business route is invalid and may be rejected and not considered.

### **Suitability requirements for a partner or child on the Representative of an Overseas Business route**

ROB 21.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

ROB 21.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

## **Eligibility requirements for a partner or child on the Representative of an Overseas Business route**

### **Entry requirement for a partner or child on the Representative of an Overseas Business route**

ROB 22.1. A person seeking to come to the UK as a partner or child must apply for and obtain an entry clearance as a partner or child before they arrive in the UK.

ROB 22.2. A person applying for entry clearance as a partner or child on the Representative of an Overseas Business route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a partner of a Representative of an Overseas Business route**

ROB 23.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the Representative of an Overseas Business route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Representative of an Overseas Business route; or
- (c) P is settled or has become a British citizen, providing they had permission on a Representative of an Overseas Business route when they settled and the applicant had permission as their partner at that time.

ROB 23.2. If the applicant and the Representative of an Overseas Business are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the Representative of an Overseas Business with another person must have permanently broken down; and

- (c) the applicant and the Representative of an Overseas Business must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

ROB 23.3. The relationship between the applicant and the Representative of an Overseas Business must be genuine and subsisting.

ROB 23.4. The applicant and the Representative of an Overseas Business must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the Representative of an Overseas Business route**

ROB 24.1. The applicant must be the child of a person (P) and one of the following must apply:

- (a) P has permission on the Representative of an Overseas Business route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Representative of an Overseas Business route; or
- (c) P is settled or has become a British citizen, providing P previously had permission on the Representative of an Overseas Business route and the applicant had permission as P's child at that time.

ROB 24.2. The applicant's parents must each be either applying for at the same time as the applicant or have permission (other than as a visitor) unless:

- (a) the parent with permission on the Representative of an Overseas Business route is the sole surviving parent; or
- (b) the parent with permission on the Representative of an Overseas Business route has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Representative of an Overseas Business route.

### **Care requirement for a dependent child on the Representative of an Overseas Business route**

ROB 25.1. If the child is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child on the Representative of an Overseas Business route**

ROB 26.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

ROB 26.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **Financial requirement for a partner or child on the Representative of an Overseas Business route**

ROB 27.1. The decision maker must be satisfied that the applicant or the Representative of an Overseas Business can and will adequately maintain and accommodate the applicant, and any other dependants in the UK, or applying for entry clearance, without recourse to public funds.

ROB 27.2. Funds must be shown as specified in Appendix Finance.

### **Overseas business requirement for a partner or child on the Representative of an Overseas Business route**

ROB 28.1. If the person (P) in ROB 23.1. is a Sole Representative, the applicant must not have a majority stake in, or otherwise own or control a majority of the overseas business P represents, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement.

### **Decision on application for a dependent partner and dependent child on the Representative of an Overseas Business route**

ROB 29.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the Representative of an Overseas Business route the application will be granted, otherwise the application will be refused.

ROB 29.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child on the Representative of an Overseas Business route**

ROB 30.1. A partner will be granted:

- (a) permission which ends on the same date as the permission as the Representative of an Overseas Business; or
- (b) 2 years' permission if the Representative of an Overseas Business was (or is being) granted settlement as a Representative of an Overseas Business.

ROB 30.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 30 months.

ROB 30.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

### **Settlement by dependent partner and dependent child on the Representative of an Overseas Business route**

#### **Validity requirements for settlement by a dependent partner or dependent child on the Representative of an Overseas Business route**

ROB 31.1. A partner or child on the Representative of an Overseas Business route who is applying for settlement must apply online on the gov.uk website on the specified form "Settle in the UK in various immigration categories: form SET(O)".

ROB 31.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

ROB 31.3. The applicant must have, or have last been granted, permission as a partner or child on the Representative of an Overseas Business route.

ROB 31.4. An application which does not meet all the validity requirements for settlement as a partner or child on the Representative of an Overseas Business route is invalid and may be rejected and not considered.

### **Suitability Requirements for settlement by a dependent partner and dependent child on the Representative of an Overseas Business route**

ROB 32.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

ROB 32.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement by a dependent partner or dependent child on the Representative of an Overseas Business route**

### **Relationship requirement for settlement by a partner or child on the Representative of an Overseas Business route**

ROB 33.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the Representative of an Overseas Business route; or



- (b) P is settled or has become a British citizen, providing P had permission on the Representative of an Overseas Business route when they settled and the applicant had permission as P's partner or child at that time.

ROB 33.2. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in ROB 33.1. is the applicant's sole surviving parent; or
- (b) the person (P) in ROB 33.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

### **Care requirement for settlement by a child on the Representative of an Overseas Business route**

ROB 34.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for settlement by a child on the Representative of an Overseas Business route**

ROB 35.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

ROB 35.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **English language requirement for settlement by a partner or child on the Representative of an Overseas Business route**

ROB 36.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

ROB 36.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of life in the UK requirement for settlement by a partner or child on the Representative of an Overseas Business route**

ROB 37.1. If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### **Decision on an application for settlement by a partner or child on the Representative of an Overseas Business route**

ROB 38.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the Representative of an Overseas Business route, the applicant will be granted settlement, otherwise the application will be refused.

ROB 38.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix UK Ancestry

The UK Ancestry route is for a Commonwealth citizen aged 17 or over who wants to live and work in the UK and who has a grandparent who was born in the UK or Islands.

A dependent partner and dependent children can apply under this route.

UK Ancestry is a route to settlement.

### Validity requirements for UK Ancestry

UKA 1.1. A person applying for entry clearance or permission to stay on the UK Ancestry route must apply online on the gov.uk website on the specified form as follows:

- (a) for entry clearance, form “UK Ancestry, Right of Abode or Returning Residents visa”; or
- (b) for permission to stay, form “Application to extend stay in the UK: FLR(IR)”.

UKA 1.2. An application for entry clearance or permission to stay on the UK Ancestry route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

UKA 1.3. The applicant must be a Commonwealth citizen.

UKA 1.4. If applying for entry clearance, the applicant must be aged 17 or over on the date of their intended arrival in the UK.

UKA 1.5. An applicant who is in the UK on the date of application must have previously been granted permission on the UK Ancestry route as a person with UK Ancestry.

UKA 1.6. An application which does not meet all the validity requirements for the UK Ancestry route is invalid and may be rejected and not considered.

### Suitability requirements for UK Ancestry

UKA 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

UKA 2.2. If applying for permission to stay, the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that

period of overstaying will be disregarded; or  
(b) on immigration bail.

## Eligibility requirements for UK Ancestry

### Entry requirements for UK Ancestry

UKA 3.1. A person seeking to come to the UK on the UK Ancestry route must apply for and obtain entry clearance on the UK Ancestry route before they arrive in the UK.

UKA 3.2. A person applying for entry clearance on the UK Ancestry route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### Grandparent born in the UK and Islands requirement

UKA 4.1. The applicant must have a grandparent born in the UK or Islands.

### Financial requirement for UK Ancestry

UKA 5.1. The decision maker must be satisfied that the applicant can and will adequately maintain and accommodate themselves, and any dependants in the UK, or applying for entry clearance, without recourse to public funds.

UKA 5.2. Funds must be shown as specified in Appendix Finance.

UKA 5.3. In assessing whether the applicant meets the financial requirement in UKA 5.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

### Work requirement for UK Ancestry

UKA 6.1. The applicant must be able to work and intend to seek and take employment in the UK.

### Parental consent requirement for UK Ancestry applicant aged under 18

UKA 7.1. If the applicant is aged under 18 on the date of application, they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

UKA 7.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

## Decision on an application for UK Ancestry

UKA 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for UK Ancestry, the application will be granted, otherwise the application will be refused.

UKA 8.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **Period and conditions of grant on the UK Ancestry route**

UKA 9.1. The applicant will be granted permission for 5 years.

UKA 9.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted (including self-employment); and
- (c) voluntary work is permitted; and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies the applicant will be required to register with the police.

## **Settlement on the UK Ancestry route**

### **Validity requirements for settlement on the UK Ancestry route**

UKA 10.1. A person on the UK Ancestry route who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

UKA 10.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

UKA 10.3. The applicant must be a Commonwealth citizen on the date of application.

UKA 10.4. An application which does not meet all the validity requirements for settlement on the UK Ancestry route is invalid and may be rejected and not considered.

### **Suitability Requirements for settlement on the UK Ancestry route**

UKA 11.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

UKA 11.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

## **Eligibility requirements for settlement on the UK Ancestry route**

UKA 12.1. The applicant must continue to meet the eligibility requirements of UKA 4.1 to UKA 6.1.

## **Qualifying period requirement for settlement on the UK Ancestry route**

UKA 13.1. The applicant must have spent 5 years in the UK with permission on the UK Ancestry route as a person with UK Ancestry.

## **Continuous residence requirement for settlement on the UK Ancestry route**

UKA 14.1. The applicant must meet the continuous residence requirement in Appendix Continuous Residence during the period in UKA 13.1.

## **English language requirement for settlement on the UK Ancestry route**

UKA 15.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

UKA 15.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

## **Knowledge of life in the UK requirement for settlement on the UK Ancestry route**

UKA 16.1. The applicant must meet the knowledge of Life in the UK requirement as specified in Appendix KOL UK.

## **Decision on an application for settlement on the UK Ancestry route**

UKA 17.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement on the UK Ancestry route, the applicant will be granted settlement, otherwise the application will be refused.

UKA 17.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **Dependants of a person with UK Ancestry**

## **Validity requirements for a dependent partner or dependent child on the UK Ancestry route**

UKA 18.1. A person applying for entry clearance or permission to stay as a

dependent partner or dependent child on the UK Ancestry route must apply online on the gov.uk website on the specified form as follows:

- (a) for entry clearance, “Join or accompany a family member” on the “Find and apply for other visas from outside the UK” form; or
- (b) for permission to stay, form “Application to extend stay in the UK: FLR(IR)”.

UKA 18.2. An application for entry clearance or permission to stay as a dependent partner or dependent child on the UK Ancestry route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

UKA 18.3. An applicant who is applying for permission to stay must be in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

UKA 18.4. An application which does not meet the validity requirements for a partner or child on the UK Ancestry route is invalid and may be rejected and not considered.

## **Suitability requirements for a dependent partner or dependent child on the UK Ancestry route**

UKA 19.1. The suitability requirements for a dependent partner or dependent child on the UK Ancestry route are that they must not fall for refusal under Part 9: grounds for refusal.

UKA 19.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a dependent partner or dependent child on the UK Ancestry route**

### **Entry requirement for a dependent partner or dependent child on the UK Ancestry route**

UKA 20.1. A person seeking to come to the UK as a partner or child must apply for and obtain an entry clearance as a partner or child before they arrive in the UK.

UKA 20.2. A person applying for entry clearance as a partner or child on the UK Ancestry route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a partner on the UK Ancestry route**

UKA 21.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the UK Ancestry route; or
- (b) P is, at the same time, applying for (and is granted) permission on the UK Ancestry route; or
- (c) if the applicant is applying for permission to stay, P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 21.2. If the applicant and the person with UK Ancestry are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or of the person with UK Ancestry with another person must have permanently broken down; and
- (c) the applicant and the person with UK Ancestry must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

UKA 21.3. The relationship between the applicant and the person with UK Ancestry must be genuine and subsisting.

UKA 21.4. The applicant and the person with UK Ancestry must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the UK Ancestry route**

UKA 22.1. The applicant must be the child of a person (P) and one of the following must apply:

- (a) P has permission on the UK Ancestry route; or
- (b) P is, at the same time, applying for (and is granted) permission on the UK Ancestry route; or
- (c) if the applicant is applying for permission to stay, P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 22.2. The applicant's parents must both be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent with permission on the UK Ancestry route is the sole surviving parent; or



- (b) the parent with permission on the UK Ancestry route has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the UK Ancestry route.

### **Care requirement for a dependent child on the UK Ancestry route**

UKA 23.1. If the child is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for a dependent child on the UK Ancestry route**

UKA 24.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

UKA 24.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **Financial requirement for a partner or child on the UK Ancestry route**

UKA 25.1. The decision maker must be satisfied that there will be adequate maintenance and accommodation for the applicant, the person with UK Ancestry, and any other dependants in the UK, without recourse to public funds.

UKA 25.2. Funds must be shown as specified in Appendix Finance.

UKA 25.3. In assessing whether the applicant meets the financial requirement in UKA 25.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

### **Decision on an application for a dependent partner and dependent child on the UK Ancestry route**

UKA 26.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the UK Ancestry route, the application will be granted, otherwise the application will be refused.

UKA 26.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child on the UK Ancestry route**

UKA 27.1. Unless UKA 27.2 applies, the applicant will be granted permission which ends on the same date as the person with UK Ancestry.

UKA 27.2. If the application is for permission to stay, and the person with UK Ancestry is being, or has been, granted settlement on the UK Ancestry route, or has

become a British Citizen having previously had permission on the UK Ancestry route, the applicant will be granted permission to stay for 30 months.

UKA 27.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

## **Settlement by a dependent partner and dependent child on the UK Ancestry route**

### **Validity requirements for settlement by a dependent partner or dependent child on the UK Ancestry route**

UKA 28.1. A partner or child on the UK Ancestry route who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

UKA 28.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

UKA 28.3. The applicant must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

UKA 28.4. An application which does not meet all the validity requirements for settlement as a partner or child on the UK Ancestry route is invalid and may be rejected and not considered.

### **Suitability requirements for settlement by a dependent partner and dependent child on the UK Ancestry route**

UKA 29.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

UKA 29.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or

(b) on immigration bail.

## **Eligibility requirements for settlement by a dependent partner or dependent child on the UK Ancestry route**

### **Relationship requirement for settlement by a partner or child on the UK Ancestry route**

UKA 30.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the UK Ancestry route; or
- (b) P is settled or has become a British citizen, providing P had permission on the UK Ancestry route when they settled.

UKA 30.2. If applying as a partner, and the applicant and the person with UK Ancestry are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or of the person with UK Ancestry with another person must have permanently broken down; and
- (c) the applicant and the person with UK Ancestry must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

UKA 30.3. The relationship between the applicant and the person with UK Ancestry must be genuine and subsisting.

UKA 30.4. The applicant and the person with UK Ancestry must intend to live together throughout the applicant's stay in the UK.

UKA 30.5. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in UKA 30.1. is the applicant's sole surviving parent; or
- (b) the person (P) in UKA 30.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

### **Care requirement for settlement by a child on the UK Ancestry route**

UKA 31.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

### **Age requirement for settlement by a child on the UK Ancestry route**

UKA 32.1. The child must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

UKA 32.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

### **Financial requirement for settlement for a partner or child on the UK Ancestry route**

UKA 33.1. The decision maker must be satisfied that there will be adequate maintenance and accommodation for the applicant, the person with UK Ancestry, and any other dependants in the UK, without recourse to public funds.

UKA 33.2. Funds must be shown as specified in Appendix Finance.

UKA 33.3. In assessing whether the applicant meets the financial requirement in UKA 33.1, the decision maker may take into account credible promises of financial support from a third party, such as a relative or friend of the applicant.

### **English language requirement for settlement by a partner or child on the UK Ancestry route**

UKA 34.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening of at least level B1.

UKA 34.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of life in the UK requirement for settlement by a partner or child on the UK Ancestry route**

UKA 35.1 If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### **Decision on an application for settlement by a partner or child on the UK Ancestry route**

UKA 36.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the UK Ancestry route the applicant will be granted settlement, otherwise the application will be refused.

UKA 36.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix Global Talent

The Global Talent route is for people aged 18 or over in the field of science, engineering, humanities, medicine, digital technology or arts and culture who can show they have exceptional talent or exceptional promise.

There is a two-part application process. The first part is an application for endorsement (guidance on the relevant evidence and its format is set out from time to time by the Secretary of State on [gov.uk/global talent](http://gov.uk/global_talent)); the second part is an application for entry clearance or permission to stay.

A person can make the application for endorsement before making the application for permission, or they can make both applications at the same time.

A dependent partner and dependent children can apply under this route.

Global Talent is a route to settlement.

### **Part 1- Global Talent Endorsement application**

#### **Validity requirements for a Global Talent Endorsement application**

GTE 1.1. A person applying for Global Talent endorsement must apply on the specified form as follows:

- (a) all applicants must apply on “Apply for Global Talent endorsement - stage 1” online on the [gov.uk](http://gov.uk) website; and
- (b) applicants for endorsement by Tech Nation must also complete the additional form found on the Tech Nation website:  
<http://technation.io/visa/apply>.

GTE 1.2. An application for Global Talent endorsement must meet both the following requirements:

- (a) the endorsement application fee must have been paid; and
- (b) the application must be for endorsement by an endorsing body in the field relevant to the applicant.

GTE 1.3. An application which does not meet all of the validity requirements for a Global Talent endorsement is invalid and may be rejected and not considered.

#### **Eligibility requirements for a Global Talent Endorsement application**

GTE 2.1. An application for endorsement must be made under one of the fields below and must meet the endorsement requirements for that field.

#### **Arts and Culture endorsement**

### **Arts and Culture field track record requirements**

GTE 3.1. An applicant for endorsement in the field of Arts and Culture must:

- (a) be professionally engaged in producing outstanding performed, presented, distributed or internationally exhibited work; and
- (b) show regular professional engagement in their field in the last 5 years; and
- (c) show either a substantial track record in more than 1 country if evidencing exceptional talent, or a developing track record in 1 or more countries if evidencing exceptional promise.

### **Arts and Culture field track record evidential requirements**

GTE 3.2. An applicant must provide 3 letters of recommendation of which:

- (a) 2 must be from well-established organisations acknowledged as experts in the applicant's field, and at least one of the organisations must be based in the UK; and
- (b) the third must be from another well-established organisation, or an individual, with recognised expertise in the applicant's field.

GTE 3.3. An applicant who is evidencing exceptional talent in their field must provide at least two of the following:

- (a) evidence from at least 2 countries (which can include their country of residence) of 2 or more examples of significant media recognition for their individual work; or
- (b) evidence of winning, or significantly contributing to winning, an international award for excellence; or
- (c) evidence from at least 2 countries (which can include their country of residence) of proof of appearances, performances, publications or exhibitions considered internationally significant in their field, or evidence of extensive international distribution and audiences for the applicant's work.

GTE 3.4. An applicant who is evidencing exceptional promise in their field must provide at least 2 of the following:

- (a) evidence from at least 1 country (which can include their country of residence) of at least 2 examples of recent media recognition for their individual work or their work as a contributor; or
- (b) evidence of winning, or significantly contributing to winning, or significantly contributing to being nominated or shortlisted for, or being nominated or shortlisted for, an international award for excellence; or
- (c) evidence from at least 1 country (which can include their country of residence) of proof of appearances, performances, publications or exhibitions recognised in their field, or evidence of international distribution and audiences for the applicant's work.

### **Architecture endorsement**

#### **Architecture field track record requirement**

GTE 4.1. An applicant for endorsement in the field of Architecture must:

- (a) be professionally engaged in producing outstanding presented, published or internationally exhibited work; and
- (b) show regular professional engagement in their field in the last 5 years; and
- (c) show a substantial track record in more than 1 country if evidencing exceptional talent or show a developing track record in 1 or more countries if evidencing exceptional promise.

#### **Architecture field track record evidential requirements**

GTE 4.2. An applicant must provide 3 letters of recommendation of which:

- (a) 2 must be from well-established organisations acknowledged as experts in the applicant's field, and at least 1 of the organisations must be based in the UK; and
- (b) the third must be from another well-established organisation, or an individual, with recognised expertise in the applicant's field.

GTE 4.3. An applicant who is evidencing exceptional talent in their field must provide at least 2 of the following:

- (a) evidence of winning, or significantly contributing to winning, an international award for excellence; or
- (b) evidence from at least 2 countries (which can include their country of residence) of a minimum of 2 examples of significant media recognition for their individual work; or
- (c) evidence from at least 2 countries (which can include their country of residence) of a minimum of 2 examples of publications or exhibitions considered internationally significant in the applicant's field.

GTE 4.4. An applicant who is evidencing exceptional promise in their field must provide at least 2 of the following:

- (a) evidence of winning, significantly contributing to winning, or being nominated or shortlisted for, an international award for excellence in the last 5 years; or
- (b) evidence from at least 1 country (which can include their country of residence) of a minimum of 2 examples of recent media recognition for their individual work or their work as a contributor; or
- (c) evidence from at least 1 country (which can include their country of residence) of a minimum of 2 examples of publications or exhibitions in the last 3 years considered internationally significant in the applicant's field.

#### **Fashion Design Industry endorsement**

##### **Fashion Design Industry field track record requirement**

GTE 5.1. An applicant for endorsement in the field of fashion design must:

- (a) have a leading design role in the fashion business; and
- (b) show regular professional engagement in the fashion design industry in the last 5 years; and
- (c) if evidencing exceptional talent, show professional engagement in producing outstanding work that has been sold or exhibited internationally through catwalk or other exhibitions and a substantial track record in more

- than 1 country; and
- (d) if evidencing exceptional promise, show a developing track record in 1 or more countries and professional engagement in producing outstanding work that has been recognised by leading industry players.

### **Fashion Design Industry field track record evidential requirements**

GTE 5.2. An applicant must provide 3 letters of recommendation from established organisations with nationally or internationally recognised expertise in fashion and, where an applicant is evidencing exceptional talent, at least 1 letter must be from an organisation based in the UK.

GTE 5.3. An applicant who is evidencing exceptional talent in the fashion design industry field must provide at least 2 of the following:

- (a) evidence of winning, or significantly contributing to winning, an international award for excellence; or
- (b) evidence from at least 2 countries (which can include their country of residence) of a minimum of 2 examples of significant media recognition for their individual work; or
- (c) evidence of catwalk shows, presentations or exhibitions considered internationally significant in the fashion design industry; or
- (d) evidence of extensive distribution and sales of the applicant's collections via internationally renowned retailers, the applicant's retail outlet or their ecommerce platform.

GTE 5.4. An applicant who is evidencing exceptional promise in the fashion design industry must provide at least 2 of the following:

- (a) at least 2 examples of recent UK or international media recognition for their individual work; or
- (b) evidence of support and sponsorship through one of the following:
  - (i) British Fashion Council support schemes; or
  - (ii) Fashion East support scheme; or
  - (iii) The Sarabande Foundation; or
  - (iv) The Centre of Fashion Enterprise; or
  - (v) an international counterpart of the British Fashion Council; or
- (c) evidence of at least 1 order placed by a luxury retailer or boutique; or
- (d) evidence of recognition by leading industry players of an exceptional graduating collection.

### **Film and Television endorsement**

#### **Film and Television field track record requirement**

GTE 6.1. An applicant for an exceptional talent endorsement in the field of Film and Television must show 1 of the following:

- (a) that they have won at any time a "Main Award" which means:
  - (i) an Academy Award; or
  - (ii) a British Academy of Film and Television Arts (BAFTA) (film, television, television craft, Cymru, Scotland, Games awards only); or
  - (iii) a Golden Globe; or



- (iv) an Emmy Award; or
- (b) in the last 10 years they have been nominated for, or made a significant contribution to winning, or being nominated for any of the Main Awards; or
- (c) in the last 15 years, they have achieved a minimum of 2 nominations for the Main Awards; or
- (d) they have notable industry recognition through achieving international sales and a specified combination of awards from Pact's Notable Industry List as set out in <https://www.pact.co.uk/services/global-talent-notable-awards-list.html>.

#### **Film and Television field track record evidential requirements**

GTE 6.2. An applicant must provide 3 letters of recommendation of which:

- (a) 2 must be from well-established organisations acknowledged as experts in the film and television industry, at least 1 of these must be from an organisation based in the UK; and
- (b) 1 must be from another well-established organisation or from an individual with recognised expertise in the film or television industry.

#### **Digital Technology endorsement**

##### **Digital Technology field track record requirement**

GTE 7.1. An applicant for endorsement in the field of digital technology must show:

- (a) if they are a technical applicant, that they have proven technical expertise with the latest technologies in building, using, deploying or exploiting a technology stack and building technical infrastructure; or
- (b) if they are a business applicant, that they have proven commercial investment or product expertise in building digital products or leading investments in significant digital product businesses.

##### **Digital Technology track record evidential requirements**

GTE 7.2. The applicant must provide all of the following with the Tech Nation online application form:

- (a) a CV with career and publication history included; and
- (b) 3 dated letters of recommendation from 3 different well-established organisations acknowledged as experts in the digital technology field.

