

Standard lines to take regarding Evidential Flexibility caseworking instruction.

- Who does this new instruction apply to?

The instruction applies to any Tier 1, 2, 4 or 5 migrant application which is under consideration as of 28 March 2011, as well as any applications submitted on or after this date. This instruction applies to main applicants and their associated dependants regardless of whether the dependant applies separately at a later date.

- I cannot provide the document within the time allowed / Why won't you give me more time to provide the evidence?

We will allow up to 7 working days. If we have not received the evidence requested within this time, a decision will be made based on the evidence provided with the application form. The guidance clearly states what evidence should have been provided originally in support of an application. We are not able to hold cases open for extended periods.

- Does the information you require need to have been sent within the 7 working days, or does it need to have been received within the 7 days?

The information required must have been received by the UKBA within the 7 working days, starting from today. We therefore strongly recommend you send the evidence by special next day delivery.

- Can I get back to you with the recorded/special recorded delivery reference number?

This shouldn't be necessary. You will be able to track for yourself whether what you have sent has arrived with UKBA.

- Reps/Sponsor/Applicant telephones to complain about cases which were previously refused on the same basis

As of 28 March 2011 we will request specific documents if they have been omitted from the application, for cases currently outstanding as of this date, or received on or after this date.

Please note any applications which were decided before the above date were considered against the operational procedures in place at the time.

As the Points Based System continues to bed in we will, where appropriate and practicable, endeavour to contact customers to correct minor omissions or errors in their applications.

Applications can only be considered in accordance with the policy and operational procedures in force at the time of consideration. The UKBA reserves the right to change these.

- A rep/sponsor/applicant telephones to ask why we are asking for certain documents and not others

Where appropriate and practicable we will endeavour to contact customers to correct minor omissions or errors in their applications. However, there are certain requirements which must be met for a PBS application to be considered valid, which includes provision of key mandatory documents, such as the passport.

The requesting of Mandatory documentation or information to make an application valid is governed by .

- Can the applicant drop the document requested off at the PEO?

No. We strongly recommend you send the evidence required by special next day delivery.

- Can I arrange a courier to deliver the required information

No. We strongly recommend you send the evidence required by special next day delivery.

- Can I fax the evidence to you?

In line with published guidelines we only accept original documentation.

- You previously refused my application on missing information so I re applied with the correct information. Can I have a refund for the case you refused as you did not give me a second chance to provide the information?

Unfortunately not. As of 28 March 2011 we will request specific documents if they have been omitted from the application, for cases currently outstanding as of this date, or received on or after this date.

Please note any applications which were decided before the above date were considered against the operational procedures in place at the time.

As the Points Based System continues to bed in we will, where appropriate and practicable, endeavour to contact customers to correct minor omissions or errors in their applications.

Applications can only be considered in accordance with the policy and operational procedures in force at the time of consideration. The UKBA reserves the right to change these.

- I have an outstanding appeal for a case that was refused on this basis. Will you reconsider?

No. The case was considered on the evidence and operational procedures in place at the time of application, therefore we will not reconsider on this basis.

Applications can only be considered in accordance with the policy and operational procedures in force at the time of consideration. The UKBA reserves the right to change these.

- I have forgotten where I should send my documentation?

The request for further information will have been followed up in writing via email where an email address has been provided. You should check this for details of where to send the information to.