GTE 7.3. An applicant evidencing exceptional talent must:

- (a) show that they have been recognised as a leading talent in the digital technology sector; and
- (b) provide evidence of 2 of the following:
  - (i) a proven track record for innovation as a founder or senior executive of a product-led digital technology company or as an employee working on a new digital field or concept; or
  - (ii) proof of recognition for work beyond the applicant's occupation that contributes to the advancement of the field; or
  - (iii) they have made significant technical, commercial or entrepreneurial contributions to the field as a founder, senior executive or employee

- of a product-led digital technology company; or
- (iv) they have demonstrated exceptional ability in the field by academic contributions, through research published or endorsed by an expert.

GTE 7.4. An applicant evidencing exceptional promise must:

- (a) show they have been recognised as having potential to be a leading talent in the digital technology field; and
- (b) provide evidence of at least 2 of the following:
  - (i) at least 2 examples of innovation as a founder of a product led digital technology company or as an employee working on a new digital field or concept; or
  - (ii) proof of recognition for work beyond the applicant's occupation that contributes to the advancement of the field; or
  - (iii) they have made significant technical, commercial or entrepreneurial contributions to the field as a founder or employee of a product-led digital technology company; or
  - (iv) at least 2 examples of exceptional ability in the field by academic contributions, or through research endorsed by an expert.

GTE 7.5. An applicant must provide evidence of any commercially successful established businesses, share ownership or businesses dissolved in the last 5 years where the applicant has been a founder or senior executive.

### **Science, engineering, humanities and medicine fields endorsement**

#### **Science, engineering, humanities and medicine fields track record requirement**

GTE 8.1. An applicant for endorsement in the field of science, engineering, humanities and medicine must be an active researcher in an academic, industry or government research institution.

#### **Fast track endorsement**

GTE 8.2. An applicant applying for endorsement on the fast track must provide evidence of one of the following:

- (a) that they hold, or have held in the 12 months before the date of application, a peer reviewed research fellowship or award named on the list published by the Royal Society, the Royal Academy of Engineering and the British Academy; or
- (b) that they have been appointed to an academic or research position at an approved UK Higher Education Institution or research institute named on the list published by the Royal Society, the Royal Academy of Engineering and the British Academy; or
- (c) that they will be hosted or employed in a UK research organisation named on the UKRI published list and will provide critical contributions to work supported by a substantial research grant or award from an endorsed funder named on the UKRI published list.

GTE 8.3. An applicant applying on the fast track under GTE 8.2.(b) must have

accepted the offer for the position at the approved institution or institute, where they must:

- (a) have responsibility for academic, research or innovation leadership and development; or
- (b) direct or lead an individual or team in:
  - (i) a research project or programme of work; or
  - (ii) an innovation project or a programme of work.

GTE 8.4. An applicant applying for endorsement on the fast track under GTE 8.2.(c) must either:

- (a) direct independently, or under the supervision of a Principle Investigator, a unique research or innovation project and meet all the following requirements:
  - (i) they must have a PhD qualification or equivalent research experience (including industrial or clinical research); and
  - (ii) they must actively participate in a relevant field in a University, research institute or industry; and
  - (iii) they must have their name or post listed on the grant or award as the Principle or co-investigator, Researcher Co-investigator, Post-doctoral researcher or Research Assistant, or an equivalent position acceptable to UKRI; or
- (b) make critical contributions to research by providing core technical or domain excellence or in developing new technologies and methodologies and meet both the following requirements:
  - (i) they must have a UK bachelor's degree or equivalent overseas research degree or equivalent research experience (including industrial or clinical research); and
  - (ii) they must have research experience within a University, Research Institute or Industry.

#### **Fast Track endorsement - evidential requirements**

GTE 8.5. An applicant on the fast track applying under GTE 8.2.(a) must provide written confirmation from an awarding body named on the list published by the Royal Society, the Royal Academy of Engineering and the British Academy that they hold, or have held in the last 12 months, an eligible peer reviewed fellowship or award.

GTE 8.6. An applicant on the fast track applying under GTE 8.2.(b) must hold an eligible academic or research position at an approved UK Higher Education Institution or Research Institute named on the list published by the Royal Society, the Royal Academy of Engineering and the British Academy and they must provide a statement of guarantee from the Director of Human Resources, or equivalent, which confirms:

- (a) the job was advertised and an open competition was held, or where it was not, an explanation as to why; and
- (b) the applicant has accepted the job offer; and
- (c) the job title and department in which the applicant will be based; and
- (d) at least 2 references were received; and

- (e) at least 3 academic representatives from the employing institution were on the interview panel; and
- (f) at least 1 expert in the applicant's field was on the interview panel, or at least 1 relevant expert, independent of the employing institution, was consulted before the job offer was made.

GTE 8.7. An applicant on the fast track applying under GTE 8.2.(c) must show that there are at least 2 years remaining on their employment contract or hosting agreement and that they will be hosted or employed by a UKRI-approved UK research organisation and will provide critical contributions to work supported by a substantial research grant or award from an endorsed funder by:

- (a) providing written confirmation of the award from the endorsed funder which shows the award is worth at least £30,000 and covers a minimum of 2 years; and
- (b) confirming that the award is either;
  - (i) funded by a one-off grant or award that has been won in open competition; or
  - (ii) attributed to a large institutional, renewable award that is subject to periodic peer review; and
- (c) providing a declaration from the Director of Human Resources, or equivalent, at the UKRI-approved research organisation, which confirms all the following:
  - (i) the applicant is essential to the execution of the grant or award; and
  - (ii) at least 50% of the applicant's time will be spent working on the grant or award by the endorsed funder (Principal investigators and co-investigators can aggregate time spent on multiple eligible awards or grants to demonstrate this requirement); and
  - (iii) the applicant has accepted the job offer or hosting agreement; and
  - (iv) the job title and department in which the applicant will be based; and
  - (v) details of the robust recruitment process where the applicant was not named on the grant application.

#### **Full peer review endorsement**

GTE 8.8. An applicant evidencing exceptional talent under full peer review endorsement must:

- (a) be an active researcher in a relevant field, typically in a university, research institute or in industry; and
- (b) have a PhD or equivalent research experience (including industrial or clinical research); and
- (c) meet 1 of the following requirements:
  - (i) they must be a member of their national academy or a foreign member of an academy of another country; or
  - (ii) they must have been awarded a prestigious internationally recognised prize; or
  - (iii) they must provide a letter of recommendation from a senior member of a reputable UK organisation concerned with research in the applicant's field.

GTE 8.9. An applicant evidencing exceptional promise under full peer review endorsement must:

- (a) be an active researcher in a relevant field, typically in a university, research institute or in industry; and
- (b) have a PhD or equivalent research experience (including industrial or clinical research); and
- (c) be at an early stage in their career; and
- (d) have been awarded, or have held in the last 5 years, a prestigious UK based research fellowship, an international fellowship or an advanced post judged by the endorsing body to be equivalent to such a fellowship.

**Full peer review endorsement evidential requirements**

GTE 8.10. A full peer review endorsement applicant must:

- (a) provide a CV which sets out their career and publication history; and
- (b) provide a letter of personal recommendation from an eminent person resident in the UK supporting the Global Talent application which includes all of the following:
  - (i) how the author knows the applicant; and
  - (ii) the applicant’s achievements in the relevant field; and
  - (iii) how the author considers the applicant shows exceptional talent or promise; and
  - (iv) the contribution the applicant would make to UK research excellence and wider society.

**Part 2- Application for entry clearance or permission on the Global Talent Route**

**Validity Requirements for Global Talent route**

GT 1.1. A person applying for entry clearance or permission to stay on the Global Talent route must apply online on the specified form on gov.uk website as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either: <ul style="list-style-type: none"> <li>• Global Talent using the UK Immigration: ID Check app (when available); or</li> <li>• the forms listed below for applicants outside or inside the UK (as relevant)</li> </ul>
Applicants outside the UK	Global Talent visa – stage 2
Applicants inside the UK	Global Talent permission to stay – stage 2

GT 1.2. An application for entry clearance or permission to stay on the Global Talent route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and

- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have been issued with an endorsement letter by a Home Office approved endorsing body; and
- (e) if applying for the first grant of entry clearance or permission to stay on the Global Talent route, the date of application must be no more than 3 months after the date on the endorsement letter; and
- (f) the endorsement must not have been withdrawn.

GT 1.3. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GT 1.4. The applicant must be aged 18 or over on the date of application.

GT 1.5. A person applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

GT 1.6. An application which does not meet all the validity requirements for the Global Talent route is invalid and may be rejected and not considered.

### **Suitability Requirements for Global Talent route**

GT 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GT 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility Requirements for Global Talent route**

#### **Entry requirements for Global Talent route**

GT 3.1. A person seeking to come to the UK on the Global Talent route must apply for and obtain entry clearance on the Global Talent route before their arrival in the UK.

GT 3.2. A person applying for entry clearance on the Global Talent route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary

tuberculosis and that this tuberculosis is not present in them.

**Points requirement for Global Talent route**

GT 4.1. An applicant applying for entry clearance or permission to stay must be awarded 70 points based on the table below.

Requirement	Points available
An applicant making an initial application: <ul style="list-style-type: none"> <li>• has been issued with an endorsement letter by an endorsing body; and</li> <li>• the date of application is no more than 3 months after the date on the endorsement letter; and</li> <li>• the endorsement has not been withdrawn by the endorsing body.</li> </ul>	70
An applicant applying for an extension of their permission: <ul style="list-style-type: none"> <li>• has not had their endorsement withdrawn by the endorsing body; and</li> <li>• has met the earned money requirement.</li> </ul>	70
Total number of points required in each case	70

**Points for initial application on the Global Talent route**

GT 4.2. The applicant must meet both of the following requirements:

- (a) the endorsement issued by the endorsing body must not have been withdrawn; and
- (b) the endorsing body must continue to be approved by the Home Office on the date of decision.

GT 4.3. If the requirements in GT 4.2. are met 70 points will be awarded for an initial application on the Global Talent route.

**Points for extension of stay on the Global Talent route**

GT 5.1. An applicant who has, or last had, permission on the Global Talent route and is applying for an extension of permission must met the following requirements:

- (a) the endorsement letter issued by a Home Office approved endorsing body must not have been withdrawn; and
- (b) the endorsing body must continue to be approved by the Home Office on the date of decision; and
- (c) the applicant must have earned money in the UK during their last period of permission in the field in which they were previously endorsed in the Global Talent route.

GT 5.2. An applicant who has held Global Talent permission in the 12 months immediately before the date of application will be considered under the extension of permission requirements in GT 5.1.

GT 5.3. If the requirements in GT 5.1. are met 70 points will be awarded for an application for an extension of stay on the Global Talent route.

**Decision on Global Talent route**

GT 6.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Global Talent route are met the application will be granted, otherwise the application will be refused.

GT 6.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant on Global Talent route**

GT 7.1. Permission will be granted for the period of years the applicant requests, up to a maximum of 5 years on each application.

GT 7.2. There is no limit on the total period of permission that may be granted on the Global Talent route.

GT 7.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

**Settlement by a person on the Global Talent route**

**Validity requirements for settlement by a person on the Global Talent route**

GT 8.1. A person applying for settlement on the Global Talent route must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

GT 8.2. An application for settlement on the Global Talent route must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK; and
- (e) the endorsement must not have been withdrawn.

GT 8.3. The applicant must have, or have last been granted, permission on the Global Talent route.

GT 8.4. An application which does not meet all the validity requirements for



settlement on the Global Talent route is invalid and may be rejected and not considered.

**Suitability requirements for settlement by a person on the Global Talent route**

GT 9.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GT 9.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

**Eligibility requirements for settlement by a person on the Global Talent route**

**Endorsement requirement for settlement by a person on the Global Talent route**

GT 10.1. The applicant must not have had their endorsement withdrawn by the endorsing body.

GT 10.2. The applicant must have earned money in the UK during their last period of permission in the field in which they were previously endorsed on the Global Talent route.

**Qualifying period requirement for settlement by a person on the Global Talent route**

GT 11.1. The applicant must have spent a continuous period of 3 years in the UK if:

- (a) they were endorsed by the Royal Society, British Academy, Royal Academy of Engineering or UKRI; or
- (b) they were endorsed under the exceptional talent criteria by Arts Council England or Tech Nation.

GT 11.2. The applicant must have spent a continuous period of 5 years in the UK if they were endorsed under the exceptional promise criteria by Arts Council England or Tech Nation.

GT 11.3. The qualifying period must consist of time with continuous permission on any of (or any combination of), the following routes:

- (a) Global Talent; or
- (b) Innovator; or
- (c) Skilled Worker; or
- (d) T2 Minister of Religion; or
- (e) T2 Sportsperson; or
- (f) Tier 1 Migrant, other than Tier 1 (Graduate Entrepreneur).

**Continuous residence requirement for settlement by a person on the**

### **Global Talent route**

GT 12.1. The applicant must meet the continuous residence requirement as specified in Appendix Continuous Residence.

### **English language requirement for settlement by a person on the Global Talent route**

GT 13.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

GT 13.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of life in the UK requirement for settlement by a person on the Global Talent route**

GT 14.1. The applicant must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### **Decision on an application for settlement by a person on the Global Talent route**

GT 15.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement on the Global Talent route the applicant will be granted settlement, otherwise the application will be refused.

GT 15.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Dependants on the Global Talent route**

#### **Validity requirements for a dependent partner or dependent child on the Global Talent route**

GT 16.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the Global Talent route must apply online on the gov.uk website on the specified form as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"><li>• Dependant partner or dependant child using the UK Immigration: ID Check app; or</li><li>• the forms listed below for dependant applicants outside or inside the UK as relevant.</li></ul>
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependant is applying at the same time as the Global talent applicant, they

	can be included in the form “Global talent – stage 2” where the form allows dependants to be added. Otherwise: - Dependant partner - Dependant child
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GT 16.2. An application for entry clearance or permission to stay as a partner or child on the Global Talent route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

GT 16.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

GT 16.4. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

GT 16.5. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

GT 16.6. An application which does not meet all the validity requirements for the Global Talent route is invalid and may be rejected and not considered.

### **Suitability requirements for a dependent partner or dependent child on the Global Talent route**

GT 17.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GT 17.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependent partner or dependent child on the Global Talent route**

#### **Entry requirement for a dependent partner or dependent child on the**

### **Global Talent route**

GT 18.1. A person seeking to come to the UK as a partner or child must apply for and obtain entry clearance as a partner or child on the Global Talent route before they arrive in the UK.

GT 18.2. A person applying for entry clearance as a partner or child on the Global Talent route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a dependent partner on the Global Talent route**

GT 19.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the Global Talent route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Global Talent route; or
- (c) P is settled or has become a British citizen, providing P had permission on the Global Talent route and the applicant had permission as P's partner at that time.

GT 19.2. If the applicant and their Global Talent partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the 2 years before the date of application; and
- (b) any previous relationship of the applicant or their Global Talent partner with another person must have permanently broken down; and
- (c) the applicant and their Global Talent partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

GT 19.3. The relationship between the applicant and their Global Talent partner must be genuine and subsisting.

GT 19.4. The applicant and their Global Talent partner must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the Global Talent route**

GT 20.1. The applicant must be the child of a person (P) and one of the following must apply:

- (a) P has permission on the Global Talent route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Global Talent route; or
- (c) P is settled or has become a British citizen, providing P had permission on the Global Talent route when they settled and the applicant had permission as P's child at that time.

GT 20.2. The applicant's parents must each be either applying for at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission on the Global Talent route is the sole surviving parent; or
- (b) the parent applying for or with permission on Global Talent route has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant permission to come to, or stay in, the UK with the parent who has permission on the Global Talent route.

**Care requirement for a dependent child on the Global Talent route**

GT 21.1. If the applicant is under the age of 18 years on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the Global Talent route**

GT 22.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of their parent or parents.

GT 22.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**Decision on an application as a dependent partner or dependent child on the Global Talent route**

GT 23.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner or dependent child on the Global Talent route are met, the application will be granted, otherwise the application will be refused.

GT 23.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant for a dependent partner or dependent child on the Global Talent route**

GT 24.1. A partner will be granted:

- (a) permission which ends on the same date as their partner's temporary permission on the Global Talent route; or
- (b) 3 years' permission if the partner was (or is being) granted settlement on the Global Talent route.

GT 24.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

GT 24.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted, except as a professional sportsperson or sports coach; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS, if the applicant is over age 18; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

### **Settlement as a dependent partner or dependent child on the Global Talent route**

#### **Validity requirements for settlement as a dependent partner or dependent child on the Global Talent route**

GT 25.1. A person applying for settlement as a dependent partner or dependent child on the Global Talent route must apply online on the gov.uk website on the specified form, "Settle in the UK in various immigration categories: form SET(O)".

GT 25.2. An application for settlement as a dependent partner or dependent child on the Global Talent route must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

GT 25.3. An application which does not meet the validity requirements for a dependent partner or dependent child on the Global Talent route is invalid and may be rejected and not considered.

#### **Suitability requirements for settlement as a dependent partner or dependent child on the Global Talent route**

GT 26.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GT 26.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

#### **Eligibility requirements for settlement as a dependent partner or dependent child on the Global Talent route**

#### **Relationship requirement for settlement for a dependent partner or child on the Global Talent route**

GT 27.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the Global Talent route; or

- (b) P is settled or has become a British citizen, providing P had permission on the Global Talent route when they settled and the applicant had permission as P's partner or child at that time.

GT 27.2. The applicant must have last been granted permission as a dependent partner or dependent child of the person (P) in GT 27.1.

GT 27.3. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in GT 27.1. is the applicant's sole surviving parent; or
- (b) the person (P) in GT 27.1. has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child settlement.

#### **Care requirement for settlement as a dependent child on the Global Talent route**

GT 28.1. If the child is under the age of 18 years on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

#### **Age requirement for settlement as a dependent child on the Global talent route**

GT 29.1. The applicant must be under the age of 18 on the date of application, unless they were last granted permission as the dependent child of their parent or parents.

GT 29.2. If the child is aged 16 or over on the date of application, they must not be leading an independent life.

#### **Qualifying period requirement for settlement as a dependent partner on the Global Talent route**

GT 30.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in GT 27.1.

#### **Continuous residence requirement for settlement as a dependent partner of on the Global Talent route**

GT 31.1. The applicant must meet the continuous resident requirement as set out in Appendix Continuous Residence during the period in GT 30.1.

#### **English language requirement for a dependent partner or dependent child on the Global Talent route**

GT 32.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

GT 32.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of life in the UK requirement for settlement as a dependent partner or dependent child on the Global Talent route**

GT 33.1 If the applicant is aged 18 or over on the date of application, they must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

**Decision on an application for settlement as a dependent partner or dependent child on the Global Talent route**

GT 34.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or dependent child on the Global Talent route, the applicant will be granted settlement, otherwise the application will be refused.

GT 34.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix Start-up

The Start-up route is for a person seeking to establish a business in the UK for the first time.

The person must have an innovative, viable and scalable business idea which is supported by an endorsing body approved by the Home Office.

A person on the Start-up route can bring a dependent partner and dependent children to the UK.

Start-up is not a route to settlement. A person may be eligible to progress from Start-up to the Innovator route, which is a route to settlement.

### Validity requirements for Start-up route

SU 1.1. A person applying for entry clearance or permission to stay on the Start-up route must apply online on the gov.uk website on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either: <ul style="list-style-type: none"><li>• Start-up or Innovator using the UK Immigration: ID Check app (when available); or</li><li>• the forms listed below for applicants outside or inside the UK (as relevant)</li></ul>
Applicants outside the UK	Start-up or Innovator visa
Applicants inside the UK	Start-up or Innovator permission to stay

SU 1.2. An application for entry clearance or permission to stay on the Start-up route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have been issued with an endorsement letter by an endorsing body dated no more than 3 months before the date of application and that endorsement must not have been withdrawn.

SU 1.3. The applicant must be aged 18 or over on the date of application.

SU 1.4. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

SU 1.5. A person applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

SU 1.6. An application which does not meet all the validity requirements for the Start-up route is invalid and may be rejected and not considered.

#### **Suitability requirements for the Start-up route**

SU 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SU 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

#### **Eligibility requirements for the Start-up route**

#### **Entry requirements for the Start-up route**

SU 3.1. A person seeking to come to the UK on the Start-up route must apply for and obtain entry clearance on the Start-up route before they arrive in the UK.

SU 3.2. A person applying for entry clearance on the Start-up route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Points requirement for Start-up**

SU 4.1. The applicant must be awarded a total of 70 points from the table below.

<b>Requirement (mandatory)</b>	<b>Points available</b>
Business is innovative, viable and scalable.	25

The applicant has not previously established a business in the UK	25
English Language at level B2	10
Financial requirement	10
<b>Total number of points required</b>	<b>70</b>

**Innovative, viable and scalable business requirement for Start-up route**

SU 5.1. An applicant will meet the innovative, viable and scalable business venture requirement if all the following requirements are met:

- (a) the applicant has a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage; and
- (b) the applicant's business plan is realistic and achievable based on the applicant's available resources; and
- (c) the applicant has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business; and
- (d) there is evidence of structured planning and of potential for job creation and growth into national markets.

**No other established business in the UK requirement for Start-up route**

SU 6.1. The applicant must not have previously established any business in the UK which commenced trading, unless this business commenced trading during the applicant's last period of permission and that permission was for any of the following routes:

- (a) Start-up; or
- (b) Tier 1 (Graduate Entrepreneur); or
- (c) Student on the doctorate extension scheme.

**Genuine Start-up requirement**

SU 7.1. The applicant must be a genuine Start-up applicant.

**Financial requirement for the Start-up route**

SU 8.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or more on the date of application, they will meet the financial requirement and do not need to show funds.

SU 8.2. If an applicant is applying for entry clearance or has been in the UK for less than 12 months at the date of application, they must have funds of at least £1,270.

SU 8.3. The applicant must show that they have held the required level of funds for a 28 day period and as set out in Appendix Finance unless their endorsing body confirms they have been awarded funding of at least the amount in SU 8.2.

**English language requirement for the Start-up route**

SU 9.1. The applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading,

writing, speaking and listening) of at least level B2.

SU 9.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Endorsement requirement for the Start-up route**

SU 10.1. The applicant must provide a letter from their endorsing body which includes all the following information:

- (a) the name of the endorsing body; and
- (b) the endorsement reference number; and
- (c) the name, telephone number, email and workplace address of a person at the endorsing body who will verify the contents of the letter to the Home Office if requested; and
- (d) the date of endorsement; and
- (e) the applicant's name, date of birth, nationality and passport or other travel document number; and
- (f) a short description of the applicant's business venture and the main products or services it will provide to its customers; and
- (g) confirmation that in the view of the endorsing body the applicant's business is innovative, viable and scalable as set out at SU 5.1.; and
- (h) confirmation that the endorsing body is satisfied that the applicant will spend the majority of their working time in the UK on developing their business venture; and
- (i) confirmation that the endorsing body is satisfied the applicant is either the sole founder of the business or an instrumental member of the founding team; and
- (j) confirmation the endorsing body is satisfied that the applicant has created and is relying on their own business plan.

### **Decision on the Start-up route**

SU 11.1. If the decision-maker is satisfied that all the suitability and eligibility requirements are met for the Start-up route, the application will be granted, otherwise the application will be refused.

SU 11.2. If the application is refused the person can apply for Administrative Review under Appendix AR: Administrative Review.

### **Conditions and period of grant on the Start-up route**

SU 12.1. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson, including as a sports coach; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

SU 12.2. The applicant will be granted permission for a maximum period of 2 years, and a person must not be granted further permission which would result in

them spending more than 2 years with permission on the Start-up route, or a combination of the Start-up route and the Tier 1 (Graduate Entrepreneur) route.

**Dependants on the Start-up route**

**Validity requirements for a dependent partner or dependent child on the Start-up route**

SU 13.1. An application as a partner or child on the Start-up route must be made online on the gov.uk website on the specified form as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"> <li>• Dependant partner or dependant child using the UK Immigration: ID Check app; or</li> <li>• the forms listed below for dependant applicants outside or inside the UK as relevant.</li> </ul>
Applicants outside the UK	Dependant partner visa Dependant child visa
Applicants inside the UK	If the dependant is applying at the same time as the Start-Up route applicant, they can be included in the form “Start-Up or Innovator permission to stay” where the form allows dependants to be added. Otherwise: <ul style="list-style-type: none"> <li>- Dependant partner</li> <li>- Dependant child</li> </ul>

SU 13.2. An application for entry clearance or permission to stay as a dependent partner or dependent child on the Start-up route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

SU 13.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

SU 13.4. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

SU 13.5. A person applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

SU 13.6. An application which does not meet all the validity requirements is invalid and may be rejected and not considered.

**Suitability requirements for a dependent partner or dependent child on the Start-up route**

SU 14.1. The suitability requirements for a partner or child on the Start-up route are that they must not fall for refusal under Part 9: grounds for refusal.

SU 14.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

**Eligibility requirements for a dependent partner and dependent child on the Start-up route**

**Entry requirement for a dependent partner and dependent child on the Start-up route**

SU 15.1. A person seeking to come to the UK as a partner or child must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

SU 15.2. A person applying for entry clearance as a partner or child on the Start-up route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

**Relationship requirements for a dependent partner on the Start-up route**

SU 16.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the Start-up route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Start-up route.

SU 16.2. If the applicant and their Start-up partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the 2 years before the date of application; and
- (b) any previous relationship of the applicant or their Start-up partner with another person must have permanently broken down; and
- (c) the applicant and their Start-up partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

SU 16.3. The relationship between the applicant and their Start-up partner must be genuine and subsisting.

SU 16.4. The applicant and their Start-up partner must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the Start-up route**

SU 17.1. The applicant must be the child of a person (P) and one of the following must apply:

- (a) P has permission on the Start-up route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Start-up route.

SU 17.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission on the Start-up route is the sole surviving parent; or
- (b) the parent applying for with permission on Start-up route has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Start-up route.

**Care requirement for a dependent child on the Start-up route**

SU 18.1. If the applicant is under the age of 18 on the date of application, there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the Start-up route**

SU 19.1. The child must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of their parent or parents.

SU 19.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a dependent partner or dependent child on the Start-up route**

SU 20.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SU 20.2. If an applicant is applying for entry clearance, or has been living in the UK for less than 12 months at the date of application, the applicant or Start-up partner/parent must have funds of:

- (a) at least £285 for a dependent partner in the UK or applying to come to the UK; and

- (b) at least £315 for the first child in the UK or applying to come to the UK;  
and
- (c) at least £200 for each additional child in the UK or applying to come to the UK.

SU 20.3. The funds must be in addition to any funds required by the Start-up applicant to meet the financial requirement and for any dependants in the UK or applying at the same time.

SU 20.4. The required level of funds must have been held for a 28-day period and as set out in Appendix Finance.

**Decision on application for a dependent partner and dependent child on the Start-up route**

SU 21.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the Start-up route the application will be granted, otherwise the application will be refused.

SU 21.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant for a dependent partner and dependent child on the Start-up route**

SU 22.1. A partner will be granted permission which ends on the same date as their partner's permission on the Start-up route

SU 22.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

SU 22.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sportsperson, including as a sports coach;  
and
- (c) study is permitted, subject to the ATAs condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

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# Immigration Rules

## Appendix Innovator

The Innovator route is for a person seeking to establish a business in the UK based on an innovative, viable and scalable business idea they have generated, or to which they have significantly contributed.

The application must be supported by an endorsing body.

An applicant will normally be expected to have funds of at least £50,000 to invest in their business and they must have a key role in the day to day management and development of the business.

A dependent partner and dependent children can apply on this route.

The Innovator route is a route to settlement

### Validity requirements for an Innovator

INN 1.1. A person applying for entry clearance or permission to stay as an Innovator must apply online on the gov.uk website on the specified form as follows:

Applicant	Specified form
EEA national with a chipped passport	Either: <ul style="list-style-type: none"><li>• Start-up or Innovator using the UK Immigration: ID Check app (when available); or</li><li>• the forms listed below for applicants outside or inside the UK (as relevant)</li></ul>
Applicants outside the UK	Start-up or Innovator visa
Applicants inside the UK	Start-up or Innovator permission to stay

INN 1.2. An application for entry clearance or permission to stay on the Innovator route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have been issued with an endorsement letter by an endorsing body no more than 3 months before the date of application and that endorsement must not have been withdrawn.

INN 1.3. The applicant must be aged 18 or over on the date of application.

INN 1.4. If the applicant has in the 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must have provided written consent to the application from that Government or agency.

INN 1.5. A person applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

INN 1.6. An application which does not meet all the validity requirements for the Innovator route is invalid and may be rejected and not considered.

#### **Suitability requirements for an Innovator**

INN 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

INN 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

#### **Eligibility requirements for an Innovator**

##### **Entry requirements for an Innovator**

INN 3.1. A person seeking to come to the UK as an Innovator must apply for and obtain entry clearance on the Innovator route before they arrive in the UK.

INN 3.2. A person applying for entry clearance as an Innovator must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

##### **Genuine Innovator requirement**

INN 4.1. The applicant must be a genuine Innovator applicant.

##### **Points requirement for the Innovator route**

INN 5.1. The applicant must be awarded 70 points from the table below; of which 50 must either be under the new business criteria or under the same business criteria, but not both.

<b>Requirement</b>	<b>New or same business</b>	<b>Points available</b>
--------------------	-----------------------------	-------------------------

Business plan	New Business	10
Business venture is innovative, viable and scalable.	New Business	20
£50,000 available funds to invest or having been invested	New Business	20
Applicant's previous permission was as in the Innovator, Start-up or Tier 1 (Graduate Entrepreneur) route and they are pursuing a business assessed by a Home Office approved endorsing body either for the previous endorsement or at a contact point.	Same Business	10
Business is active, trading and sustainable and demonstrates significant achievements against the business plan	Same Business	20
Applicant is active in day-to-day management and development of business	Same Business	20
English Language requirement at level B2	Mandatory for all applicants	10
Financial requirement	Mandatory for all applicants	10
Total number of points required		70

**Requirements for Innovator route where it is a new business**

**Business Plan requirement for an Innovator**

INN 6.1. The applicant must have an endorsement letter from an endorsing body which confirms that:

- (a) the applicant has either generated, or made a significant contribution to, the ideas in their business plan; and
- (b) the applicant will have a day-to-day role in carrying out the business plan.

**Innovative, viable and scalable business requirements for an Innovator**

INN 7.1 The applicant must have an innovative, viable and scalable business

venture and they must meet all the following requirements:

- (a) the applicant must have a genuine, original business plan that meets new or existing market needs and/or creates a competitive advantage; and
- (b) the applicant's business plan must be realistic and achievable based on the applicant's available resources; and
- (c) the applicant must have, or be actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business; and
- (d) there must be evidence of structured planning and of potential for job creation and growth into national and international markets.

INN 7.2. The applicant must be supported by an endorsing body for this route which confirms in their endorsement letter that they consider that the applicant meets the above requirements.

### **Investment funds requirement for an Innovator**

INN 8.1. The applicant must show that they have at least £50,000 of funds available to invest, or which have been invested, in their business by one of the following:

- (a) providing confirmation from the endorsing body that it is providing the funds of at least £50,000; or
- (b) providing confirmation from the endorsing body that it has verified the funds are available from other sources (which can include the applicant); or
- (c) providing confirmation from the endorsing body that it has verified that at least £50,000 has already been invested in the applicant's business; or
- (d) providing evidence that the £50,000 of funds are available from another source.

INN 8.2. Where the business has one or more other team members who are applying for, or have been granted, permission on the Innovator route, there must be at least £50,000 available to, or which has been invested by, each team member.

INN 8.3. Where the requirement is being met under INN 8.1 (a), (b) or (c) the applicant must be supported by an endorsing body which confirms as part of their endorsement letter that they consider that the applicant meets those requirements.

INN 8.4. Where the requirement is being met under INN 8.1 (d) and any of the funds are being provided by a UK organisation which employs at least 10 people, the applicant must provide a letter from that organisation confirming this and which must include:

- (a) how they know the applicant; and
- (b) the amount of funding they are making available in pounds sterling (£); and
- (c) confirmation that this funding has not been promised to any other person or business for another purpose; and
- (d) the name and contact details (telephone number, email and workplace

address) of an individual at the organisation who will verify the contents of the letter to the Home Office if requested.

INN 8.5. Where the requirement is being met under INN 8.1 (d) and any of the funds are being provided by an overseas organisation, a UK organisation which employs less than 10 people, or an individual, the applicant must provide **all** of the following:

- (a) a signed declaration from the funding provider, dated no more than 3 months before the date of application, setting out **all** of the following:
  - (i) how they know the applicant; and
  - (ii) the amount of funding they are making available in pounds sterling (£); and confirmation that this funding has not been promised to any other person or business for another purpose; and
  - (iii) the name and contact details (telephone number, email and workplace address) of an individual at the organisation who will verify the contents of the letter to the Home Office if requested; and
- (b) a letter from a legal representative (who is registered to practise legally in the country where the third party or the money is), confirming that the declaration and signature in (a) above is genuine; and
- (c) a bank letter, dated no earlier than 1 month before the date of application, confirming that the funds are held in a regulated financial institution(s) and if the institution is outside the UK, the letter must also confirm that the funds are transferrable to the UK.

INN 8.6. If any of the funds are held by the applicant, they must provide **either** of the following:

- (a) bank statements, showing the funds are held in the UK in an institution regulated by the Financial Conduct Authority. The statements must cover a consecutive 3 months, ending no earlier than 1 month before the date of application; or
- (b) a bank letter, dated no earlier than 1 month before the date of application, confirming that the funds are held in a regulated financial institution(s) and, if the institution is outside the UK, the letter must also confirm that the funds are transferrable to the UK.

INN 8.7. If the documents in INN 8.6. do not show that the applicant has held the funds for at least 3 months, the applicant must **also** provide the signed declaration and letter from a legal representative set out in INN 8.5 (a) and (b) in relation to the organisation or person who provided the funds to the applicant.

INN 8.8. If any of the funds have already been invested in the applicant's business, the applicant must provide **either** of the following, showing the amount that has been invested:

- (a) business accounts, showing the name of the accountant and the date they were produced; or
- (b) business bank statements.

INN 8.9. If any of the evidence in INN 8.4 to INN 8.8. show that the funds are available to the applicant's business rather than to the applicant, or have been invested in the business, the applicant must provide a Companies House document showing their connection to the business. This document is not needed if the [endorsement letter](#) confirms the applicant's connection to the business.

INN 8.10. Any funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date of application.

INN 8.11. Funds will not be accepted if they are held in a financial institution not permitted in Appendix Finance.

**Requirements for Innovator where it is the same business as the business in a previous endorsement under the Innovator, Start-up route or Tier 1 (Graduate Entrepreneur) route.**

**Business previously assessed by an endorsing body requirement**

INN 9.1. The applicant must be supported by an endorsing body which confirms that they are endorsing the application on the basis of a business they or another endorsing body have previously assessed while the applicant had permission on the Innovator Start-up route or Tier 1 (Graduate Entrepreneur).

INN 9.2. The endorsing body must confirm that they are satisfied that the applicant meets the new business requirements in INN 6.1 to INN 8.3., with the exception that applicants previously endorsed in the Start-up or Tier 1 (Graduate Entrepreneur) routes do not need to meet the investment funds requirement at INN 8.1 to INN 8.11.

**Business is active, trading and sustainable requirement for an Innovator**

INN 10.1. The applicant's business must be active, trading and sustainable and the applicant must have made significant progress against their business plan.

INN 10.2. The applicant's business must be registered with Companies House and the applicant must be listed as a director or member of that business.

INN 10.3. The applicant must be supported by an endorsing body which has assessed the applicant's business and confirmed that it meets the requirements set out in INN10.1. and INN 10.2.

**Day to day management requirement for an Innovator**

INN 11.1. The applicant must be involved in the day to day management and development of their business and provide a letter confirming this from an endorsing body.

**English Language requirement for an Innovator**

INN 12.1. The applicant must show English language ability on the Common

European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B2.

INN 12.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Financial requirement for an Innovator**

INN 13.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

INN 13.2. An applicant who is applying for entry clearance, or who is applying for permission to stay and has been in the UK for less than 12 months at the date of application, must have funds of at least £1,270.

INN 13.3. The applicant must show that they have held the required level of funds for a 28-day period and as set out in Appendix Finance.

**Decision on application as an Innovator**

INN 14.1. If the decision maker is satisfied that all the suitability and the relevant eligibility requirements for an Innovator are met, the application will be granted, otherwise the application will be refused.

INN 14.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant as an Innovator**

INN 15.1. The applicant will be granted permission for a maximum period of 3 years.

INN 15.2. The grant will be subject to the following conditions:

- (a) no access to public funds; and
- (b) no work, other than working for the business(es) the applicant has established and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

INN 15.3. In INN 15.2.(b), working for the business(es) does not include any apprenticeship or any work pursuant to a contract of service, whether express or implied and whether oral or written, with another business, (which means successful applicants cannot fill a position or hire their labour to another business, even if the work is undertaken through contracting with the applicant's own business or through a recruitment or employment agency).

**Settlement by a person on the Innovator route**

**Validity requirements for settlement by an Innovator**

INN 16.1. A person on the Innovator route who is applying for settlement must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

INN 16.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK; and
- (e) the applicant must have been issued with an endorsement letter by an endorsing body no more than 3 months before the date of application and that endorsement must not have been withdrawn.

INN 16.3. The applicant must have, or have last been granted, permission on the Innovator route.

INN 16.4. An application which does not meet all the validity requirements for settlement for a person on the Innovator route is invalid and may be rejected and not considered.

### **Suitability Requirements for settlement by an Innovator**

INN 17.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

INN 17.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement by an Innovator**

#### **Endorsement requirement for settlement by an Innovator**

INN 18.1. The applicant must provide an endorsement letter issued by an endorsing body, which includes all of the following information:

- (a) the name of the endorsing body; and
- (b) the endorsement reference number; and
- (c) the date of issue, which must be no earlier than 3 months before the date of application; and
- (d) the applicant’s name, date of birth, nationality and passport number; and
- (e) a short description of the applicant’s business venture and the main products or services it has provided; and
- (f) the name and contact details (telephone number, email and workplace address) of an individual at the endorsing body who will verify the contents of the letter to the Home Office if requested; and
- (g) confirmation that the applicant has shown significant achievements, judged against the business plan assessed in their previous endorsement; and



- (h) confirmation that the applicant's business is registered with Companies House and the applicant is listed as a director or member of that business; and
- (i) confirmation the business is active and trading; and
- (j) confirmation that the business appears to be sustainable for at least the following 12 months, based on its assets and expected income, weighed against its current and planned expenses; and
- (k) confirmation the applicant has demonstrated an active key role in the day-to-day management and development of the business; and
- (l) confirmation the applicant's business venture has met at least two of the following requirements:
  - (i) at least £50,000 has been invested into the business and actively spent furthering the business; or
  - (ii) the number of the business's customers has at least doubled within the most recent three years and is currently higher than the mean number of customers for other UK businesses offering comparable main products or services; or
  - (iii) the business has engaged in significant research and development activity and has applied for intellectual property protection in the UK; or
  - (iv) the business has generated a minimum annual gross revenue of £1 million in the last full year covered by its accounts; or
  - (v) the business is generating a minimum annual gross revenue of £500,000 in the last full year covered by its accounts, with at least £100,000 from exporting overseas; or
  - (vi) the business has created the equivalent of at least 10 full-time jobs for settled workers; or
  - (vii) the business has created the equivalent of at least 5 full-time jobs for settled workers, each of which has a mean salary of at least £25,000 a year (gross pay, excluding any allowances).

INN 18.2. An applicant cannot meet the requirement at INN 18.1. by relying on the same criterion twice (for example, an applicant who has invested £100,000 (2 x £50,000) in their business venture will be considered to have met one criterion, not two).

INN 18.3. If the business venture has one or more other team members who are applying for, or have been granted, settlement on the Innovator route, they cannot share the same means of meeting these criteria (for example, if two applicants are relying on the requirement to have created 10 jobs, 20 jobs must have been created in total).

INN 18.4. If the applicant is relying on the criteria for creating jobs in INN 18.1.(l)(vi) or (vii) the following requirements must be met:

- (a) each job must have existed for at least 12 months and comply with all relevant UK legislation, including (but not limited to) the National Minimum Wage Act 1998 and the Working Time Regulations 1998; and
- (b) each job must involve an average of at least 30 hours of paid work per week, but two or more part time jobs held by different employees that

when combined add up to 30 hours per week will represent the equivalent of a single full-time job, as long as each of the jobs has existed for at least 12 months; and

- (c) a job will be considered one for settled worker if the worker met the definition of settled worker in the rules in force at the time they started the job, and they remained employed for the whole claimed 12-month period, even if they ceased to be a settled worker at a later date.

### **Qualifying period requirement for settlement by an Innovator**

INN 19.1. The applicant must have spent at least 3 years in the UK with permission on the Innovator route.

### **Continuous requirement for settlement by an Innovator**

INN 20.1. The applicant must prove that they have met the continuous residence requirement as set out in Appendix Continuous Residence for the qualifying period in INN 19.1.

### **Knowledge of life in the UK requirement for settlement by an Innovator**

INN 21.1 The applicant must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### **Decision on an application for settlement by an Innovator**

INN 22.1. If the decision maker is satisfied all the suitability and eligibility requirements are met the application will be granted settlement, otherwise the application will be refused.

INN 22.2. If the application is refused the person may apply for an Administrative Review under Appendix AR: Administrative Review.

### **Dependants of an Innovator**

#### **Validity requirements for a dependent partner or dependent child on the Innovator route**

INN 23.1. An application as a dependent partner or dependent child on the Innovator route must be made online on the gov.uk website on the specified form as follows:

<b>Applicant</b>	<b>Specified form</b>
EEA national with a chipped passport	Either (as applicable): <ul style="list-style-type: none"><li>• Dependant partner or dependant child using the UK Immigration: ID Check app; or</li><li>• the forms listed below for dependant applicants outside or inside the UK as relevant.</li></ul>
Applicants outside the UK	Dependant partner visa Dependant child visa

Applicants inside the UK	If the dependant is applying at the same time as the Innovator, they can be included in the form “Start-Up or Innovator permission to stay” where the form allows dependants to be added. Otherwise: - Dependant partner - Dependant child
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INN 23.2. An application for entry clearance or permission to stay as a partner or child on the Innovator route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

INN 23.3. A person applying as a dependent partner must be aged 18 or over on the date of application.

INN 23.4. A person applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a domestic worker in a private household; or
- (f) outside the Immigration Rules.

INN 23.5. An application which does not meet all the validity requirements for the Innovator route is invalid and may be rejected and not considered.

### **Suitability requirements for dependent partner and dependent child on the Innovator route**

INN 24.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

INN 24.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependent partner and dependent child on the Innovator route**

### **Entry requirement for a dependent partner and dependent child on the Innovator route**

INN 25.1. A person seeking to come to the UK as a partner or child must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

INN 25.2. A person applying for entry clearance as the partner or child of an Innovator must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

**Relationship requirements for a dependent partner on the Innovator route**

INN 26.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the Innovator route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Innovator route.

INN 26.2. If the applicant and their Innovator partner are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or their Innovator partner with another person must have permanently broken down; and
- (c) the applicant and their Innovator partner must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

INN 26.3. The relationship between the applicant and their Innovator partner must be genuine and subsisting.

INN 26.4. The applicant and their Innovator partner must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the Innovator route**

INN 27.1. The applicant must be the child of a person (P) or of P's partner and one of the following must apply:

- (a) P has permission on the Innovator route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Innovator route.

INN 27.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission on the Innovator route is the sole surviving parent; or
- (b) the parent applying for or with permission on Innovator route has sole responsibility for the child's upbringing; or

- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Innovator route.

**Care requirement for a dependent child on the Innovator route**

INN 28.1. If the applicant is aged under 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the Innovator route**

INN 29.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of their parent or parents.

INN 29.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a dependent partner or dependent child on the Innovator route**

INN 30.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

INN 30.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, the applicant or Innovator must have funds of:

- (a) at least £285 for a dependent partner in the UK or applying to come to the UK; and
- (b) at least £315 for the first child in the UK or applying to come to the UK; and
- (c) at least £200 for each additional child in the UK or applying to come to the UK.

INN 30.3. The funds held must be in addition to any funds required by the Innovator to meet the financial requirement or any dependants in the UK or applying at the same time.

INN 30.4. If INN 30.2. applies, the required level of funds must have been held for a 28-day period and as specified in Appendix Finance.

**Decision on application for a dependent partner and dependent child on the Innovator route**

INN 31.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a dependent partner or dependent child on the Innovator route the application will be granted, otherwise the application will be refused.

INN 31.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

**Period and conditions of grant for a dependent partner and dependent child on the Innovator route**

INN 32.1. A partner will be granted permission which either:

- (a) ends on the same date as their partner's permission on the Innovator route; or
- (b) for 3 years' if the partner was (or is being) granted settlement on the Innovator route.

INN 32.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

INN 32.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

**Settlement for dependent partner and dependent child on the Innovator route**

**Validity requirements for settlement for dependent partner and dependent child on the Innovator route**

INN 33.1. A partner and child on the Innovator route who is applying for settlement must apply on the specified form "Settle in the UK in various immigration categories: form SET(O)".

INN 33.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

INN 33.3. The applicant must have, or have last been granted, permission as a partner or child of a person who has or who had permission on the Innovator route and who is either applying to settle at the same time or has already settled under the Innovator route.

INN 33.4. An application which does not meet all the validity requirements for settlement as a partner and child on the Innovator route is invalid and may be rejected and not considered.

**Suitability Requirements for settlement by a dependent partner and dependent child on the Innovator route**

INN 34.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

INN 34.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

**Eligibility requirements for settlement by a dependent partner and dependent child on the Innovator route**

**Relationship requirement for settlement for a dependent partner or dependent child on the Innovator route**

INN 35.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement on the Innovator route; or
- (b) P is settled or has become a British citizen, providing P had permission on the Innovator route when they settled and the applicant had permission as P's partner or child at that time.

INN 35.2. The applicant must have last been granted permission as a dependent partner or dependent child of the person (P) in INN 35.1.

INN 35.3. If applying as a child, the applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the person (P) in INN 35.1. or applying as the dependent partner of the person (P) in INN 35.1 is the applicant's sole surviving parent; or
- (b) the person (P) in INN 35.1. or the person applying as the dependent partner of person (P) in INN 35.1 has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

**Care requirement for settlement as a dependent child on the Innovator route**

INN 36.1. If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK, which must comply with relevant UK legislation and regulations.

**Age requirement for settlement as a dependent child on the Innovator route**

INN 37.1. The child must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of their parent or parents.

INN 37.2. If the applicant is aged 16 or over on the date of application they must not be leading an independent life.

**Qualifying period requirement for settlement as a dependent partner on the Innovator route**

INN 38.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a dependent partner of the person (P) in INN 35.1.

**Continuous residence requirement for settlement as a dependent partner of on the Innovator route**

INN 39.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in INN 38.1.

**English language requirement for a dependent partner or dependent child on the Innovator route**

INN 40.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

INN 40.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of life in the UK requirement for settlement as a dependent partner or dependent child on the Innovator route**

INN 41.1. If the applicant is aged 18 or over at the date of application, they must meet the Knowledge of Life in the UK requirement as set out in Appendix KOL UK.

**Decision on an application for settlement as a dependent partner or dependent child on the Innovator route**

INN 42.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a dependent partner or child on the Innovator route, the application will be granted settlement, otherwise the application will be refused.

INN 42.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix T5 (Temporary Worker)

### Seasonal Worker

This route is for workers in edible horticulture doing seasonal work in the UK with a sponsor.

A person on the Seasonal Worker route is not eligible to bring their dependants to the UK.

A Seasonal Worker may only stay in the UK for 6 months in any 12-month period.

Seasonal Worker is not a route to settlement.

#### Validity requirements for a Seasonal Worker

SAW 1.1. A person applying for entry clearance on the Seasonal Worker route must apply online on gov.uk on the “T5 (Temporary Worker) visa – Seasonal Worker” form.

SAW 1.2. An application for entry clearance must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship from a sponsor that was issued no more than 3 months before the date of application.

SAW 1.3. The applicant must be aged 18 or over on the date of application.

SAW 1.4 The date of application must be no more than three months before the start date of the role, as stated by the Certificate of Sponsorship.

SAW 1.5. An application which does not meet all the validity requirements for the Seasonal Worker route is invalid and may be rejected and not considered.

#### Suitability requirements for a Seasonal Worker

SAW 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

#### Eligibility requirements for a Seasonal Worker

##### Entry requirement for a Seasonal Worker

SAW 3.1. A person seeking to come to the UK on the Seasonal Worker route must apply for and obtain entry clearance as a Seasonal Worker before they arrive in the UK.

### **Sponsorship requirement for a Seasonal Worker**

SAW 4.1. The Certificate of Sponsorship must have been issued by a sponsor which:

- (a) is listed as A-rated on the Home Office's published register of licensed sponsors; and
- (b) is still approved as a Sponsor on the date on which the application is decided.

SAW 4.2. The sponsor must not have withdrawn the job offer since the Certificate of Sponsorship was issued.

SAW 4.3. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

SAW 4.4. The Certificate of Sponsorship must state the role is in the edible horticulture sector, which means those growing:

- (a) Protected Vegetables – those grown in glasshouse systems; or
- (b) Field Vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes; or
- (c) Soft Fruit – those grown outdoors or under cover e.g. in glasshouses or polytunnel. Includes strawberries, raspberries, blackcurrants, blueberries and all rabes and rubus species; or
- (d) Top Fruit (Orchard Fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots; or
- (e) Vine and Bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine; or
- (f) Mushrooms – typically covers *Agaricus bisporus* species but can also include more exotic species (typically grown indoors).

SAW 4.5. The Certificate of Sponsorship must confirm that the role conforms with all relevant legislation, such as the National Minimum Wage Act 1998, the relevant Agricultural Wages Order rate where this applies, and the Working Time Regulations.

### **Financial requirement for a Seasonal Worker**

SAW 5.1. Either:

- (a) the applicant must show they have funds of at least £1,270; or
- (b) the sponsor must certify that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment up to at least the amount of £1,270.

SAW 5.2. If SAW 5.1.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Decision on an application as a Seasonal Worker**

SAW 6.1. If the decision maker is satisfied that all the eligibility and suitability requirements for a Seasonal Worker are met, the application will be granted, otherwise the application will be refused.

SAW 6.2. If the application is refused, the person can apply for Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Seasonal Worker**

SAW 7.1. The applicant will be granted permission for either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and after; or
- (b) a maximum period of 6 months stay in the UK in any 12-month period, whichever is shorter.

SAW 7.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work permitted only in the role the applicant is being sponsored for; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

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# Immigration Rules

## Appendix T5 (Temporary Worker)

### Youth Mobility Scheme

The Youth Mobility Scheme provides a cultural exchange programme that allows a person aged between 18 and 30, from participating countries and territories, to experience life in the UK for up to 2 years.

Dependants are not eligible to apply on this route.

The Youth Mobility Scheme route is not a route to settlement.

#### Validity requirements for the Youth Mobility Scheme route

YMS 1.1. A person applying for entry clearance under the Youth Mobility Scheme route must apply online on gov.uk on the specified form “Tier 5 (Temporary Worker) visa – Youth Mobility Scheme”.

YMS 1.2. An application for entry clearance on the Youth Mobility Scheme route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have been issued with a Certificate of Sponsorship no more than 3 months before the date of application.

YMS 1.3. The applicant must be one of the following:

- (a) a British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas); or
- (b) a national of a country or the holder of a passport issued by a territory, listed in Annex Youth Mobility Scheme: eligible nationals.

YMS 1.4. The applicant must be aged 30 or under on the date of application.

YMS 1.5. An application which does not meet all the validity requirements for the Youth Mobility Scheme route is invalid and may be rejected and not considered.

#### Suitability requirements for the Youth Mobility Scheme

YMS 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

#### Eligibility requirements for the Youth Mobility Scheme

### **Entry requirement for the Youth Mobility Scheme**

YMS 3.1. A person seeking to come to the UK on the Youth Mobility Scheme route must apply for and obtain an entry clearance under the Youth Mobility Scheme route before their arrival in the UK.

YMS 3.2. A person applying for entry clearance on the Youth Mobility Scheme route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

YMS 3.3. The applicant must not have previously spent time in the UK on the Youth Mobility Scheme route.

YMS 3.4. The applicant must be aged 18 or over on the date their entry clearance will become valid.

### **Financial requirement for the Youth Mobility Scheme**

YMS 4.1. The applicant must have funds of £ 2,530.

YMS 4.2. The applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

YMS 4.3. The applicant must not have any children aged under 18 who are either living with them or financially dependent upon them.

### **Sponsorship requirement for the Youth Mobility Scheme**

YMS 5.1. The applicant must be sponsored by their country of citizenship or the territory of which they are a rightful passport holder as follows:

- (a) if the applicant is a citizen of a country, or the rightful holder of a passport issued by a territory, that does not have Deemed Sponsorship Status, as set out in Appendix Youth Mobility Scheme: eligible nationals, the applicant must provide a Certificate of Sponsorship issued by that country or territory and must apply from that country or territory; or
- (b) if the applicant is a citizen of a country, or the rightful holder of a passport issued by a territory, that has Deemed Sponsorship Status the applicant's passport must be provided as evidence of sponsorship and the application may be made at any post worldwide which accepts such applications.

YMS 5.2. Where the applicant is a national of a country whose annual allocation of places available under this route is subject to invitation to apply arrangements operated in accordance with Appendix Youth Mobility Scheme: eligible nationals, the applicant must have been:

- (a) issued with an invitation to apply; and
- (b) have made their application within the period of time specified on the invitation.

YMS 5.3. The Certificate of Sponsorship must not have been cancelled by the country or territory since it was issued.

YMS 5.4. The country or territory which sponsored the applicant must not have reached its total annual allocation as set out in Appendix Youth Mobility Scheme: eligible nationals.

### **Decision on application for the Youth Mobility Scheme**

YMS 6.1. If the decision maker is satisfied that all the eligibility and suitability requirements are met for the Youth Mobility Scheme route, the application will be granted, otherwise the application will be refused.

YMS 6.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and condition of grant for the Youth Mobility Scheme**

YMS 7.1. The applicant will be granted permission for up to 2 years.

YMS 7.2. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work permitted, subject to YMS 7.3; and
- (c) study is permitted subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

YMS 7.3. Work is permitted subject to the following employment conditions:

- (a) no employment as a professional sportsperson (including as a sports coach); and
- (b) no self-employment, except where the following conditions are met:
  - (i) the person has no premises which they own, other than their home, from which they carry out their business; and
  - (ii) the total value of any equipment used in the business does not exceed £5,000; and
  - (iii) the person has no employees.

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# Immigration Rules

## Appendix Youth Mobility Scheme: eligible nationals

This Appendix details the countries and territories participating in the T5 (Temporary Worker) Youth Mobility Scheme and the annual allocation of places for 2020.

### Countries and Territories participating in the T5 (Temporary Worker) Youth Mobility Scheme and annual allocation of places for 2020

1.Places available for use by Countries and Territories with Deemed Sponsorship Status in 2020 are:

- Australia - 30,000 places
- New Zealand - 13,000 places
- Canada - 5,000 places
- Japan - 1,000 places
- Monaco - 1,000 places
- Taiwan - 1,000 places
- Hong Kong - 1,000 places
- Republic of Korea - 1,000 places

2.Places available for use by Countries and Territories without Deemed Sponsorship Status for 2020 are:

- San Marino - 1,000 places

3. Invitation to apply arrangements: In order to effectively and efficiently manage the release of the above allocations, the Home Office will operate the arrangements set out in paragraph 4 below, known as invitation to apply arrangements, in relation to the allocation of places available for use by nationals of the following countries with Deemed Certificate of Sponsorship Status:

- Japan
- Taiwan
- Hong Kong
- Republic of Korea

4. Under these arrangements:

- (a) a prospective applicant must submit an expression of interest in applying for entry clearance under the Youth Mobility Scheme relevant allocation (an expression of interest) in accordance with the process published by the Home Office; and
- (b) no more than one expression of interest per person will be accepted by the Home Office during each period in which they may be submitted; and
- (c) the Home Office will:

- (i) select at random those to whom an invitation to apply for entry clearance under the Youth Mobility Scheme relevant allocation is to be issued from the pool of those who have submitted an expression of interest; and
  - (ii) keep a record of those individuals to whom an invitation to apply is issued; and
- (d) the Home Office may:
- (i) place a time limit on the period during which an expression of interest is to be submitted; and
  - (ii) determine the number of invitations to apply that may be issued in any calendar month, except that where the number of expressions of interest received in a calendar year exceeds the allocations specified above, the total number of invitations to apply in a calendar year shall not be less than the annual allocations specified above; and
  - (iii) place a time limit on the validity of an invitation to apply.

5. Annual quota arrangements: In order to ensure the continuity of the scheme, in the event that available places cannot be agreed for the purpose of annual renewal, either 1,000 or 50% of the previous year's places, or whichever is the greater, will automatically carry over into the next year.

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# Immigration Rules

## Appendix T5 (Temporary Worker)

### Religious Worker

The Religious Worker route is for a person who wants to support the activities of religious institutions in the UK by conducting religious work such as working in a religious order or undertaking non-pastoral work for a religious organisation.

A dependent partner and dependent children can apply under this route.

A Minister of Religion must apply under the T2 Minister of Religion route if their engagement in the UK involves leading a congregation in performing rites, rituals and preaching the essentials of the creed as its core duties.

The maximum time that can be spent in the UK on this route is 2 years. It is not a route to settlement.

#### Validity Requirements for a Religious Worker

RW 1.1. A person applying for entry clearance or permission to stay as a Religious Worker must apply online on the gov.uk website on the specified form as follows:

- (a) for entry clearance, form “Tier 5 (Temporary Worker) visa – Religious Worker”; or
- (b) for permission to stay, form “Tier 5 (Temporary Worker) leave to remain”.

RW 1.2. An application for entry clearance or permission to stay as a Religious Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship from a Sponsor that was issued to them no more than 3 months before the date of application.

RW 1.3. An applicant who is applying for permission to stay must have, or have last been granted, permission as a Religious Worker.

RW 1.4. An application which does not meet the validity requirements for a Religious Worker is invalid and may be rejected and not considered.

#### Suitability Requirements for a Religious Worker

RW 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

RW 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## Eligibility Requirements for a Religious Worker

### Entry requirements for a Religious Worker

RW 3.1. A person seeking to come to the UK on the Religious Worker route must apply for and obtain entry clearance as a Religious Worker before they arrive in the UK.

RW 3.2. A person applying for entry clearance as Religious Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

RW 3.3. An applicant for entry clearance must not have had permission as a Religious Worker or Charity Worker at any time during the 12 months immediately before the date of application, unless they can show they were not in the UK at any time during those 12 months.

### Genuineness requirement for Religious Worker

RW 4.1. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted by paragraph RW 10.3.

### Sponsorship requirement for a Religious Worker

RW 5.1. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Religious Worker and is applying to continue working for the same sponsor as in their last permission.

RW 5.2. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

RW 5.3. The sponsor must not have withdrawn the job offer since the Certificate of Sponsorship was issued.

RW 5.4. The Certificate of Sponsorship must include all the following:

- (a) confirmation of the applicant's name and that they are being sponsored as a Religious Worker; and
- (b) confirmation that the role meets the requirements at RW 6.1; and
- (c) an outline of the duties involved in the role; and
- (d) confirmation of whether the applicant is a member of the sponsor's order, if the sponsor is a religious order; and

- (e) confirmation that the applicant will receive pay and conditions at least equal to those given to settled workers in the same role; and
- (f) confirmation that the pay complies with or is exempt from National Minimum Wage Act 1998; and
- (g) details of the pay for the role; and
- (h) confirmation that the requirements of the Resident Labour Market Test, as set out in RW 5.5, in respect of the job, have been complied with, or that the applicant is applying for permission to stay and the Sponsor is the same Sponsor as in their last grant of permission as a Religious Worker.

RW 5.5. The requirements of the Resident Labour Market Test are:

- (a) that the role is supernumerary, such that it is over and above the Sponsor's normal staffing requirements and if the person filling the role was not there, it would not need to be filled by anyone else (with a full explanation of why it is supernumerary); or
- (b) that the role involves living mainly within and being a member of a religious order, which must be a lineage of communities or of people who live in some way set apart from society in accordance with their specific religious devotion, for example an order of nuns or monks; or
- (c) that the Sponsor holds national records of all available individuals, details of those records and confirms that the records show that no suitable settled worker is available to fill the role; or
- (d) that a national recruitment search was undertaken, and the following details are provided:
  - (i) where the role was advertised, which must be at least one of the following:
    - (1) a national form of media appropriate to the Sponsor's religion or denomination; or
    - (2) the Sponsor's own website, if that is how the Sponsor usually reaches out to its community on a national scale, that is where it normally advertises vacant positions, and the pages containing the advertisement are free to view without paying a subscription fee or making a donation; or
    - (3) Jobcentre Plus (or in Northern Ireland, Job Centre Online) or in the employment section of a national newspaper, if there is no suitable national form of media appropriate to the Sponsor's religion or denomination; and
  - (ii) any reference numbers of the advertisements; and
  - (iii) the period the role was advertised for, which must include at least 28 days during the 6 month period immediately before the date the Sponsor assigned the Certificate of Sponsorship to the applicant; and
  - (iv) confirmation that no suitable settled workers are available to be recruited for the role.

### **Religious work requirement**

RW 6.1. The role the applicant is applying for must meet all the following requirements:

- (a) the role must involve performing religious duties within, or directed by, the sponsor's organisation to support the activities of the religious institution; and
- (b) the religious duties must not include work which falls under a role of a Minister of Religion (which means the applicant must not have core duties of leading a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed).

### **Financial Requirement for a Religious Worker**

RW 7.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

RW 7.2. If the applicant is applying for entry clearance or is applying for permission to stay and has been in the UK for less than 12 months on the date of application either:

- (a) the applicant must have funds of at least £1,270; or,
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment, for an amount of at least £1,270.

RW 7.3. If RW 7.2.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Parental consent requirement for a Religious Worker**

RW 8.1. If the applicant is aged under 18 on the date of application they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

RW 8.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application for a Religious Worker**

RW 9.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Religious Worker route are met, the application will be granted, otherwise the application will be refused.

RW 9.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Religious Worker**

RW 10.1. If the application was for entry clearance, the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and after; or
  - (b) 24 months,
- whichever is shorter.

RW 10.2. If the application was for permission to stay, the applicant will be granted either

- (a) the period of the role on the Certificate of Sponsorship plus 14 days; or
  - (b) the difference between the period the applicant has already spent in the UK since their last grant of permission as a Religious Worker and 24 months,
- whichever is shorter.

RW 10.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted only in the role the applicant is being sponsored for; and
- (c) supplementary employment is permitted; and
- (d) study is permitted subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies, the applicant will be required to register with the police.

## Dependants of a T5 (Temporary Worker) Religious Worker

### Validity requirements for the dependent partner or dependent child on the Religious Worker route

RW 11.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the Religious Worker route must apply online on the gov.uk website on the specified form as follows:

Location of partner or child	Specified form
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the T5 (Temporary Worker) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

RW 11.2. An application for entry clearance or permission to stay as a dependent partner or child on the Religious Worker route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

RW 11.3. An applicant who is in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

RW 11.4. An applicant who is applying as a dependent partner must be aged 18 or over on the date of application.

RW 11.5. An application which does not meet all the validity requirements for a partner or child on the Religious Worker route is invalid and may be rejected and not considered.

### **Suitability requirements for a dependent partner or dependent child on the Religious Worker route**

RW 12.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

RW 12.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependent partner and dependent child on the Religious Worker route**

#### **Entry requirement for a dependent partner and dependent child on the Religious Worker route**

RW 13.1. A person seeking to come to the UK as a partner or child on the Religious Worker route must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

RW 13.2. A person applying for entry clearance as a partner or child on the Religious Worker route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Relationship requirements for a dependent partner on the Religious Worker route**

RW 14.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission as a Religious Worker; or
- (b) P is, at the same time, applying for (and is granted) permission as a Religious Worker.

RW 14.2. If the applicant and the Religious Worker are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the Religious Worker with another person must have permanently broken down; and
- (c) the applicant and the Religious Worker must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

RW 14.3. The relationship between the applicant and the Religious Worker must be genuine and subsisting.

RW 14.4. The applicant and the Religious Worker must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the Religious Worker route**

RW 15.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a Religious Worker; or
- (b) as the partner of a Religious Worker.

RW 15.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission as a Religious Worker or as the partner of a Religious Worker is the sole surviving parent; or
- (b) the parent applying for or with permission as a Religious Worker or as the partner of a Religious Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Religious Worker route.

RW 15.3. If the applicant does not meet the requirement at RW 15.2. they must have been born during the Religious Worker's or their partner's current period of permission and must provide a full birth certificate showing the names of both parents.

**Care requirement for a dependent child on the Religious Worker route**

RW 16.1. If the applicant is under the age of 18 years on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child on the Religious Worker route**

RW 17.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as a dependent child of the parent who has, or is applying for, entry clearance or permission to stay as a Religious Worker

(regardless of the route under which the parent had permission at the time the child's last permission was granted).

RW 17.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

### **Financial requirement for a dependent partner or dependent child on the Religious Worker route**

RW 18.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

RW 18.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant or the Religious Worker must have funds of at least:
  - (i) £285 for a dependent partner in the UK or applying to come to the UK; and
  - (ii) £315 for the first child in the UK or applying to come to the UK; and
  - (iii) £200 for each additional child in the UK or applying to come to the UK; or
- (b) the Sponsor of the Religious Worker must confirm they will, if necessary, maintain and accommodate the applicant for at least the amount in RW 18.2. (a).

RW 18.3. The funds must be in addition to the funds required for the Religious Worker to meet the financial requirement and the funds required for any other dependants applying at the same time or already in the UK as a dependant of the Religious Worker.

RW 18.4. If RW18.2. (a) applies, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a dependent partner and dependent child on the Religious Worker route**

RW 19.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the dependant on the Religious Worker route are met, the application will be granted, otherwise the application will be refused.

RW 19.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child on the Religious Worker route**

RW 20.1. A dependent partner will be granted permission which ends on the same date as their partner's permission on the Religious Worker route.



RW 20.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

RW 20.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except for employment as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

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# Immigration Rules

## Appendix T5 (Temporary Worker)

### Charity Worker

The Charity Worker route is for a person who wants to come to the UK to do voluntary work for no more than 12 months.

A dependent partner and dependent children can apply on this route.

The Charity Worker route is not a route to settlement.

#### Validity Requirements for a Charity Worker

CW 1.1. A person applying for entry clearance or permission to stay as a Charity Worker must apply online on gov.uk on the specified form as follows:

- (a) for entry clearance, form “Tier 5 (Temporary Worker) visa – Charity Worker”;
- or
- (b) for permission to stay, form “Tier 5 (Temporary Worker) leave to remain”.

CW 1.2. An application for entry clearance or permission to stay as a Charity Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship that was issued to them no more than 3 months before the date of application.

CW 1.3. An applicant who is applying for permission to stay must have, or have last had, permission as a Charity Worker.

CW 1.4. An application which does not meet the validity requirements for a Charity Worker is invalid and may be rejected and not considered.

#### Suitability Requirements for a Charity Worker

CW 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

CW 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

#### Eligibility Requirements for a Charity Worker

### **Entry requirements for a Charity Worker**

CW 3.1. A person seeking to come to the UK on the Charity Worker route must have applied for and obtained entry clearance as a Charity Worker before they arrive in the UK.

CW 3.2. A person applying for entry clearance as a Charity Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

CW 3.3. An applicant for entry clearance must not have had permission as a Religious Worker or Charity Worker at any time during the 12 months immediately before the date of application unless they can show they were not in the UK at any time during those 12 months.

### **Sponsorship requirement for a Charity Worker**

CW 4.1. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Charity Worker and is applying to continue working for the same sponsor as in their last permission.

CW 4.2. The date of application must be no more than 3 months before the start date of the charity work, as stated in the Certificate of Sponsorship.

CW 4.3. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

CW 4.4. The sponsor must not have withdrawn the offer of charity work since the Certificate of Sponsorship was issued.

CW 4.5. The Certificate of Sponsorship must include confirmation that the role meets the requirement at CW 6.1.

### **Genuineness requirement for a Charity Worker**

CW 5.1. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted by paragraph CW 10.3.

### **Voluntary work requirement for a Charity Worker**

CW 6.1. The charity work the applicant is applying to do must meet all the following requirements:

- (a) it is voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose; and
- (b) it must be voluntary work and not be paid or otherwise remunerated, including

- receipt of benefits in kind, except for reasonable expenses as defined in the National Minimum Wage Act 1998; and
- (c) the applicant must not be filling a permanent position, including on a temporary basis.

### **Financial Requirement for a Charity Worker**

CW 7.1. Either:

- (a) the applicant must have funds of at least £1,270; or
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

CW 7.2. If CW 7.1.(a) applies the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Parental consent requirement for a Charity Worker**

CW 8.1. If the applicant is aged under 18 they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

CW 8.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application for a Charity Worker**

CW 9.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Charity Worker route are met, the application will be granted, otherwise the application will be refused.

CW 9.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Charity Worker**

CW 10.1. If the application is for entry clearance, the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and after; or
- (b) 12 months,

whichever is shorter.

CW 10.2 If the application is for permission to stay, the applicant will be granted either

- (a) the period of the role on the Certificate of Sponsorship plus 14 days; or
- (b) the difference between the period the applicant has already spent in the UK since their last grant of permission as a Charity Worker and 12 months,

whichever is shorter.

CW 10.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted only in the role the applicant is being sponsored for; and
- (c) voluntary work with another organisation is permitted; and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies, the applicant will be required to register with the police.

## Dependants on the Charity Worker route

### Validity requirements for the dependent partner or child on the Charity Worker route

CW 11.1. A person applying for entry clearance or permission to stay as a dependent partner or child on the Charity Worker route must apply online on the gov.uk website on the specified form as follows:

Location of partner or child	Specified form
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the T5 (Temporary Worker) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

CW 11.2. An application for entry clearance or permission to stay as a dependent partner or child on the Charity Worker route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

CW 11.3. An applicant who is applying for permission to stay must be in the UK and must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

CW 11.4. An applicant who is applying as a dependent partner must be aged 18 or over on the date of application.

CW 11.5. An application which does not meet the validity requirements is invalid and may be rejected and not considered.

### **Suitability requirements for a dependent partner or dependent child on the Charity Worker route**

CW 12.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

CW 12.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for a dependent partner and child of a person on the Charity Worker route**

#### **Entry requirement for a dependent partner and child of a person on the Charity Worker route**

CW 13.1. A person seeking to come to the UK as a partner or child on the Charity Worker route must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

CW 13.2. A person applying for entry clearance as a partner or child on the Charity Worker route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Relationship requirements for a dependent partner on the Charity Worker route**

CW 14.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission as a Charity Worker; or
- (b) P is, at the same time, applying for (and is granted) permission as a Charity Worker.

CW 14.2. If the applicant and the Charity Worker are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the Charity Worker with another person must have permanently broken down; and
- (c) the applicant and the Charity Worker must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

CW 14.3. The relationship between the applicant and the Charity Worker must be genuine and subsisting.

CW 14.4. The applicant and the Charity Worker must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the Charity Worker route**

CW 15.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a Charity Worker; or
- (b) as a partner of a Charity Worker.

CW 15.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission as a Charity Worker or as the partner of a Charity Worker is the sole surviving parent; or
- (b) the parent applying for or with permission as a Charity Worker or as the partner of a Charity Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Charity Worker route.

CW 15.3. If the applicant does not meet the requirement at CW 15.2. they must have been born during the Charity Worker's or their partner's current period of permission and must provide a full birth certificate showing the names of both parents.

**Care requirement for a dependent child of a person on the Charity Worker route**

CW 16.1. If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child of a person on the Charity Worker route**

CW 17.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as a dependent child of the parent who has or is applying for entry clearance or permission to stay as a Charity Worker (regardless of the route under which the parent had permission at the time the child's last permission was granted).

CW 17.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**Financial requirement for a dependent partner or dependent child on the Charity Worker route**

CW 18.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

CW 18.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant or the Charity Worker must have funds of at least:
  - (i) £285 for a dependent partner in the UK or applying to come to the UK; and
  - (ii) £315 for the first child in the UK or applying to come to the UK; and
  - (iii) £200 for each additional child in the UK or applying to come to the UK; or
- (b) the Sponsor of the Charity Worker must confirm they will, if necessary, maintain and accommodate the dependent partner and dependent child for at least the sum in 18.2.(a).

CW 18.3. The funds must be in addition to the funds required for the Charity Worker to meet the financial requirement and the funds required for any dependant of the Charity Worker who is applying at the same time or is already in the UK as their dependant.

CW 18.4. If 18.2.(a) applies the funds must have held for a 28-day period and as specified in Appendix Finance.

### **Decision on application as a dependent partner or child of a person on the Charity Worker route**

CW 19.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependant on the Charity Worker route are met the application will be granted, otherwise the application will be refused.

CW 19.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant as a dependent partner or child of a person on the Charity Worker route**

CW 20.1. A dependent partner will be granted permission which ends on the same date as their partner's permission on the Charity Worker route.

CW 20.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

CW 20.3. The grant will be subject to the following conditions:

- (a) no access to public funds; and
  - (b) work (including self-employment and voluntary work) is permitted except for employment as a professional sportsperson, including as a sports coach; and
  - (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- if Part 10 applies, the applicant will be required to register with the police.



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# Immigration Rules

## Appendix T5 (Temporary Worker)

### Creative or Sporting Worker

The Creative or Sporting Worker route is for a person who wants to work within the creative or sporting sector.

A person can be granted permission for up to 12 months initially. A Creative Worker can apply to extend their stay up to a maximum of 24 months if they are still working for the same sponsor.

A Creative Worker is someone who can make a unique contribution to the UK's rich cultural life, for example, as an artist, dancer, musician or entertainer, or as a model contributing to the UK's fashion industry.

A Sporting Worker is someone who can make a significant contribution to their sport at the highest level in the UK.

A dependent partner and dependent children can apply on this route.

The Creative or Sporting Worker route is not a route to settlement.

### Validity Requirements for the Creative or Sporting Worker route

CSP 1.1. A person applying for entry clearance or permission to stay as a Creative or Sporting Worker must apply online on gov.uk on the specified form as follows:

- (a) for entry clearance, form "Tier 5 (Temporary Worker) visa – Creative and Sporting"; or
- (b) for permission to stay, form "Tier 5 (Temporary Worker) leave to remain".

CSP 1.2. An application for entry clearance or permission to stay as a Creative or Sporting Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship that was issued to them no more than 3 months before the date of application.

CSP 1.3. An applicant who is applying for permission to stay must be in the UK and must have, or have last had:

- (a) entry clearance or permission to stay on the T5 (Temporary Worker) Creative or Sporting Worker route; or
- (b) permission as a standard visitor who has been in the UK undertaking permitted activities in the sports or creative sectors where the applicant had

been assigned the Certificate of Sponsorship in CSP 1.2(d) before they entered the UK.

CSP 1.4. An application which does not meet the validity requirements is invalid and may be rejected and not considered.

## **Suitability Requirements for a Creative or Sporting Worker**

CSP 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

CSP 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility Requirements for a Creative or Sporting Worker**

### **Entry requirements for a Creative or Sporting Worker**

CSP 3.1. A person seeking to come to the UK on the Creative or Sporting Worker route must apply for and obtain entry clearance on the Creative or Sporting Worker route before they arrive in the UK except where CSP 3.2 applies.

CSP 3.2. A person arriving in the UK and seeking entry as a Creative or Sporting Worker and who does not have a valid entry clearance on that route may be granted permission to enter if the following requirements are met:

- (a) the applicant is not a visa national; and
- (b) the applicant has a valid Certificate of Sponsorship from an approved sponsor for the T5 (Temporary Worker) Creative or Sporting Worker route; and
- (c) if the applicant is a sportsperson, the sponsor must also have had an endorsement for the applicant from the appropriate governing body under Appendix M before assigning the Certificate of Sponsorship; and
- (d) if the applicant has consecutive engagements, the total length of all the periods of engagement, together with any gap between those engagements, is 3 months or less,
- (e) if the applicant does not have consecutive engagements, the total length of period of engagement, or engagements, is 3 months or less; and
- (f) the person otherwise meets the requirements to be granted permission as a Creative or Sporting Worker.

CSP 3.3. A person applying for entry clearance as a Creative or Sporting Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Sponsorship requirement for a Creative or Sporting Worker**

CSP 4.1. If the applicant is a Creative Worker, the sponsor must ensure that:

- (a) the applicant complies with their relevant Code of Practice under Appendix T5 Creative Workers Codes of Practice, where one exists for their occupation; or

- (b) the role appeared in the shortage occupation list in Appendix Shortage Occupation Lists; or
- (c) before assigning the Certificate of Sponsorship, the sponsor took into account the needs of the resident labour market in that field and was satisfied that the work could not be carried out by a settled worker.

CSP 4.2. If the applicant is a Sporting Worker, the sponsor must have an endorsement for the applicant from the appropriate governing body under Appendix M before assigning the Certificate of Sponsorship which confirms both:

- (a) the player or coach is internationally established at the highest level and/or will make a significant contribution to the development of their sport at the highest level in the UK; and
- (b) the role could not be filled by a settled worker.

CSP 4.3. The sponsor must be listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Creative or Sporting Worker and is applying to continue working for the same sponsor as in their last permission.

CSP 4.4. The date of application must be no more than three months before the start date of the role as stated by the Certificate of Sponsorship.

CSP 4.5. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

CSP 4.6. The sponsor must not have withdrawn the job offer since the Certificate of Sponsorship was issued.

CSP 4.7. The Certificate of Sponsorship must include all the following:

- (a) confirmation that the role meets the relevant requirements at CSP 4.1. or CSP 4.2; and
- (b) an outline of the duties involved in the role.

CSP 4.8. If the Certificate of Sponsorship records that the applicant is being sponsored for more than one engagement by the same sponsor, there must be no more than 14 days between each individual engagement.

CSP 4.9. If the applicant has consecutive engagements, each sponsor must assign its own Certificate of Sponsorship to the applicant, and each Certificate of Sponsorship must meet the requirements in CSP 4.1. to CSP 4.8.

### **Genuineness requirement for a Creative or Sporting Worker**

CSP 5.1. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted at CSP 9.5.

### **Financial Requirement for a Creative or Sporting Worker**

CSP 6.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

CSP 6.2. If the applicant is applying for entry clearance, or is applying for permission to enter under CSP 3.2, or is applying for permission to stay and has been in the UK for less than 12 months on the date of application, either:

- (a) the applicant must show they have funds of at least £1,270; or
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

CSP 6.3. If CSP 6.2.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Parental consent requirement for a Creative or Sporting Worker aged under 18**

CSP 7.1. If the applicant is aged under 18 at the date of application they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

CSP 7.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application for a Creative or Sporting Worker**

CSP 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Creative or Sporting Worker route are met, the application will be granted, otherwise the application will be refused.

CSP 8.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant as a Creative or Sporting Worker**

CSP 9.1. If the application is for entry clearance, the applicant will be granted:

- (a) a period starting 14 days before the first engagement and ending 14 days after the final engagement, if the applicant has consecutive engagements; or
  - (b) the period of the role on the Certificate of Sponsorship plus 14 days before and after, if the applicant does not have consecutive engagements; or
  - (c) 12 months,
- whichever is shorter.

CSP 9.2. If the application is for permission to enter, in accordance with CSP 3.2, the applicant will be granted permission to enter for:

- (a) a period starting up to 14 days before the first engagement and ending 14 days after the final engagement, if the applicant has consecutive engagements; or
  - (b) the period of the role on the Certificate of Sponsorship plus up to 14 days before and 14 days after, if the applicant does not have consecutive engagements; or
  - (c) 3 months,
- whichever is shorter.

CSP 9.3. Unless CSP 9.4. applies, if the application is for permission to stay, the applicant will be granted:

- (a) a period ending 14 days after the final engagement, if the applicant has consecutive engagements; or
  - (b) the period of the role on the Certificate of Sponsorship plus 14 days, if the applicant does not have consecutive engagements; or
  - (c) the difference between the period the applicant has already spent in the UK as a Creative or Sporting Worker and 12 months,
- whichever is shorter.

CSP 9.4. If the applicant is applying for permission to stay as a Creative Worker and the sponsor is the same sponsor as in the application which led to the applicant's last grant of permission, the applicant will be granted:

- (a) a period ending 14 days after the final engagement, if the applicant has consecutive engagements; or
  - (b) the period of the role on the Certificate of Sponsorship plus 14 days, if the applicant does not have consecutive engagements; or
  - (c) 12 months; or
  - (d) the difference between the period the applicant has already spent in the UK as a Creative or Sporting Worker and 24 months,
- whichever is shorter.

CSP 9.5. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted only in the role(s) the applicant is being sponsored for; and
- (c) supplementary employment is permitted; and
- (d) for a Sporting Worker the following work is also permitted:
  - (i) employment for their national team while that team is in the UK; and
  - (ii) playing in British University College Sport competitions; and
  - (iii) temporary engagement as a sports broadcaster providing guest expert commentary on a particular sporting event; and
- (e) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (f) if Part 10 applies, the applicant will be required to register with the police.

## Dependants on the Creative or Sporting Worker route

## Validity requirements for the dependent partner or child on the Creative or Sporting Worker route

CSP 10.1. A person applying for entry clearance or permission to stay as a dependent partner or child on the Creative or Sporting Worker route must apply online on the gov.uk website on the specified form as follows:

Location of partner or child	Specified form
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the T5 (Temporary Worker) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

CSP 10.2. An application for entry clearance or permission to stay as a partner or child on the Creative or Sporting Worker route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

CSP 10.3. An applicant who is applying for permission to stay must be in the UK on the date of application must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

CSP 10.4. An applicant who is applying as a dependent partner must be aged 18 or over on the date of application.

CSP 10.5. An application which does not meet the validity requirements for a dependent partner or child on the Creative or Sporting Worker route is invalid and may be rejected and not considered.

## Suitability requirements for a dependent partner or child on the Creative or Sporting Worker route

CSP 11.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

CSP 11.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a dependent partner or child on the Creative or Sporting Worker route**

### **Entry requirement for a dependent partner or child on the Creative or Sporting Worker route**

CSP 12.1. A person seeking to come to the UK as a partner or child on the Creative or Sporting Worker route must apply for and obtain entry clearance as a partner or dependent child before they arrive in the UK unless CSP 12.2. applies.

CSP 12.2. A person arriving in the UK and seeking entry as a partner or child on the Creative or Sporting Worker route who does not have a valid entry clearance may be granted permission to enter if the following requirements are met:

- (a) the applicant is not a visa national; and
- (b) the applicant is seeking entry at the same time as the person they are a dependant of, and who meets the requirements at CSP 3.2.; and
- (c) the applicant meets the requirements to be granted permission as a partner or child on the Creative or Sporting Worker route.

CSP 12.3. A person applying for entry clearance as a partner or child of a Creative or Sporting Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a dependent partner on the Creative or Sporting Worker route**

CSP 13.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission as a Creative or Sporting Worker; or
- (b) P is, at the same time, applying for (and is granted) permission as a Creative or Sporting Worker.

CSP 13.2. If the applicant and the Creative or Sporting Worker are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the Creative or Sporting Worker with another person must have permanently broken down; and
- (c) the applicant and the Creative or Sporting Worker must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.



CSP 13.3. The relationship between the applicant and the Creative or Sporting Worker must be genuine and subsisting.

CSP 13.4. The applicant and the Creative or Sporting Worker must intend to live together throughout the applicant's stay in the UK.

**Relationship requirement for a dependent child on the Creative or Sporting Worker route**

CSP 14.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a Creative or Sporting Worker; or
- (b) as the partner of a Creative or Sporting Worker.

CSP 14.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission as a Creative or Sporting Worker or as the partner of a Creative or Sporting Worker is the sole surviving parent; or
- (b) the parent applying for or with permission as a Creative or Sporting Worker or as the partner of a Creative or Sporting Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Creative or Sporting Worker route.

CSP 14.3. If the applicant does not meet the requirement at CSP 14.2. they must have been born during the Creative or Sporting Worker's or their partner's current period of permission and must provide a full birth certificate showing the names of both parents.

**Care requirement for a dependent child of a person on the Creative or Sporting Worker route**

CSP 15.1. If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

**Age requirement for a dependent child of a person on the Creative or Sporting Worker route**

CSP 16.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of the parent who has or is applying for entry clearance or permission to stay as a Creative or Sporting Worker (regardless of the route under which the parent had permission at the time the child's last permission was granted).

CSP 16.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

### **Financial requirement for a dependent partner or dependent child on the Creative or Sporting Worker route**

CSP 17.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

CSP 17.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

- (a) the applicant or the Creative or Sporting Worker must have funds of at least:
  - (i) £285 for a dependent partner in the UK or applying to come to the UK; and
  - (ii) £315 for the first child in the UK or applying to come to the UK; and
  - (iii) £200 for each additional child in the UK or applying to come to the UK; or
- (b) The A-rated Sponsor of the Creative or Sporting Worker must confirm they will, if necessary, maintain and accommodate the dependent partner and dependent child for at least the amount in CSP 17.2. (a).

CSP 17.3. The funds must be in addition to the funds required for the Creative or Sporting Worker to meet the financial requirement and the funds required for any dependant of the Creative or Sporting Worker who is applying at the same time or is already in the UK as a dependant of the Creative or Sporting Worker.

CSP 17.4. If CSP 17.2. (a) applies the funds must have been held for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a dependent partner or child of a person on the Creative or Sporting Worker route**

CSP 18.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the dependent partner or child on the Creative or Sporting Worker route are met, the application will be granted, otherwise the application will be refused.

CSP 18.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner or child of a person on the Creative or Sporting Worker route**

CSP 19.1. A dependent partner will be granted permission which ends on the same date as the Creative or Sporting Worker's permission.

CSP 19.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

CSP 19.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted except for employment as a professional sports person (including as a sports coach); and

- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies, the applicant will be required to register with the police.

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# Immigration Rules

## Appendix T5 (Temporary Worker)

### International Agreement Worker

The International Agreement Worker route is for a person who wants to come to the UK to provide a service covered under international law, such as private servants in diplomatic households, employees of overseas governments and international organisations, or under the General Agreement on Trade in Services (GATS) or another agreement under which the UK has commitments.

A person on the International Agreement Worker route can stay for a maximum period of between 6 months and 2 years depending on the international agreement.

A dependent partner and dependent children can apply on this route.

A person who wants to come to the UK under GATS intra-company transfer commitments must apply under the Intra-Company routes.

The International Agreement route is not a route to settlement.

#### Validity Requirements for the International Agreement Worker route

IA 1.1. A person applying for entry clearance or permission to stay as an International Agreement Worker must apply online on gov.uk on the specified form as follows:

- (a) for entry clearance, form “Tier 5 (Temporary Worker) visa – International Agreement”; or
- (b) for permission to stay, form “Tier 5 (Temporary Worker) leave to remain”.

IA 1.2. An application for entry clearance or permission to stay as an International Agreement Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship from an approved Sponsor that was issued to them no more than 3 months before the date of application.

IA 1.3. An applicant who is applying for permission to stay must be in the UK on the date of application and must have, or have last had, permission as an International Agreement Worker.

IA 1.4. The date of application must be no more than three months before the start date of the role stated in the Certificate of Sponsorship.

IA 1.5. An application which does not meet all the validity requirements for an International Worker is invalid and may be rejected and not considered.

## **Suitability Requirements for an International Agreement Worker**

IA 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

IA 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility Requirements for an International Agreement Worker**

### **Entry requirement for an International Agreement Worker**

IA 3.1. A person seeking to come to the UK on the International Agreement Worker route must apply for and obtain entry clearance as an International Agreement Worker before they arrive in the UK.

IA 3.2. A person applying for entry clearance as an International Agreement Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Sponsorship requirement for an International Agreement Worker**

IA 4.1 The Certificate of Sponsorship must have been issued by a sponsor who:

- (a) is listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as an International Agreement Worker and is applying to continue working for the same sponsor as in their last permission; and
- (b) is still approved on the date on which the application is decided.

IA 4.2. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

IA 4.3. The sponsor must not have withdrawn the job offer since the Certificate of Sponsorship was issued.

IA 4.4. The Certificate of Sponsorship must include confirmation that the role meets the relevant requirements at IA 6.1, depending on the role.

### **Genuineness requirement for International Agreement Worker**

IA 5.1. The applicant must genuinely intend to, and be able to, undertake the role for which they are sponsored.

## **International Agreement requirement**

IA 6.1. The role the applicant is applying to do must be as one of the following (and the applicant must also meet the specific requirements for that work):

- (a) a private servant in a diplomatic household; or
- (b) an employee of an overseas government or other international organisation established under an international treaty signed by UK; or
- (c) the work is under a contract to supply services to the sponsor in the UK by an overseas undertaking established in the territory of a party to the General Agreement on Trade in Services (GATS), or any other agreement (that has been concluded, and is in force), and that service falls within the scope of the commitments in that agreement on either:
  - (i) contractual service suppliers; or
  - (ii) independent professionals.

### **Private servant in diplomatic household requirements**

IA 7.1. The applicant must be aged 18 years or over at the date of application.

IA 7.2. The applicant must be employed as a private servant by, and in the household of, either:

- (a) a named member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations; or
- (b) a named official employed by an international organisation recognised by the UK government. with diplomatic privileges or immunities under UK or international law.

IA 7.3. Where the applicant had permission under the rules in place from 6 April 2012 and is applying to extend their permission they must:

- (a) be working for the same employer; and
- (b) have continued to work for that employer throughout their time in the UK with permission as a T5 Temporary Worker.

IA 7.4. The applicant must not intend to undertake any other role for the sponsor other than as a private servant in the specified household.

IA 7.5. The applicant must intend to work full time in the role they are being sponsored for.

IA 7.6. The applicant must not be a relative of the employer, or employer's spouse, either by blood or by marriage (including but not limited to, the spouse or unmarried partner, child, parent, grandparent or sibling of either the employer or the employer's spouse).

IA 7.7. The applicant must intend to leave the UK at the end of their permitted stay.

IA 7.8. The applicant must be paid at least the level of the national minimum wage throughout their stay.

IA 7.9. The applicant must provide the evidence of employment terms and conditions

as set out in Appendix 7.

IA 7.10. The applicant must provide a signed statement from the sponsor confirming that the role will not constitute work done in relation to the employer's family household within the meaning of regulation 57 of the National Minimum Wage Regulations 2015.

**Employee of an overseas government or other international organisation requirement**

IA 8.1. The applicant must be under a contract of employment with the overseas government or international organisation.

IA 8.2. The applicant must not intend to take any other form of role for the sponsor other than that for which the Certificate of Sponsorship was assigned.

**Contractual Service Supplier requirement**

IA 9.1. The applicant must be employed by a service supplier that has been contracted to provide a service to the sponsor in the United Kingdom which falls within the scope of the sectors specified in the relevant commitments in respect of contractual service suppliers as set out in the agreements mentioned at paragraph IA 6.1.(c) above. The service supplier must:

- (a) not have a commercial presence in the UK; and
- (b) be established in the country or territory that is a signatory to the agreement under which they are supplying services.

IA 9.2. The sponsor must be the final consumer of the services provided under the contract.

IA 9.3. The services contract must have been awarded through an open tendering procedure or other procedure that guarantees the bona fide character of the contract. The period of the contract awarded to the applicant's employer must not exceed 12 months.

IA 9.4. The applicant must be a national of the country in which the overseas undertaking is established or:

- (a) where the application is covered by a commitment in the General Agreement on Trade in Services and the overseas undertaking is established in a country which has made a notification under Article XXVIII(k)(ii)(2) of that agreement, a permanent resident of that country; or
- (b) where the application is covered by a commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, a permanent resident of Switzerland.

IA 9.5. The applicant must have been an employee of the service supplier for at least 12 months immediately before the date of application.

IA 9.6. The applicant must provide evidence of the employment in IA 9.5 in the form of:

- (a) formal payslips from the employer and showing the employer's name; or
- (b) payslips accompanied by a letter from the applicant's employer, on the employer's headed paper and signed by a senior official, confirming the payslips are authentic; or
- (c) personal bank or building society statements or building society book which cover the 12 months (ending no more than 31 days before the date of application) which show transactions by the service supplier covering the full specified period (but the statements must not be mini-statements obtained from an Automated Teller Machine).

IA 9.7. The applicant must show they have a university degree or equivalent level technical qualification unless they are supplying one of the following services in which case the qualification requirements in the following table apply:

<b>Services</b>	<b>Qualification</b>
Fashion and modelling	None required
Chef de cuisine	An advanced technical qualification
Entertainment services (excluding audio-visual services under the EU - CARIFORUM economic partnership agreement)	None required
management consulting services and services related to management consulting (managers and senior consultants)	University degree
Advertising or translation	Relevant qualifications
Technical testing and analysis	University degree or a relevant technical qualification

IA 9.8. The applicant must hold any professional qualifications or registrations required to provide the services under UK law, regulations or sectoral requirements.

IA 9.9. The applicant must have at least 3 years professional experience in the sector in which they are supplying services unless they are supplying chef de cuisine services under the EU – CARIFORUM economic partnership agreement, in which case the applicant must have at least 6 years relevant experience at the level of chef de cuisine.

IA 9.10. Where the applicant has last been granted entry clearance or permission as an International Agreement Worker, and is applying for permission to stay:

- (a) the applicant must meet the requirements in IA 9.1 to IA 9.9; or
- (b) the Certificate of Sponsorship must be issued by the same sponsor, and for the purpose of the same contract to provide services.

### **Independent Professional requirement**

IA 10.1. The applicant must have been contracted to provide a service to the sponsor in the UK which falls within the scope of the sectors specified in the relevant



commitments in respect of independent professionals as set out in the agreements mentioned at IA 6.1.(c) above. The applicant must:

- (a) not have a commercial presence in the UK; and
- (b) have established a business in the country or territory that is signatory to the agreement under which they are supplying services; and
- (c) be a national of that country or, where the application is covered by a commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, be a permanent resident of Switzerland

IA 10.2. The sponsor must be the final consumer of the services provided under the contract.

IA 10.3. The services contract must have been awarded through an open tendering procedure or other procedure that guarantees the bona fide character of the contract. The period of the contract awarded to the independent professional must not exceed 12 months.

IA 10.4. The applicant must show they have a university degree or a technical qualification demonstrating knowledge of an equivalent level.

IA 10.5. The applicant must hold any professional qualifications or registrations required to provide the services under UK law, regulations or sectoral requirements.

IA 10.6. The applicant must have at least 6 years of experience in the sector in which they are supplying services.

IA 10.7 Where the applicant has last been granted entry clearance or permission as an International Agreement Worker, and is applying for permission to stay:

- (a) the applicant must meet the requirements in IA 10.1. to IA 10.6; or
- (b) the Certificate of Sponsorship must be issued by the same sponsor and for the purpose of the same contract to provide services.

### **Financial Requirement for an International Agreement Worker**

IA 11.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

IA 11.2. Where the applicant is applying for entry clearance or permission to stay and has been in the UK for less than 12 months on the date of application, either;

- (a) the applicant must have funds of at least £1,270; or
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

IA 11.3. If IA 11.2. applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Parental consent requirement for an International Agreement Worker aged under 18**

IA 12.1. If the applicant is aged under 18 on the date of application they must have written consent from:

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

IA 12.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision on application as an International Agreement Worker**

IA 13.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the International Agreement Worker route are met, the application will be granted, otherwise the application will be refused.

IA 13.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for an International Agreement Worker**

IA 14.1. If the application is for entry clearance as a contractual service supplier or independent professional, subject to IA 14.6., the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or
- (b) if shorter,
  - (i) if the applicant is an EU national covered by a relevant commitment in the United Kingdom-European Union Trade and Cooperation Agreement, 12 months; or,
  - (ii) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, 12 months; or
  - (iii) in all other cases, 6 months.

IA 14.2. If the application is for permission to stay as a contractual service supplier or independent professional, subject to IA 14.6., the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or
- (b) if shorter,
  - (i) if the applicant is an EU national covered by a relevant commitment in the United Kingdom-European Union Trade and Cooperation Agreement, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker

and 12 months; or,

(ii) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker and 12 months; or

(iii) in all other cases, the difference between the period the applicant has already spent in the UK since their last grant of permission as an International Agreement Worker and 6 months.

IA 14.3. If the application is for entry clearance as a private servant in a diplomatic household or employee of an overseas government or organisation, the applicant will be granted either:

(a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or

(b) 24 months,

whichever is shorter.

IA 14.4. Unless IA 14.5. applies, if the application is for entry clearance or permission to stay as a private servant in a diplomatic household or employee of an overseas government or international organisation, the applicant will be granted either:

(a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or

(b) the difference between the period the applicant has already spent in the UK since their last grant of permission on a Tier 5 (Temporary Worker) route and 24 months,

whichever is shorter.

IA 14.5. If the applicant is a private servant in a diplomatic household who has spent more than 3 years continuously in the UK as a T5 Temporary Worker and their application is for permission to stay, the applicant will be granted either:

(a) the period of the role on the Certificate of Sponsorship plus 14 days before and 14 days after that period; or

(b) the difference between the period the applicant has already spent in the UK since their first grant of permission on a Tier 5 (Temporary Worker) route and 5 years,

whichever is shorter.

IA 14.6. An applicant who is not an EU national may not be granted permission as a contractual service supplier or independent professional for a total period of:

(a) if the applicant is a Swiss national or permanent resident covered by a relevant commitment in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility, more than 12 months in any 24-month period (the relevant 24 months includes the period of permission the applicant is applying for); or

(b) in all other cases, more than 6 months in any 12-month period (the relevant 12 months includes the period of permission the applicant is applying for).

IA 14.7. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted in the role the applicant is being sponsored for; and
- (c) supplementary employment is permitted only for a person being sponsored for a job as an employee of overseas governments or international organisations but not as:
  - (i) a private servant in a diplomatic household; or
  - (ii) a contractual service supplier; or
  - (iii) an independent professional; and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies the applicant will be required to register with the police.

IA 14.8. If the applicant is being sponsored as a private servant in a diplomatic household, IA 14.7.(a) does not prevent them from taking employment as a domestic worker in a different household from the one specified in the Certificate of Sponsorship.

## **Settlement by a Private Servant in a diplomatic household**

### **Validity requirements for settlement by a Private Servant in a diplomatic household**

IA 15.1. A person applying for settlement as a Private Servant in a diplomatic household must apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

IA 15.2. An application for settlement must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

IA 15.3. The applicant must have, or have last been granted, permission on the International Agreement Worker route as a private servant in a diplomatic household.

IA 15.4. An application which does not meet all the validity requirements for settlement as a Private Servant in a diplomatic household is invalid and may be rejected and not considered.

### **Suitability Requirements for settlement as a Private Servant in a diplomatic household**

IA 16.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

IA 16.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for settlement as a Private Servant in a diplomatic household**

### **Qualifying period requirement for settlement as a Private Servant in a diplomatic household**

IA 17.1. The applicant must have been granted their last entry clearance as an International Agreement Worker, working as a private servant in a diplomatic household under the rules in place before 6 April 2012.

IA 17.2. The applicant must have spent a continuous period of 5 years lawfully in the UK with entry clearance or permission as an International Agreement Worker, working as a private servant in a diplomatic household.

### **Continuous residence requirement for settlement as a Private Servant in a diplomatic household**

IA 18.1. The applicant must meet the continuous requirement as specified in Appendix Continuous Residence during the period in IA 17.2.

### **English language requirement for settlement as a Private Servant in a diplomatic household**

IA 19.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

IA 19.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

### **Knowledge of Life in the UK requirement for settlement as a Private Servant in a diplomatic household**

IA 20.1. The applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

## **Decision on an application for settlement by Private Servant in a diplomatic household**

IA 21.1. If the decision maker is satisfied that all the suitability and eligibility requirements for settlement as a Private Servant in a diplomatic household are met, the applicant will be granted settlement, otherwise the application will be refused.

IA 21.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

## **Dependants on the International Agreement Worker route**

## Validity requirements for a dependent partner or child on the International Agreement Worker route

IA 22.1. A person applying for entry clearance or permission to stay as a dependent partner or dependent child on the International Agreement Worker route must apply online on the gov.uk website on the specified form as follows:

Location of partner or child	Specified form
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the T5 (Temporary Worker) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

IA 22.2. An application for entry clearance or permission to stay as a partner or child on the International Agreement Worker route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

IA 22.3. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last had, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

IA 22.4. An applicant who is applying as a dependent partner must be aged 18 or over on the date of application.

IA 22.5. An application which does not meet the validity requirements is invalid and may be rejected and not considered.

## Suitability requirements for a dependent partner or child on the International Agreement Worker route

IA 23.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

IA 23.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a dependent partner and child on the International Agreement Worker route**

### **Entry requirement for a dependent partner and dependent child on the International Agreement Worker route**

IA 24.1. A person seeking to come to the UK as a partner or child on the International Agreement Worker route must apply for and obtain an entry clearance as a partner or child before they arrive in the UK.

IA 24.2. A person applying for entry clearance as a partner or child on the International Agreement Worker route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a dependent partner on the International Agreement Worker route**

IA 25.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission as an International Agreement Worker; or
- (b) P is, at the same time, applying for (and is granted) permission as an International Agreement Worker.

IA 25.2. If the applicant and the International Agreement Worker are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the International Agreement Worker with another person must have permanently broken down; and
- (c) the applicant and the International Agreement Worker must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

IA 25.3. The relationship between the applicant and the International Agreement Worker must be genuine and subsisting.

IA 25.4. The applicant and the International Agreement Worker must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the International Agreement Worker route**

IA 26.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as an International Agreement Worker; or
- (b) as the partner of an International Agreement Worker.

IA 26.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission as an International Agreement Worker or as the partner of an International Agreement Worker is the sole surviving parent; or
- (b) the parent applying for or with permission as an International Agreement Worker or as the partner of an International Agreement Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the International Agreement Worker route.

IA 26.3. If the applicant does not meet the requirement at IA 26.2. they must have been born during the International Agreement Worker's or their partner's current period of permission and must provide a full birth certificate showing the names of both parents.

#### **Care requirement for a dependent child on the International Agreement Worker route**

IA 27.1. If the applicant is under the age of 18 years on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which comply with relevant UK legislation and regulations.

#### **Age requirement for a dependent child on the International Agreement Worker route**

IA 28.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of the person (P) in IA 26.1.

IA 28.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

#### **Financial requirement for a dependent partner or dependent child on the International Agreement Worker route**

IA 29.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

IA 29.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:

- (a) the applicant or the International Agreement Worker must have funds of at least:
  - (i) £285 for a dependent partner in the UK or applying to come to the UK; and



- (ii) £315 for the first child in the UK or applying to come to the UK; and
  - (iii) £200 for each additional child in the UK or applying to come to the UK;
- or
- (b) the Sponsor of the International Agreement Worker must confirm they will, if necessary, maintain and accommodate the applicant for the first month of their stay for at least the amount in IA 26.2.(a).

IA 29.3. The funds must be in addition to the funds required for the International Agreement Worker to meet the financial requirement and the funds required for any dependant of the International Agreement Worker who is applying at the same time or is already in the UK as a dependant of the International Agreement Worker.

IA 29.4. If IA 29.2. (a) applies the funds must have been held for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a dependent partner and dependent child on the International Agreement Worker route**

IA 30.1. If the decision maker is satisfied that all the suitability and eligibility requirements for a dependent partner and dependent child on the International Agreement Worker route, are met the application will be granted, otherwise the application will be refused.

IA 30.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child on the International Agreement Worker route**

IA 31.1. A dependent partner will be granted permission which ends on the same date as their partner's permission on the T5 (Temporary Worker) International Agreement Worker route.

IA 31.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

IA 31.3. The grant will be subject to the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted except for employment as a professional sportsperson, including as a sports coach; and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (d) if Part 10 applies the applicant will be required to register with the police.

### **Settlement for dependent partner and dependent child on the International Agreement Worker route**

### **Validity requirements for settlement for dependent partner and dependent child of a Private Servant in a diplomatic household**

IA 32.1. A dependent partner or a dependent child of a Private Servant in a diplomatic apply online on the gov.uk website on the specified form “Settle in the UK in various immigration categories: form SET(O)”.

IA 32.2. An application for settlement as a dependent partner or dependent child of a Private Servant in a diplomatic household must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK.

IA 32.3. The applicant must have, or have last been granted, permission as a dependent partner or a dependent child of a Private Servant in a diplomatic household on the International Agreement Worker route.

IA 32.4. An application which does not meet all the validity requirements for settlement for dependent partner or dependent child of a Private Servant in a diplomatic household on the International Agreement Worker route is invalid and may be rejected and not considered.

### **Suitability Requirements for settlement by a dependent partner and dependent child of a Private Servant in a diplomatic household**

IA 33.1. The applicant must not fall for refusal under Part 9: grounds for refusal

IA 33.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement by a dependent partner and dependent child of a Private Servant in a diplomatic household on the International Agreement Worker route**

#### **Relationship requirement for settlement by a dependent partner of a Private Servant in a diplomatic household**

IA 34.1. The applicant’s partner must be either:

- (a) a private servant in a diplomatic household; or
- (b) be settled or a British citizen, providing they had permission as a private servant in a diplomatic household when they settled and the applicant had permission as their dependent partner at that time.

IA 34.2. The applicant and their partner must have been living together in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for the 5 years immediately before the date of application.

**Qualifying period requirement for settlement by a dependent partner of a Private Servant in a diplomatic household**

IA 35.1. The applicant must have been in the UK with permission as the partner of the private servant in a diplomatic household for the last 5 years.

**Continuous residence requirement for settlement by a dependent partner of a Private Servant in a diplomatic household**

IA 36.1. The applicant must meet the continuous residence requirement as specified in Appendix Continuous Residence during the period in IA 35.1.

**English language requirement for settlement by a dependent partner of a Private Servant in a diplomatic household**

IA 37.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

IA 37.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of Life in the UK requirement for settlement by a dependent partner of a Private Servant in a diplomatic household**

IA 38.1. The applicant must meet the Knowledge of Life in the UK requirement as specified in Appendix: KOL UK.

**Eligibility requirements for settlement as a dependent child of a Private Servant in a diplomatic household**

**Relationship requirement for settlement by a dependent child of a Private Servant in a diplomatic household**

IA 39.1. A parent of the applicant must have been granted settlement as a person on the International Agreement Worker route as a private servant in a diplomatic household.

IA 39.2. The parent must previously have had permission on the International Agreement Worker route as a private servant in a diplomatic household and the applicant must have had permission as their dependent child at that time.

IA 39.3. The applicant's other parent must be being granted settlement at the same time, or be settled or a British citizen, unless any of the following apply:

- (a) the first parent is the sole surviving parent; or
- (b) the first parent has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

IA 39.4. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

**English language requirement for settlement by a dependent child of a Private**

**Servant in a diplomatic household**

IA 40.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

IA 40.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

**Knowledge of Life in the UK requirement for settlement by a dependent child of a Private Servant in a diplomatic household**

IA 41.1. Unless an exemption applies, they must meet the Knowledge of Life in the UK requirement as specified in Appendix KOL UK.

**Decision on an application for settlement by a dependent partner or dependent child of a Private Servant in a diplomatic household**

IA 42.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement for a dependent partner or child on the International Agreement Worker route are met the applicant will be granted settlement, otherwise the application will be refused.

IA 42.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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# Immigration Rules

## Appendix T5 (Temporary Worker) Government Authorised Exchange Worker route

The Government Authorised Exchange Worker route is for a person who wants to come to the UK on an approved scheme for a period of no more than 12 or 24-months (depending on the scheme).

A dependent partner and dependent children can apply on this route.

The Government Authorised Exchange route is not a route to settlement.

### Validity Requirements for the Government Authorised Exchange Worker route

GAE 1.1. A person applying for entry clearance or permission to stay as a Government Authorised Exchange Worker must apply online on the gov.uk website on the specified form as follows:

- (a) for entry clearance, form “Tier 5 (Temporary Worker) visa – Government Authorised Exchange”; or
- (b) for permission to stay, form “Tier 5 (Temporary Worker) leave to remain”.

GAE 1.2. An application for entry clearance or permission to stay as a Government Authorised Exchange Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must have a Certificate of Sponsorship that was issued to them no more than 3 months before the date of application.

GAE 1.3. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and maintenance, they must provide written consent to the application from that Government or agency.

GAE 1.4. The date of application must be no more than three months before the start date of the role, as stated by the Certificate of Sponsorship.

GAE 1.5. An application which does not meet the validity requirements for a Government Authorised Exchange Worker is invalid and may be rejected and not considered.

## **Suitability Requirements for a Government Authorised Exchange Worker**

GAE 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GAE 2.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility Requirements for a Government Authorised Exchange Worker**

### **Entry requirements for a Government Authorised Exchange Worker**

GAE 3.1. A person seeking to come to the UK on the Government Authorised Exchange Worker route must have applied for and obtained entry clearance under this route before they arrive in the UK.

GAE 3.2. A person applying for entry clearance as Government Authorised Exchange Worker must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Previous permission requirement for a Government Authorised Exchange Worker**

GAE 4.1. An applicant applying for permission to stay must be in the UK and must have, or have last been granted, permission on one of the following routes:

- (a) a Government Authorised Exchange Worker; or
- (b) a Student, who meets the requirements in GAE 4.2. and who is or was last sponsored by either:
  - (i) a higher education provider with a track record of compliance; or
  - (ii) an overseas higher education institution, to do a short-term study abroad programme in the UK.

GAE 4.2. Where the applicant has, or last had, permission as a Student:

- (a) the applicant must have completed a UK recognised bachelor's or postgraduate degree during that last period of permission; and
- (b) the applicant must currently be sponsored for either:
  - (i) a period of postgraduate professional training or work experience which is required to gain a professional qualification or registration in the same field as their degree; or
  - (ii) an internship for up to 12 months which is directly related to their degree; and
- (c) the applicant must not be filling a permanent vacancy; and
- (d) the sponsor must not intend to employ the applicant in the UK once the training or work experience is completed.

### **Sponsorship requirement for a Government Authorised Exchange Worker**

GAE 5.1. The Certificate of Sponsorship must have been issued by a sponsor which is listed as A-rated on the Home Office's register of licensed sponsors, unless the applicant was last granted permission as a Government Authorised Exchange Worker, and is applying to continue working for the same sponsor as in their last permission.

GAE 5.2. The Certificate of Sponsorship must not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn).

GAE 5.3. The sponsor must not have withdrawn the offer since the Certificate of Sponsorship was issued.

GAE 5.4. The Certificate of Sponsorship must include confirmation of all the following:

- (a) the role meets the requirements of the individual exchange scheme as set out in Appendix N; and
- (b) the role does not fill a vacancy in the workforce; and
- (c) the role appears in Table 1 or Table 2 of Appendix Skilled Occupations.

GAE 5.5. The applicant must:

- (a) genuinely intend, and be able, to undertake the role for which they are being sponsored; and
- (b) not intend to undertake employment other than in the role for which they are being sponsored, or as otherwise permitted by paragraph GAE 9.3.

### **Financial Requirement for a Government Authorised Exchange Worker**

GAE 6.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

GAE 6.2. If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant must have funds of at least £1,270; or
- (b) the applicant's A rated sponsor must confirm on the Certificate of Sponsorship that they will, if it is necessary, maintain and accommodate the applicant up to the end of the first month of their employment for an amount of at least £1,270.

GAE 6.3. If GAE 6.2.(a) applies, the applicant must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Parental consent requirement for a Government Authorised Exchange Worker aged under 18**

GAE 7.1. If the applicant is aged under 18 they must have written consent from:

- (a) both parents; or

- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian.

GAE 7.2. The written consent must confirm support for all of the following:

- (a) the application; and
- (b) the applicant's living and care arrangements in the UK; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the UK.

### **Decision for a Government Authorised Exchange Worker**

GAE 8.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the Government Authorised Exchange Worker route are met, the application will be granted, otherwise the application will be refused.

GAE 8.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a Government Authorised Exchange Worker**

GAE 9.1. If the application is for entry clearance, the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days before and after; or
- (b) 24 months, unless the applicant is applying on a Work Experience Programme, in which case 12 months,

whichever is shorter

GAE 9.2. If the application is for permission to stay, the applicant will be granted either:

- (a) the period of the role on the Certificate of Sponsorship plus 14 days; or
- (b) the difference between the period the applicant has already spent in the UK since their last grant of permission on a Tier 5 (Temporary Worker) Government Authorised Exchange Worker route and 24 months, unless the applicant is applying on a Work Experience Programme, in which case 12 months,

whichever is shorter.

GAE 9.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work is permitted only in the role the applicant is being sponsored for, including volunteering and job shadowing if recorded on the Certificate of Sponsorship; and
- (c) supplementary employment is permitted; and
- (d) study is permitted, subject to the ATAS condition in Appendix ATAS; and
- (e) if Part 10 applies, the applicant will be required to register with the police.

### **Dependants on the Government Authorised Exchange Worker route**



## Validity requirements for the dependent partner or child on the Government Authorised Exchange Worker route

GAE 10.1. A person applying for entry clearance or permission to stay as a dependent partner or child on the Government Authorised Exchange Worker route must apply online on gov.uk on the specified form as follows:

Location of partner or child	Specified form
Outside the UK	Dependant partner visa Dependant child visa
Inside the UK	If applying at the same time as the main applicant, they can be added to the T5 (Temporary Worker) leave to remain form. If applying separately: <ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>

GAE 10.2. An application for entry clearance or permission to stay as a dependent partner or child on the Government Authorised Exchange Worker route must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality.

GAE 10.3. An applicant who is applying for permission to stay must be in the UK on the date of application and must not have, or have last had, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

GAE 10.4. An applicant who is applying as a dependent partner must be aged 18 or over on the date of application.

GAE 10.5. An application which does not meet the validity requirements for a dependent partner or child on the Government Authorised Exchange route is invalid and may be rejected and not considered.

## Suitability requirements for a dependent partner or child of a person on the Government Authorised Exchange Worker route

GAE 11.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

GAE 11.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a dependent partner and child of a person on the Government Authorised Exchange Worker route**

### **Entry requirement for a dependent partner or child of a person on the Government Authorised Exchange Worker route**

GAE 12.1. A person seeking to come to the UK as a partner or child on the Government Authorised Exchange Worker route must apply for and obtain entry clearance as a partner or child before they arrive in the UK.

GAE 12.2. A person applying for entry clearance as a partner or child on the Government Authorised Exchange Worker route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Relationship requirements for a dependent partner on the Government Authorised Exchange Worker route**

GAE 13.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission as a Government Authorised Exchange Worker; or
- (b) P is, at the same time, applying for (and is granted) permission as a Government Authorised Exchange Worker.

GAE 13.2. If the applicant and the Government Authorised Exchange Worker are not married or in a civil partnership, all of the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the two years before the date of application; and
- (b) any previous relationship of the applicant or the Government Authorised Exchange Worker with another person must have permanently broken down; and
- (c) the applicant and the Government Authorised Exchange Worker must not be so closely related that they would not be allowed to marry or form a civil partnership in the UK.

GAE 13.3. The relationship between the applicant and the Government Authorised Exchange Worker must be genuine and subsisting.

GAE 13.4. The applicant and the Government Authorised Exchange Worker must intend to live together throughout the applicant's stay in the UK.

### **Relationship requirement for a dependent child on the Government Authorised Exchange Worker route**

GAE 14.1. The applicant must be the child of a parent who has, or is at the same time being granted permission:

- (a) as a Government Authorised Exchange Worker; or
- (b) as a partner of a Government Authorised Exchange Worker.

GAE 14.2. The applicant's parents must each be either applying at the same time as the applicant, or be present in the UK with permission (other than as a visitor) unless:

- (a) the parent applying for or with permission as a Government Authorised Exchange Worker or as the partner of a Government Authorised Exchange Worker is the sole surviving parent; or
- (b) the parent applying for or with permission as a Government Authorised Exchange Worker or as the partner of a Government Authorised Exchange Worker has sole responsibility for the child's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the child permission to come to, or stay in, the UK with the parent who has permission on the Government Authorised Exchange Worker route.

GAE 14.3. If the applicant does not meet the requirement at GAE 14.2. they must have been born during the Government Authorised Exchange Worker's or their partner's current period of permission and must provide a full birth certificate showing the names of both parents.

#### **Care requirement for a dependent child of a person on the Government Authorised Exchange Worker route**

GAE 15.1. If the applicant is under the age of 18 on the date of application there must be suitable arrangements for the child's care and accommodation in the UK which must comply with relevant UK legislation and regulations.

#### **Age requirement for a dependent child of a person on the Government Authorised Exchange Worker route**

GAE 16.1. The applicant must be under the age of 18 at the date of application, unless they were last granted permission as the dependent child of the parent who has or is applying for entry clearance or permission to stay as a Government Authorised Exchange Worker (regardless of the route under which the parent had permission at the time the child's last permission was granted).

GAE 16.2. If the applicant is aged 16 or over at the date of application, they must not be leading an independent life.

#### **Financial requirement for a dependent partner or dependent child on the Government Authorised Exchange Worker route**

GAE 17.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

GAE 17.2. If an applicant is applying for entry clearance, or has been in the UK for less than 12 months at the date of application, either:

- (a) the applicant or the Government Authorised Exchange Worker must have funds of at least:
  - (i) £285 for a dependent partner in the UK or applying to come to the UK; and
  - (ii) £315 for the first child in the UK or applying to come to the UK; and
  - (iii) £200 for each additional child in the UK or applying to come to the UK; or
- (b) the Sponsor of the Government Authorised Exchange Worker must confirm they will, if necessary, maintain and accommodate the dependent partner and dependent child for the first month of their stay up to at least the amount in GAE 17.2.(a).

GAE 17.3. The funds must be in addition to the funds required by the Government Authorised Exchange Worker to meet the financial requirement and the funds required for any dependant of the Government Authorised Exchange Worker who is applying at the same time or is already in the UK as a dependant of the Government Authorised Exchange Worker.

GAE 17.4. If 17.2.(a) applies, they must show that they have held the required level of funds for a 28-day period and as specified in Appendix Finance.

### **Decision on application for a dependent partner and dependent child of a person on the Government Authorised Exchange Worker route**

GAE 18.1. If the decision maker is satisfied that all the suitability and eligibility requirements for the dependant on the Government Authorised Exchange Worker route are met, the application will be granted, otherwise the application will be refused.

GAE 18.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.

### **Period and conditions of grant for a dependent partner and dependent child of a person on the Government Authorised Exchange Worker route**

GAE 19.1. A dependent partner will be granted permission which ends on the same date as their partner's permission on the Government Authorised Exchange Worker route.

GAE 19.2. A dependent child will be granted permission which ends on the same date as whichever of their parents' permission ends first.

GAE 19.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) is permitted except for employment as a professional sportsman, including as a sports coach; and
- (c) study is permitted, subject to the condition in Appendix ATAS; and

(d) if Part 10 applies, the applicant will be required to register with the police.

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# Immigration Rules

## Appendix T5 Creative Workers

### codes of practice

Where a person is applying under Appendix T5 (Temporary Worker) Creative or Sporting Worker, as a creative worker or part of and their entourage, operating in dance, theatre, film and television, or as a model in the fashion industry, their sponsor must follow the relevant code of practice specified below and comply with the other requirements.

#### Ballet

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Appropriate salary rate	Payment must be commensurate with industry standards set out at: <a href="http://www.equity.org.uk">www.equity.org.uk</a> .
Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market	<ol style="list-style-type: none"><li>1. The dancer is required for continuity The applicant has worked for a period of one month or more during the past year on the same production outside the UK prior to coming to the UK. The “same production” means one which is largely the same in terms of direction and design as the production outside the UK. The sponsor must be able to supply proof that the requirement is met, e.g. contract of employment, press cuttings, cast list.</li><li>2. The dancer has international status The applicant is internationally famous in their field. (This is different to being well-known only in one country). The sponsor must be able to supply proof that this requirement is met, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.</li><li>3. The dancer is engaged by a unit company A unit company is a ballet company which exists in a country outside the UK and has put on at least one production in that country. The sponsor must be able to supply proof that this requirement is met, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes; and proof that the applicant is engaged by the unit company for the production in the UK, e.g. contract of employment.</li></ol>

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## Ballet

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4. The dancer is recruited from a specified school for a specified company

The applicant is recruited from:

(a) the English National Ballet School for English National Ballet;

(b) the Royal Ballet School for the Royal Ballet; or

(c) the Royal Ballet School or Elmhurst School for Dance for Birmingham Royal Ballet.

The Sponsor must be able to supply proof that, at the time of recruitment, the applicant was or recently had been a student at the school concerned, e.g. a letter of confirmation from the school, and proof that the applicant has been engaged by the company concerned, e.g. contract of employment, letter of confirmation from the company.

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Required advertising media for other posts

At least one of:

- The Stage
  - Dance Europe
  - The Spotlight Link
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## Dancers (in dance forms other than ballet)

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Appropriate salary rate

Payment must be commensurate with industry standards set out at: [www.equity.org.uk](http://www.equity.org.uk).

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Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market

1. The dancer is required for continuity

The applicant has worked for a period of one month or more during the past year on the same production outside the UK prior to it coming to the UK. The “same production” means one which is largely the same in terms of direction and design as the production outside the UK. The sponsor must be able to supply proof that the requirement is met, e.g. contract of employment, press cuttings, cast list.

2. The dancer has international status

The applicant is internationally famous in their field. (This is different to being well-known only in one country.)

The sponsor must be able to supply proof that the requirement is met, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.

3. The dancer is engaged by a unit company

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## Dancers (in dance forms other than ballet)

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A unit company is a dance company which exists in a country outside the UK and has put on at least one production in that country. The sponsor must be able to supply proof that the requirement is met, e.g. contract of employment.

4. The dancer performs in a certain style unlikely to be available in the UK

It would not be reasonable to expect the sponsor to recruit in the UK because a style is required which would be unlikely to be available in the UK labour force. The sponsor must be able to supply proof that:

- (a) a certain style is required; and
  - (b) the individual performs in that style, e.g. press cuttings, awards, publicity material, proof of training.
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Required advertising media for other posts At least one of:

Dance agencies  
The Stage  
Dance Europe  
Juice  
The Spotlight

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## Performers in film and television

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Appropriate salary rate

Payment must be at least at the level of the appropriate UK market rates, which can be obtained from Equity at [www.equity.org.uk](http://www.equity.org.uk).

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Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market

1. The work is for continuity  
The sponsor must be able to supply proof that the overseas national has worked on, or will be working on the same production overseas for at least one month. Where a sponsor wishes to issue a Certificate of Sponsorship for reasons of continuity involving a performer that has worked on the same piece of work overseas for less than one month, the Sponsor must notify Equity at least 5 working days prior to the issuing of the certificate with details of the filming schedules. This is in order to verify that the applicant is being genuinely engaged for reasons of continuity. Sponsors may issue Certificates of Sponsorship for performers to enter the UK to undertake post-production work only and provided that such post-production work solely relates to their own role in the film

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## Performers in film and television

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or TV production. For such Certificate of Sponsorship, neither the one month requirement nor prior notice to Equity procedure applies. The Sponsor must be able to supply documentary proof that the performer has worked on, or will be working on, the same production outside the UK for at least a month e.g. contracts, press cuttings, cast lists, etc.

### 2. The performer has international status

The sponsor must be able to provide proof the applicant is known internationally, or they have demonstrable international box-office appeal e.g. press cuttings, awards, accolades, publicity material, television/radio interviews, film and TV credits; or documentary proof that the performer has demonstrable international box-office appeal through international box office figures for films they have starred in or led as a principal performer.

### 3. Highly specialist or unusual roles

For certain highly specialist or unusual roles, it may not be possible or reasonable to recruit from the UK because the role requires specific or specialist attributes, including but not limited to: physical appearance; physical talent and linguistic or vocal skills. In such circumstances, where appropriate, Sponsors should first attempt to conduct searches in the UK as set out in category 3 to a reasonable degree. However, it is recognised that the extent of such searches within the UK shall be proportionate to the rarity and specialty of the attributes of the role. The Sponsor must be able to provide proof:

- that the role requires certain highly specialist attributes; and
- that the performer possesses those attributes; and
- of the casting process and casting considerations; and
- of reasonable and appropriate searches in the UK (if applicable); and
- a list of any UK candidates who were unavailable at the required time.

### 4. Featured guest in an entertainment programme, or subject of a factual programme

The applicant must be a featured guest on an entertainment programme or subject of a factual programme. For example, actors, comedians or other performers booked to appear on a chat show or a

## Performers in film and television

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professional variety show, or scheduled to be subject of an arts programme or documentary. The sponsor must be able to provide:

- A formal letter from the broadcaster or producer or copy of the relevant section of the commissioning agreement confirming the reason the migrant is required (e.g. to feature in an entertainment programme); and
- The name of the programme concerned; and
- Details of any recording or filming schedules.

5. Performers who are tied to the finance of the production  
The applicant must be necessary to a production because the finance is contingent on the particular performer being cast in the film or TV production. The sponsor must be able to provide a formal letter of confirmation from the production's principal financier.

6. Performers who do not meet the key criteria but who are commercially important

The applicant must be commercially important to the production. This may be demonstrated by a formal letter in support from a principal financier, or distributor. The sponsor must give prior notice to Equity providing supporting evidence detailing: description of the role and film, and the reasons why advertising was not appropriate and a letter in support. The sponsor must provide Equity with:

- the details of the performer(s) required, role, description of the production; and
- the reasons why the role has not been advertised; and,
- a formal letter in support of the applicant from a financier or distributor; and
- if the performer is an up-and-coming performer, or cast to appeal to a particular overseas audience, then evidence of their CV, reviews, previous work, awards/accolades, and/or evidence of audience appeal would be required.

7. International Co-productions

Sponsors issuing CoSs to performers taking part in international co-productions structured under one of the UK's bilateral co-production treaties, or under the European Convention on Cinematographic Co-Production, need to provide the following evidence:

- Provisional approval from the UK Film Council certification department that the film is being structured as

## Performers in film and television

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	<p>an official co-production; or</p> <ul style="list-style-type: none"><li>• Interim certification from the UK Film Council Certification Department.</li></ul>
Required advertising media for other posts	A resident labour search in accordance with standard industry practice, which will normally involve engagement of casting agents within the EEA and contacting performers' agents, and may include advertising on Equity's job information service
Additional evidence required for stunt performers	The sponsor must also demonstrate that the applicant possesses the equivalent qualifications, skills and competence to UK industry standards. This may be demonstrated by either 1) a reference in support from a UK-based expert with demonstrable knowledge of the UK stunt industry; or 2) evidence of competence at a level equivalent to UK industry

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## Performers in theatre or opera

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Appropriate salary rate	Payment should be commensurate with industry standards set out at: <a href="http://www.equity.org.uk">www.equity.org.uk</a> .
Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market	<p>1. The performer is required for continuity The applicant has worked for a period of one month or more during the past year, on the same production outside the UK prior to it coming to the UK. The "same production" means one which is largely the same in terms of direction and design as the production outside the UK. The sponsor must be able to provide proof that the performer is currently working, or has worked, on the same production outside the UK and has done so, or did so, for at least one month during the past year, e.g. contract of employment, press cuttings, cast list.</p> <p>2. The performer has international status The applicant is internationally famous in his field. (This is different to being well-known only in one country.) The sponsor must be able to provide proof that the performer has international status, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.</p>

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## Performers in theatre or opera

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3. The performer is engaged by a unit company  
A unit company is a theatre or opera company which exists in a country outside the UK and has put on at least one production in that country. The sponsor must be able to provide proof that the company has put on at least one production in its home country, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes; and proof that the individual is engaged by the unit company for the production in the UK, e.g. contract of employment.

4. The performer has a certain attribute unlikely to be available in the UK  
The role requires an attribute which would be unlikely to be available in the UK labour force, e.g. a certain physical appearance, physical talent, or linguistic or vocal skill. The sponsor must be able to provide proof that  
(a) the role requires a certain attribute; and  
(b) the individual has that attribute.

5. The performer is the subject of an exchange under one of the UK theatre industry's exchange programmes  
The applicant satisfies the requirements of either of the exchange programmes with the United States and Australia operated by the theatre industry. Sponsors wishing to use this category must contact Equity in the first instance.

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Required advertising media for other posts	At least one of: <ul style="list-style-type: none"><li>• The Stage</li><li>• PCR</li></ul>
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## Workers in film and television

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Appropriate salary rate	Payment of migrant workers in all cases must not be below the UK market rates found on the PACT and BECTU websites at <a href="http://www.pact.co.uk">www.pact.co.uk</a> and <a href="http://www.bectu.org.uk">www.bectu.org.uk</a> .
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Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market	1. The worker is a Senior Creative Grade The applicant must possess the skills and experience of a Senior Creative Grade for the following roles: <ul style="list-style-type: none"><li>• Producer</li><li>• Director</li></ul>
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## Workers in film and television

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- Director of Photography (Cinematographer)
- Production Designer
- Costumer Designer
- Hair/Make Up Supervisor
- Editor
- Composer
- Visual Effects Supervisor
- Sound Designer
- Script Writer

The sponsor must be able to provide documentary proof that the worker has the skills and experience in that role e.g. film and TV credits, qualifications, CV, press cuttings, awards, accolades, publicity material, television/radio interviews.

### 2. The worker is required for production continuity

The applicant must be providing significant creative input and have worked on or will be working in a post involving creative input on the same piece of work overseas for at least one month. The sponsor must demonstrate that the applicant has a direct working relationship with a Senior Creative Grade as listed in Category 1. For example, a first assistant editor might work directly with an Editor on the same piece of work overseas. No more than one additional worker may be sponsored in addition to a Senior Creative Grade, other than in exceptional circumstances, where there is a case based on production continuity. Sponsors must be able to provide:

- Evidence that the role involves creative input and the worker possesses the skills and qualifications for the role, e.g. copies of qualifications, CV, credits, press cuttings, awards, accolades; and
- Evidence that the worker is currently, or has worked on, or will be working on the same production outside the UK for at least a month and evidence of current working relationship with a key Creative grade in Category 1 i.e. contracts, letters of engagement, casting lists, CV, references in support, credits, press cuttings; and
- In the circumstances where more than one additional worker is sponsored, the case must be set out in supporting documentation from the Sponsor.

### 3. Other key creative workers

The applicant must be providing key creative input and have a significant previous working relationship with a Senior Creative Grade as listed in Category 1. A “significant”

## Workers in film and television

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previous working relationship entails an established pattern of joint working on a number of previous productions rather than isolated or random examples. No more than one additional worker may be sponsored in addition to a Senior Creative Grade, other than in exceptional circumstances, where there is a creative case.

The Home Office will notify BECTU promptly of the issuing of certificates of sponsorship for camera, editing and grip grades, and 1st Assistant Directors and BECTU may request sight of the evidence in support for such grades.

The Home Office will notify the Production Guild promptly of the issuing of certificates of sponsorship for the following grades: Executive Producer (when providing the functions of a Line Producer or Financial Controller/Production Accountant), Line Producer, Co-Producer, 1st Assistant Director, Unit Production Manager, Production Supervisor, Financial Controller, Production Accountant and the Production Guild may request sight of the evidence in support for such roles.

Sponsors must be able to provide:

- Evidence that the applicant is in a creative or technical role and possesses the skills and qualifications for the role, e.g. copies of qualifications, CV, credits, press cuttings, awards, accolades etc; and
- Evidence of the applicant's previous working relationship with a key Creative Grade in category 1.e.g. CV, references in support, credits, press cuttings; and
- In the circumstances where more than one additional worker is sponsored per Department head, the case must be set out in a supporting documentation from the Sponsor.

4. The role is highly specialist, where advertising is demonstrably not appropriate

For certain highly specialist roles, it would not be reasonable to expect an employer to undertake a resident labour market search. One example would be a role which requires particular attributes considered unlikely to be available from the resident labour force, for example where the role involves the application of highly specialist skills or new technology or proprietary technology or special effect, or unique knowledge. The Sponsor must be able to provide documentary proof that it would not be reasonable to expect

## Workers in film and television

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the sponsor to undertake a resident labour market search e.g. in relation to the above example, proof that the role requires certain highly specialised skills e.g. job description; and that the applicant possesses those skills e.g. qualifications, CV, credits. For all roles under this category, UKBA will notify BECTU promptly of the issuing of certificates of sponsorship and BECTU may request sight of the evidence in support for such grades.

### 5. International Co-productions

Sponsors issuing certificates of sponsorship to workers taking part in international co-productions structured under one of the UK's bilateral co-production treaties, or under the European Convention on Cinematographic Co-Production, need to provide the following evidence:

- Provisional approval from the UK Film Council certification department that the film is being structured as an official co-production; or
- Interim certification from the UK Film Council Certification Department.

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### Required advertising media for other posts

- For roles where formal advertising is not the usual industry practice for recruiting for a particular role:

For these roles, the sponsor must carry out suitable and reasonable searches of the resident labour market, such as contacting agents, organisations, diary services or semi-formal worker networks. Where such informal recruitment methods are used, the sponsor must demonstrate a reasonable period within which it has searched the resident labour market, this should be for a least a period of two weeks.

- Where formal advertising is usual for a role:

For these roles, the sponsor must advertise the role to suitably qualified resident workers in an appropriate journal, newspaper, website or online directory. The choice of advertising medium should be appropriate for the particular role. The following advertising media may be appropriate: searching relevant online directories such as the Knowledge Online, Production Base, or through industry organisations such as the Production Guild. Other forms of advertising may be appropriate depending on the type of role. For longer terms contracts, advertisements in Guardian Media, Broadcast, Screen International, Marketing Week would be appropriate.

## Workers in film and television

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Under this category, in the case of camera, editing and grip grades, and 1st Assistant Directors, the Home Office shall promptly notify BECTU of the issuing of certificates of sponsorship and BECTU may request sight of the evidence of the steps to search for resident labour for these roles.

Under this category, in the case of Executive Producer (when providing the functions of a Line Producer or Financial Controller/Production Accountant) Line Producer, Co-Producer, 1st Assistant Director, Unit Production Manager, Production Supervisor, Financial Controller, Production Accountant grades, the Home Office will promptly notify the Production Guild of the issuing of a certificate of sponsorship and the Production Guild may request sight of the

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Additional evidence required for Personal Assistants to Directors and Producers of international status

Sponsors may issue a Certificate of Sponsorship to a single, non-technical, non-creative personal assistant who supports a Director or Producer under category 1, who has demonstrable international status i.e. are known worldwide for international box office success.

The Sponsor must notify BECTU promptly of the issuing of a certificate under this category for a PA to a Director and must notify the Production Guild promptly of the issuing of a certificate for a PA to a Producer. They may request sight of the evidence in support for such roles. Sponsors issuing certificates to applicants under this category must be able to supply proof that:

- the applicant has a significant previous working relationship with the Director or Producer (a “significant” previous working relationship entails an established pattern of joint working on a number of previous productions rather than isolated or random examples); and
- the migrant works only as a personal assistant to the Director/Producer and does not undertake creative or technical duties; and
- the Director or Producer is of international status i.e. known worldwide, or they have demonstrable box-office appeal worldwide.
- the worker has the skills and experience in that role e.g. a reference in support from the Director or Producer, film and TV credits, qualifications, and CV
- the Director or Producer has international status e.g. press cuttings, awards, accolades, publicity material,



## Workers in film and television

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television/radio interviews, film and TV credits; or, documentary proof that they have demonstrable worldwide box-office appeal through box

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## Models in the fashion industry

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Appropriate salary rate      Payments should be commensurate with industry standards and comply with the National Minimum Wage rate to which they are entitled by the law in force at the relevant time.

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Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market      1 Top models

These are people who are recognised not just as models but may, also, be personalities in their own right. They are high earners and, for the most part, will come to the UK with pre-booked work. A sponsor must be able to supply evidence that the model has international status, e.g. publications, publicity materials, press engagements, relevant social media presence.

### 2 Commercial models

These are those models who have sufficient a level of experience that they are already established, if not in the UK, certainly in their own or other markets. They may already be known to UK clients or will certainly have been pre-marketed, however, photographs alone are not sufficient, except for models flying in for a particular job. Sponsors issuing a CoS must be able provide the following evidence:

- i. Evidence of previous engagements or of commercial status in the UK, and/or
  - ii. Evidence of working in markets other than the UK
- 3 The model is required for continuity

The model has worked for the same client, within the past two years, prior to coming to the UK. The sponsor must be able to provide evidence, e.g. confirmation of past and intended bookings.

### 4 New faces

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## Models in the fashion industry

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Will have experience but may be entirely new to the UK market, or on a second or third visit. The New Face Model will have shown considerable promise and, being the 'latest' face, are likely to be much sought after, particularly by photographers and print or digital media alike. Models must meet 65% of the eligibility criteria for the Modelling Industry, as endorsed by the British Fashion Council. Sponsors must be able to provide evidence of which criteria are met.

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Required endorsement for those falling outside the above criteria

A British Fashion Council approved panel will be put in place to endorse specific models with real potential that are unable to fulfil the required four criteria, which is most likely to occur within the New Faces category. Applications will still be required to be scored against the criteria and the supporting documents submitted to the Panel to enable them to make a decision.

Sponsors must be able to demonstrate panel approval when issuing a CoS.

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# Immigration Rules

## Appendix Service Providers from Switzerland

The Service Providers from Switzerland route allows eligible employers, companies or self-employed individuals to execute contracts with a party based in the UK for a period not exceeding 90 days per calendar year. The contract must have been signed and commenced on or before the specified date.

It is the responsibility of the employer or company or self-employed individual, to ensure that the total number of days worked by its employees, or the self-employed individual, does not exceed 90 in each calendar year. The 90-day limitation applies irrespective of the number of eligible contracts that are held.

This route does not allow for dependants to accompany or join the Service Provider from Switzerland in the UK.

### **Validity requirements for Service Providers from Switzerland**

SPS 1.1. A person applying for entry clearance as a Service Provider from Switzerland must apply online on gov.uk on the specified form “Other work visas for the UK (non points-based working visas)” on the “Find and apply for other visas from outside the UK” form.

SPS 1.2. The applicant must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided either:
  - (i) if they are a Swiss national, a valid national identity card or passport; or
  - (ii) if they are not a Swiss national, a passport or other travel document that satisfactorily establishes their identity and nationality.

SPS 1.3. The applicant must be aged 18 or over on the date of application.

SPS 1.4. An application which does not meet all the validity requirements for a Service Provider from Switzerland is invalid and may be rejected and not considered.

### **Suitability requirements for Service Providers from Switzerland**

SPS 2.1. Subject to SPS 2.2. an application must be refused on grounds of suitability where either of the following apply at the date of the decision:

- (a) the applicant is subject to a deportation order or a decision to make a deportation order; or
- (b) the applicant is subject to an exclusion order or exclusion decision.

SPS 2.2. Where a decision under SPS 2.1 relates to conduct before 11pm on 31 December 2020, the decision maker must be satisfied that the order or decision is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for “an EEA decision” read “a decision under SPS\_2.1”).

SPS 2.3. An application may be refused on grounds of suitability if, at the date of decision, the decision maker is satisfied that it is proportionate to refuse the application because:

- (a) in relation to the application and whether or not to the applicant’s knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the application; or
- (b) in respect of conduct committed on or before 11pm on 31 December 2020, on grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that for these purposes for “an EEA decision” read “a decision under paragraph SPS 2.3”); or
- (c) in respect of conduct committed after 11pm on 31 December 2020, on the grounds that the presence of the applicant in the UK is not conducive to the public good; or
- (d) subject to SPS 2.4, the applicant is the subject of an Islands deportation order as defined by paragraph 3(6) of Schedule 4 to the Immigration Act 1971; or
- (e) subject to SPS 2.4, the applicant is the subject of an Islands exclusion decision which is a direction given by the relevant Minister or other authority in the Islands concerned that the applicant must be refused entry to the Island concerned on the grounds that their presence there would not be conducive to the public good.

SPS 2.4. Where a decision under SPS 2.3 (d) or (e) relates to conduct on or before 11pm on 31 December 2020, the decision maker must be satisfied that the order or decision is justified on the grounds of public policy, public security or public health in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in applying this provision for “an EEA decision” read “a decision under SPS 2.3”).

### **Eligibility requirements for Service Providers from Switzerland**

#### **Entry requirement for Service Providers from Switzerland**

SPS 3.1. A person seeking to come to the UK as a Service Provider from Switzerland must have applied for and obtained entry clearance as a Service Provider from Switzerland before they arrive in the UK.

#### **Services requirement for Service Providers from Switzerland**

SPS 4.1. An applicant who is a Swiss national must be either established in self-employment in the territory of Switzerland, or habitually employed in the territory of Switzerland by an eligible employer or company.

SPS 4.2. A Swiss national seeking entry as self-employed must be registered as self-employed with the appropriate tax authority in the territory of Switzerland.

SPS 4.3. An applicant who is not a Swiss national must be legally integrated into the regular labour market of Switzerland, be habitually employed in the territory of Switzerland by an eligible employer or company and, if required, they must provide a copy of their Swiss residence or work permit.

SPS 4.4. An applicant will be considered to be legally integrated into the regular labour market of Switzerland where they;

- (a) are an EEA national who holds the relevant residence status that enables them to work in Switzerland; or
- (b) are a non-EEA, non-Swiss national who can evidence that they have permission to reside and have been working for an extended period within the regular labour market of Switzerland.

SPS 4.5. An applicant will not be required to show evidence of permission to reside in Switzerland if they are a Swiss national or of a nationality which is, and continues to be, party to the Agreement on the Free Movement of Persons (subject to any transitional measures that may be in place).

SPS 4.6. An employer or company will only be considered eligible where it:

- (a) is a company or employer formed in accordance with the laws of Switzerland; and
- (b) has their registered office, central administration or principal place of business in the territory of Switzerland; and
- (c) remains active and trading.

SPS 4.7. The applicant must provide the evidence specified in SPS 4.9. (as modified in SPS 4.10. in the case of a self-employed Swiss national) to show that they are required to travel to the UK for the purpose of providing a service under an eligible contract concluded between themselves (if self-employed), or their employer, and a client in the UK.

SPS 4.8. An 'eligible contract' is a contract where;

- (a) it is a written contract (including in electronic form) between a Swiss employer or company, and a UK employer or company (formed in accordance with UK Companies law) or an individual established in the UK; and
- (b) it is signed and dated before 11pm on 31 December 2020; and
- (c) the performance of which has started on or before 11pm on 31 December 2020.

SPS 4.9. In the case of an applicant who is employed by an employer or company, the evidence required at SPS.4.7. must;

- (a) be a letter (which can be electronic) from the employer or company; and
- (b) be signed by a senior member of the organisation; and
- (c) include the author's credentials; and
- (d) include a copy of the eligible contract; and
- (e) include details on why the applicant is required to travel to the UK to execute the eligible contract; and
- (f) confirm the applicant has any necessary professional qualifications to allow them to execute the contract; and
- (g) confirm that the employer or company has not already used the 90 day per calendar year limitation to execute this or any other eligible contract that they hold.

SPS 4.10. In the case of a self-employed Swiss national, the evidence required at SPS 4.7. must be a letter of self-certification which meets all the criteria at SPS 4.9. (except SPS 4.9.(a) and SPS 4.9.(b), and for SPS 4.9.(g) must confirm that the applicant has not already used their 90 per calendar year limitation).

#### **90 day limitation requirement for Service Providers from Switzerland**

SPS 5.1. The eligible employer, company or self-employed service provider must not have met or exceeded the 90 day per calendar year limitation.

#### **Genuineness requirement for Service Providers from Switzerland**

SPS 6.1. The applicant must be a genuine Service Provider from Switzerland, meaning that:

- (a) the applicant will not remain in the UK after the end of their permission; and
- (b) the applicant will not live in the UK for extended periods through frequent and successive visits, or make the UK their main home; and
- (c) the applicant must be genuinely seeking entry as a Service Provider from Switzerland.

SPS 6.2. The applicant must not while in the UK intend to:

- (a) access public funds; or
- (b) access medical treatment on the NHS (other than in an emergency); or
- (c) study; or
- (d) get married or form a civil partnership; or
- (e) give notice of marriage or civil partnership.

#### **Decision on an application as a Service Provider from Switzerland**

SPS 7.1. If the decision maker is satisfied that all the requirements for a Service Provider from Switzerland are met the application will be granted, otherwise the application will be refused.

SPS 7.2. If the application is refused an application can be made for an Administrative Review under Appendix AR(EU): Admin Review.

#### **Period and conditions of grant for Service Providers from Switzerland**

SPS 8.1. The grant will be for one of the following periods (whichever is shorter);

- (a) the end date of the eligible contract; or

- (b) the end date of the employee's work contract (where such contract is a fixed term contract); or
- (c) the day preceding the expiry date of the person's permission to reside in Switzerland (where the applicant requires such permission); or
- (d) the 31 December 2025.

SPS 8.2. A Service Provider from Switzerland may enter and leave the UK multiple times during the period for which they have permission, but can only stay in the UK for up to 90 days in each calendar year as a Service Provider from Switzerland.

SPS 8.3. The employer or company posting staff to the UK (or the individual in the case of the self-employed Swiss national) is responsible for ensuring that the total work on any and all eligible contracts does not exceed 90 days per calendar year irrespective of the number of staff granted permission under this SPS

SPS 8.4. The grant will be subject to all the following conditions:

- (a) no more than 90-days work in each calendar year; and
- (b) no work other than on the eligible contract (including self-employment and voluntary work); and
- (c) no study; and
- (d) no access to public funds.

### **Cancellation of entry clearance or permission of a Service Provider from Switzerland**

SPS 9.1. A person's entry clearance or permission as a Service Provider from Switzerland may be cancelled where the decision maker is satisfied that it is proportionate to do so where:

- (a) the cancellation is justified on grounds of public policy, public security or public health, on the basis of the person's conduct on or before 11pm on 31 December 2020, in accordance with regulation 27 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that for an "EEA decision" read "a decision under paragraph SPS 9.1"); or
- (b) the cancellation is justified on the ground that it is conducive to the public good, on the basis of the person's conduct after 11pm on 31 December 2020; or
- (c) the cancellation is justified on grounds that, in relation to an application made under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application) and the information, representation or documentation was material to the decision to grant the application under this Appendix; or
- (d) the cancellation is justified on grounds that the person has breached a condition of their permission as set out in SPS 8.4. unless further permission was granted in the knowledge of the breach; or
- (e) the cancellation is justified on grounds that the applicant or the eligible company or employer ceases to satisfy the Service Requirement at SPS 4.1.

- to SPS 4.6. or the 90 day limitation requirement at SPS 5.1.; or
- (f) an agreement dealing with the movement of natural persons for the purposes of the supply of services in accordance with the parties' rights and obligations under the General Agreement on Trade in Services of the World Trade Organisation is concluded and applied between the UK and Switzerland.

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# Immigration Rules

## Appendix ATAS: Academic Technology Approval Scheme (ATAS)

The ATAS requirement is a requirement to obtain a valid ATAS certificate, issued by the Counter-Proliferation and Arms Control Centre, and to provide it with an application to study any of the specified subjects listed in this Appendix.

ATAS seeks to prevent the transfer of information, knowledge or technology which could develop, advance or support an Advanced Conventional Military Technology (ACMT) and Weapons of Mass Destruction (WMD) programme or their means of delivery.

The ATAS condition is a requirement to obtain a valid ATAS certificate prior to commencing study in any of the specified subjects.

A person must meet the ATAS requirement if they are aged 16 or over and are applying to study under the Student or Short-term Study route in relation to postgraduate study in one of the specified subjects.

A person is subject to the ATAS condition if they have granted permission under any immigration route that imposes this condition on study.

A person is exempt from the ATAS requirement and ATAS condition if they are a national of one of the countries listed in this Appendix.

### ATAS requirement

ATAS 1.1. An applicant (who is not a national of a country listed at ATAS 3.1.) requires a valid ATAS certificate if the course of study for which the Confirmation of Acceptance for Studies was assigned if the course is a subject set out at ATAS 4.1. which:

- (a) leads to a master's degree; or
- (b) leads to a PhD; or
- (c) leads to another postgraduate qualification; or
- (d) is a period of study or research which is part of an overseas postgraduate qualification.

ATAS 1.2. The applicant must provide a print-out of the valid ATAS certificate for the course of study to show that the ATAS requirement is met.

## ATAS condition

ATAS 2.1. The ATAS condition means the person (who is not a national of a country listed at ATAS 3.1), must have a valid ATAS certificate before commencing study (unless ATAS 2.2 applies) in a subject listed at ATAS 4.1 which:

- (a) leads to a master's degree; or
- (b) leads to a PhD; or
- (c) leads to another postgraduate qualification; or
- (d) is a period of study or research which is part of an overseas postgraduate qualification.

ATAS 2.2. If a Student intends to continue study on a course of study subject to the ATAS requirement, they must apply for a new ATAS certificate where:

- (a) the completion date of the course of study has changed and will be delayed by more than 3 months; or
- (b) the course contents or research proposal of the course of study change, and the application for a new certificate must be made within 28 days of the change in (a) or (b) above being known to the Student.

## Nationals who are exempt from the ATAS requirement and condition

ATAS 3.1. A person does not need to meet the ATAS requirement, and will not be subject to the ATAS condition, if they are a national of any of the following countries:

Australia  
Austria  
Belgium  
Bulgaria  
Canada  
Croatia  
Republic of Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Japan

Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
New Zealand  
Norway  
Poland  
Portugal  
Romania  
Singapore  
Slovakia  
Slovenia  
South Korea  
Spain  
Sweden  
Switzerland  
United States of America

### **Academic Subjects relevant to ATAS**

ATAS 4.1. The ATAS requirement and ATAS condition apply to the following subjects:

(a) doctorates or master's by research in:

#### **Subjects allied to Medicine:**

CAH codes:

CAH02-02-01 - Pharmacology

CAH02-02-02 - Toxicology

CAH02-02-03 - Pharmacy

CAH10-01-06 - Bioengineering, Medical and Biomedical Engineering

CAH02-03-12 - Others in subjects allied to Medicine

#### **Biological Sciences:**

CAH codes:

CAH03-01-02 - Biology (non-specific)

CAH03-01-03 - Ecology and Environmental Biology

CAH03-01-06 - Zoology

CAH03-01-04 - Microbiology and Cell Science

CAH03-01-05 - Plant Sciences

CAH10-02-05 - Biotechnology

CAH03-01-07 - Genetics

CAH02-03-10 - Biomedical Sciences (non-specific)

CAH03-01-08 - Molecular Biology, Biophysics and Biochemistry

CAH03-01-01 - Biosciences (non-specific)

CAH03-01-10 - Others in Biological Sciences

**Veterinary Sciences, Agriculture and related subjects:**

CAH codes:

CAH05-01-02 - Others in Veterinary Sciences

CAH06-01-02 - Agricultural sciences

**Physical Sciences:**

CAH codes:

CAH-07-02-01 - Chemistry

CAH-07-03-03 - Materials Science

CAH07-01-01 - Physics

CAH07-01-02 - Astronomy

CAH12/01/05 - Others in Geographical Studies

CAH07/03/01 - Physical Sciences (non-specific)

CAH08-01-01 - Sciences (non-specific)

CAH08-01-02 - Natural Sciences (non-specific)

**Mathematical and Computer Sciences:**

CAH codes:

CAH09-01-01 - Mathematics

CAH09-01-02 - Operational Research

CAH11-01-01 - Computer Science

CAH11-01-02 - Information Technology

CAH11-01-03 - Information Systems

CAH11-01-04 - Software Engineering

CAH11-01-05 - Artificial Intelligence

**Engineering:**

CAH codes:

CAH10-01-01 - Engineering (non-specific)

CAH10-01-07 - Civil Engineering

CAH10-01-02 - Mechanical Engineering

CAH10-01-04 - Aeronautical and Aerospace Engineering

CAH10-01-05 - Naval Architecture

CAH10-01-08 - Electronic and Electrical Engineering

CAH10-01-09 - Chemical, Process and Energy Engineering

**Technologies:**

CAH codes:

CAH10-02-03 - Polymers and Textiles

CAH10-02-01 - Minerals Technology

CAH10-02-02 - Materials Technology

CAH10-02-04 - Maritime Technology

(b) taught master's in:

CAH codes:

CAH07-03-03 - Materials Science

CAH07-01-01 - Physics (including Nuclear Physics)

CAH10-01-02 - Mechanical Engineering  
CAH10-01-04 - Aeronautical and Aerospace Engineering  
CAH10-01-09 - Chemical, Process and Energy Engineering  
CAH10-02-01 - Minerals Technology  
CAH10-02-02 - Materials Technology

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# Immigration Rules

## Appendix English Language

Requirements in respect of knowledge of the English Language

This Appendix sets out how the English language requirement is met.

It applies only to applications under Appendix Student, Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Global Talent, Appendix Start-up, Appendix Innovator, Appendix T5 (Temporary Worker) International Agreement Worker, Appendix Hong Kong British National (Overseas) and Appendix ECAA Extension of Stay.

The route sets out whether the English language requirement must be met and at what level.

### **Exemption**

EL 1.1. An applicant for settlement is exempt from the English language requirement if at the date of application:

- (a) they are aged 65 or over; or
- (b) they are aged under 18; or
- (c) they have a disability (physical or mental condition) which prevents them from meeting the requirement.

### **How the requirement is met**

EL 2.1. The English language requirement is met if any of the requirements in EL 3 to EL 6 are met.

EL 2.2. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Student if any of the requirements in EL 7.1. to EL 8.4. are met.

EL 2.3. The English language requirement is also met by a person applying for entry clearance or permission to stay as a Skilled Worker route if:

- (a) the requirements in EL 7.1. and EL 7.2. are met: or
- (b) the requirement in EL 9.1. is met.

EL 2.4. The English language requirement is also met by a person applying for entry clearance or permission to stay on the Start-up or Innovator routes if the requirements in EL 7.1. and EL 7.2. are met.

EL 2.5. The English language requirement is also met by a dependent partner or dependent child applying for settlement if they meet the requirements in paragraph 3.2. of Appendix KOLL.

**Met in a previous application**

EL 3.1. An applicant will meet the English language requirement if they have already shown they met the requirement, at the level required for their current application, in a previous successful application for entry clearance or permission to stay.

**Majority English speaking country**

EL 4.1. An applicant will meet the English language requirement if they are a national of any of the following majority-English-speaking countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- Canada
- Dominica
- Grenada
- Guyana
- Jamaica
- Malta
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- United States of America

**Academic qualification**

EL 5.1. An applicant will meet the English language requirement if they have an academic qualification which meets one of the requirements at EL 5.2. and is proven by the required evidence under EL 5.3. or EL 5.4.

EL 5.2. The requirements are that the applicant has:

- (a) a bachelor's degree, master's degree or doctorate awarded in the UK; or
- (b) a degree or degree-level qualification taught in a university or college in a majority-English-speaking country listed in EL 4.1. (except Canada),<sup>1</sup> or Ireland, which meets or exceeds the recognised standard of a bachelor's degree, master's degree or doctorate awarded in the UK; or
- (c) a degree or degree level qualification which meets, or exceeds, the recognised standard of a UK bachelor's degree; master's degree or doctorate and was taught or researched in English.

EL 5.3. The requirement at EL 5.2. must be proven by one of:

- (a) a certificate from the awarding body: or
- (b) a transcript issued by the university or college that awarded the qualification; or
- (c) an official letter from the university or college that awarded the qualification containing information equivalent to a degree certificate.

EL 5.4. If the qualification was awarded by a body from outside the UK, the requirement at

EL 5.2. must, in addition to the requirement at EL 5.3, be proven by confirmation from UK NARIC that the qualification meets the requirements at EL 5.2(b) or EL 5.2(c).

### **English language test**

EL 6.1. An applicant will meet the English language requirement if they have provided a valid digital reference number from an approved provider showing they have passed an approved English language test to the required level in the two years before the date of application.

*The list of approved tests and providers, updated from time to time, can be found at [www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests](http://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests).*

### **GCSE or A Level English**

EL 7.1. An applicant applying for entry clearance or permission to stay under Appendix Student, Appendix Skilled Worker, Appendix Start-up or Appendix Innovator will meet the English language requirement if they have a GCSE, A level, Scottish National Qualification at level 4 or 5 or, Scottish Higher or Advanced Higher, in English (language or literature), that was awarded:

- (a) by an Ofqual (or SQA, Qualifications Wales or CCEA) regulated awarding body; and
- (b) following education in a UK school undertaken while they were aged under 18.

EL 7.2. The requirement at EL 7.1. must be proven by either:

- (a) a certificate from the awarding body: or
- (b) an official transcript issued by the awarding body.

### **Additional ways Students can meet the English language requirement**

EL 8.1. An applicant under Appendix Student will meet the English language requirement if they are applying for a course of study at degree level or above and are sponsored by a higher education provider with a track record of compliance who states on the Confirmation of Acceptance for Studies that they have assessed the applicant's English language ability and how they have assessed it.

EL 8.2. Where an assessment under EL 8.1. has been carried out the Confirmation of Acceptance for Studies entry must confirm that the applicant has a knowledge of English equivalent to level B2, or above, of the Council of Europe's Common European Framework for Language Learning in all 4 components (reading, writing, speaking and listening) or that the requirement at ST 15.3. is met.

EL 8.3. An applicant under Appendix Student will meet the English language requirement if they have taken an approved English test and been exempted from a component of that test by the test provider due to a disability, and the student sponsor has confirmed that they are satisfied the English language ability of the



applicant is sufficient to undertake the course of study.

EL 8.4. An applicant under Appendix Student will meet the English language requirement if they are applying for a short-term study abroad programme of up to six months and both:

- (a) the study abroad programme is part of a course of study at degree level or above at an overseas higher education institution in the United States of America; and
- (b) UK NARIC confirm that the course of study overseas will lead to an academic (not a professional or vocational) qualification at UK bachelor's degree level or above.

### **Medical professional regulation for Skilled Workers**

EL 9.1. An applicant applying for entry clearance or permission to stay under Appendix Skilled Worker will meet the English language requirement if they are being sponsored to work as a doctor, dentist, nurse or midwife, and have passed an English Language assessment which is accepted by the relevant regulated professional body as a requirement for registration.

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# Immigration Rules

## Appendix KOL UK

Requirements in respect of knowledge of life in the UK

This Appendix sets out how the Knowledge of Life in the UK requirement is met by a person applying for settlement.

It applies only to applications under Appendix Student, Appendix Skilled Worker, Appendix Representatives of an Overseas Business, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Global Talent, Appendix Innovator, Appendix T5 (Temporary Worker) International Agreement Worker, Appendix Hong Kong British National (Overseas) and Appendix ECAA Extension of Stay.

Applications for settlement under other routes must continue to apply Appendix KOLL.

### **Exemption**

KOL 1.1. An applicant is exempt from the Knowledge of Life in the UK requirement if at the date of application they:

- (a) are aged 65 or over; or
- (b) are aged under 18; or
- (c) have a disability (physical or mental condition) which prevents them from meeting the requirement.

### **Knowledge of Life in the UK requirement**

KOL 2.1. An applicant will meet the Knowledge of Life in the UK requirement if they:

- (a) provide a valid digital reference number from an educational institution or other person approved for this purpose by the Secretary of State showing they have passed the Life in the UK test; or
- (b) are resident in the Isle of Man, and provide a valid digital reference number from an educational institution or other person approved for this purpose by the Lieutenant Governor showing they have passed the Isle of Man's Life in the UK test; or
- (c) are resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, and provide a valid digital reference number from an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey showing they have passed the "Citizenship Test".

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# Immigration Rules

## Appendix Finance

### Requirements in respect of finance

This Appendix sets out how the financial requirement must be met.

The routes set out the requirements for the amount of funds and length of time they must be held.

This Appendix applies to applications under these routes: Appendix Student, Appendix Short-term Student, Appendix Child Student, Appendix Parent of a Child Student, Appendix Skilled Worker, Appendix Intra-company routes, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Start-up, Appendix Innovator, Appendix T2 Minister of Religion, Appendix T2 Sportsperson, Appendix UK Ancestry, Appendix T5 (Temporary Worker) Seasonal Worker, Appendix T5 (Temporary Worker) Youth Mobility Scheme, Appendix T5 (Temporary Worker) Creative Workers and Sportsperson, Appendix T5 (Temporary Worker) Religious Worker, Appendix T5 (Temporary Worker) Charity Workers, Appendix T5 (Temporary Worker) International Agreement Workers, Appendix T5 (Temporary Worker) Government Authorised Exchange Workers, and Appendix Hong Kong British National (Overseas).

### Currency

FIN 1.1. Where money is held in one or more foreign currencies, this will be converted into pound sterling (£) using the spot exchange rate which appears on [www.oanda.com](http://www.oanda.com) for the date of the application.

### Financial institutions

FIN 2.1. Funds will not be considered if they are held in a financial institution where any of the following apply:

- (a) the decision maker is unable to make satisfactory verification checks; or
- (b) the financial institution is not regulated by the appropriate regulatory body for the country in which that institution is operating; or
- (c) the financial institution does not use electronic record keeping.

### Overdrafts

FIN 3.1. Overdraft facilities will not be counted towards meeting financial requirements.

### Requirement to have legally earned or acquired funds, savings, or income

FIN 4.1. If funds, savings or income were earned or acquired when the applicant was in the UK, they must have been earned or acquired lawfully and while the applicant had permission and was not in breach of any conditions attached to that permission.

### Account holders

FIN 5.1. Accounts relied on must be in the name of the applicant (either alone or as a joint account holder), unless one of the following applies:

- (a) the account is in the name of the applicant's partner who is applying for entry clearance or permission to stay at the same time or has been granted permission; or
- (b) the applicant is applying as a Child Student, or Student, or dependent child, and the account is in the name of their parent, or their legal guardian; or
- (c) the applicant is applying as a Child Student and they are being cared for by a close relative, or a private foster care arrangement has been made which complies with the requirements in CS 9.3. to CS 9.5, and the account is in the name of the applicant's close relative or private foster carer; or
- (d) the requirements for the route under which the applicant is applying state that an account in the name of a third party may be relied upon and the account is in the name of that third party.

FIN 5.2. The applicant, or account holder in FIN.5.1, must have control of the funds.

FIN 5.3. If the applicant is applying as a Student or Child Student and they are relying on funds held in an account in the name of a parent or legal guardian as specified in FIN 5.1. they must provide proof of that relationship and written consent from the parent or legal guardian to use those funds.

### **Third party support**

FIN 6.1. Promises of future third-party support will not be accepted as evidence of funds, except where this is specified in the route under which the applicant is applying.

### **Dates of financial evidence**

FIN 7.1. The most recently dated piece of financial evidence must be dated within 31 days before the date of application.

FIN 7.2. The length of time for which funds are held will be calculated by counting back from the date of the closing balance on the most recently dated piece of financial evidence.

FIN 7.3. The financial evidence provided must cover the whole period of time for which the funds must be held.

### **Accounts**

FIN 8.1. Funds may be held in any form of personal bank or building society account (including current, deposit, savings, pension from which the funds can be withdrawn or investment account) provided the account allows the funds to be accessed immediately.

FIN 8.2. Funds held in other accounts or financial instruments such as shares, bonds, credit cards, pensions from which the funds cannot be withdrawn immediately, regardless of notice period, will not be accepted as evidence of funds.

FIN 8.3. An applicant applying as a Student or Child Student, will meet the financial requirements if they provide evidence of any of the following (or a combination of them):

- (a) money held in an account that meets the requirements set out in FIN 5.1. and FIN 8.1; or
- (b) funds provided by an official financial sponsor, which must be Her Majesty's Government, the applicant's national government, the British Council or any international organisation, international company, university or Independent School; or
- (c) a student loan provided by:
  - (i) a government; or
  - (ii) a government sponsored student loan company; or
  - (iii) an academic or educational loans scheme which is provided by a financial institution regulated for the purpose of issuing student loans by either the Financial Conduct Authority (FCA) or the Prudential Regulation Authority (PRA) or, in the case of an overseas loan, the official regulatory body for purpose of issuing student loans in the country the institution is in and where the money is held.

#### **Evidence of financial sponsorship for students**

FIN 9.1. An applicant relying on funds provided by an official financial sponsor under FIN 8.3.(b) must provide evidence, either:

- (a) where the student sponsor is providing financial sponsorship, the funds being provided must be stated in the Confirmation of Acceptance for Studies; or
- (b) a letter of confirmation from the official financial sponsor.

FIN 9.2. An applicant relying on a student loan under FIN 8.3.(c), must show evidence of the student loan by providing a student loan letter from the lender which must:

- (a) be dated no more than 6 months before the date of application; and
- (b) confirm the loan is a student loan provided to the applicant by either the relevant government or a government sponsored student loan company or an academic or educational loans scheme; and
- (c) confirm there are no conditions on release of the loan funds other than a successful application to study in the UK as a Student or Child Student; and
- (d) confirm the amount of the loan; and
- (e) confirm the loan is to the applicant; and
- (f) confirm the funds will be:
  - (i) available to the applicant before they travel to the UK; or
  - (ii) paid directly to the student sponsor before the applicant travels to the UK, with any living cost portion of the loan being made available to the applicant by the time they arrive in the UK; or
  - (iii) available before the applicant begins their course if the loan is provided by the applicant's national government; and
- (g) confirm the lender meets the requirement at FIN 8.3(c).

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# Immigration Rules

## Appendix Continuous Residence

### Requirements in respect of continuous residence

This Appendix sets out how the continuous residence requirement is met.

It applies only to applications under Appendix Skilled Work, Appendix Representative of an Overseas Business, Appendix Global Talent, Appendix Innovator, Appendix T2 Minister of Religion, Appendix T2 Sports person, Appendix UK Ancestry, Appendix Hong Kong British National (Overseas), and Appendix ECAA Extension of Stay.

### How the continuous residence requirement is met

CR 1.1. The continuous residence requirement is met if the applicant has spent the qualifying unbroken continuous residence period required by their route lawfully in the UK.

### Absences from the UK

CR 2.1. To meet the continuous residence requirement the applicant must not have been outside the UK for more than 180 days in any 12-month period (unless CR 2.2. applies).

CR 2.2. For any absences from the UK with permission granted under the rules in place before 11 January 2018, the applicant must not have been outside the UK for more than 180 days during any consecutive 12-month period, ending on the same date of the year as the date of the application for settlement.

CR 2.3. When calculating the 180 days in CR 2.1. or CR 2.2. any period spent outside the UK will not count towards the 180-day limit if the absence was for any of the following reasons:

- (a) the applicant was assisting with a national or international humanitarian or environmental crisis overseas, providing if on a sponsored route their sponsor agreed to the absence for that purpose; or
- (b) travel disruption due to natural disaster, military conflict or pandemic; or
- (c) compelling and compassionate personal circumstances, such as the life-threatening illness of the applicant, or life-threatening illness or death of a close family member; or
- (d) research activity undertaken by a Skilled Worker which was approved by their sponsor and where the applicant was sponsored for a job in one of the following occupation codes:
  - 2111 Chemical scientists
  - 2112 Biological scientists and biochemists
  - 2113 Physical scientists
  - 2114 Social and humanities scientists
  - 2119 Natural and social science professionals not elsewhere classified

- 2150 Research and development managers
- 2311 Higher education teaching professionals; or
- (e) research activity undertaken by a person on the Global Talent route who was endorsed by:
  - (i) The Royal Society; or
  - (ii) The British Academy; or
  - (iii) The Royal Academy of Engineering; or
  - (iv) UKRI.

CR 2.4. Any time the applicant spent lawfully in the Channel Islands or Isle of Man is treated for the purpose of this Appendix as time spent in the UK provided the applicant's most recent grant of permission was in the UK.

### **Continuous residence for dependants**

CR 3.1. Where the applicant's partner or parent, on whom they are dependent, was absent for a reason in CR 2.3. that period of absence will not count towards the 180-day limit when calculating the dependant's continuous residence period.

### **Breaking continuous residence**

CR 4.1. An applicant's continuous residence period will be broken if any of the following apply:

- (a) the applicant is convicted of an offence and sentenced to a period of imprisonment (unless it is a suspended sentence) or directed to be detained in an institution other than a prison; or
- (b) the applicant is subject to a deportation order, exclusion order or exclusion direction; or
- (c) the applicant is subject to removal directions under section 10 of the Immigration and Asylum Act 1999; or
- (d) the applicant does not have permission, unless:
  - (i) the applicant made a successful application for permission to stay under the circumstances set out in paragraph 39E of Part 1 of these rules; or
  - (ii) the applicant had permission when they left the UK, applied for entry clearance before that permission expired, or within 14 days of that permission expiring, and that application for entry clearance was successful; or
  - (iii) CR 4.2. applies; or
- (e) the applicant is absent from the UK for longer than the periods permitted under CR 2.1. or CR 2.2, and none of the exceptions in CR 2.3. or CR 2.4. apply.

CR 4.2. Any period without permission under CR 4.1.(d) which occurred before the applicant made a successful application for permission before 24 November 2016 will break the continuous residence period unless:

- (a) the applicant made a successful application for permission (either in or outside the UK) within 28 days of the date their previous permission expired:  
or
- (b) the applicant had permission when they left the UK, applied for entry clearance before that permission expired and that application for entry

clearance was successful.

CR 4.3. Where CR 4.1(d)(i), (ii) or (iii) applies, the periods of time where the applicant did not have permission will not count when calculating the continuous residence period.

### **Lawful presence**

CR 5.1. The applicant will not be regarded as lawfully present in the UK under CR 1.1:

- (a) during any period of imprisonment or detention under CR 4.1.(a); or
- (b) during any period where they required permission and did not have it, unless paragraph 39E applied.

CR 5.2. Where CR 4.1. applies the applicant will not be regarded as continuously resident for any period during which those circumstances apply (and the exceptions in CR 2.3. and CR 2.4. will not apply).

### **Calculating the continuous residence period**

CR 6.1. The continuous residence period in CR 2.1. will be calculated by counting back from whichever of the following dates is the most beneficial to the applicant:

- (a) the date of application; or
- (b) any date up to 28 days after the date of application; or
- (c) the date of decision; or
- (d) for a person seeking settlement on the UK Ancestry route, the date of their last grant of permission.”.

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