

# Children of students granted leave under Part 3 of the Immigration Rules

This guidance is based on the Immigration Rules

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## Children of students granted leave under Part 3 of the Immigration Rules

### About this guidance

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About this guidance	This guidance tells you how children of students granted leave under Part 3 of the Immigration Rules can qualify for leave in the UK with their parents.	Related links Changes to this
Karafaata	miningration realed bar quality for leave in the ere with their parente.	guidance
Key facts	This guidance is based on the Immigration Rules part 3, paragraphs 79 to 81. See related	
Entry or extension	link to the Immigration Rules.	Contact
Entry or extension requirements		
requirements	People can apply for leave in this category if they are the child of a person with leave_in one	Information owner
Granting or refusing	of the following categories:	Safeguard and promote
	• pre-Tier 4 students	Safeguard and promote child welfare
	<ul> <li>student nurses</li> </ul>	
	<ul> <li>people re-sitting an examination</li> </ul>	External links
	<ul> <li>people writing up a thesis</li> </ul>	Paragraphs 79 to 81 of
	<ul> <li>overseas qualified nurses or midwives</li> </ul>	the Immigration Rules
	postgraduate doctors or dentists	
	students' union sabbatical officers	
	All of these categories have been deleted from the Immigration Rules. These categories (apart	
	from overseas qualified nurses or midwives) were replaced by Tier 4 of the points-based	
	system (PBS) on 31 March 2009. Overseas qualified nurses and midwives with a job offer	
	must now apply under Tier 2 of the PBS.	
	Children of people who have existing leave in one of these categories, can continue to be	
	granted leave to join their parents.	
	Where reference is made in this guidance to 'students', this refers to the categories listed	
	above It does not refer to short-term students - see paragraphs A57A to A57H of the	
	Immigration Rules. Short-term students are not permitted to bring children to the UK to join	
	them.	

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This guidance does not tell you how to consider applications for leave from children of people
with leave under Tiers 2 or 4 of the points-based system.
Changes to this guidance – This page tells you what has changed since the previous
version of this guidance.
version of this guidance.
Contacts – This page tells you who to contact for help if your senior caseworker or line
manager can't answer your question.
Information owner – This page tells you about this version of the guidance and who owns it.
Sofeguerd and promote shild welfere. This page evolutions your duty to enfoquerd and
Safeguard and promote child welfare – This page explains your duty to safeguard and
promote the welfare of children and tells you where to find out more information.
promote the welfare of children and tells you where to find out more information.



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#### Children of students granted leave under Part 3 of the Immigration Rules

#### Key facts

Eligibility criteria	In order to meet the requirements the applicant must:
	<ul> <li>be the child of either a: <ul> <li>student</li> <li>student nurse</li> <li>person re-sitting an examination</li> <li>person writing up a thesis</li> <li>overseas qualified nurse or midwife</li> <li>postgraduate doctor or dentist</li> <li>students' union sabbatical officer</li> </ul> </li> <li>be under the age of 18 or have current leave in this category</li> <li>not be: <ul> <li>married</li> <li>in a civil partnership</li> <li>forming an independent family unit</li> <li>leading an independent life</li> </ul> </li> <li>be maintained and accommodated adequately with no access to public funds</li> </ul>
	<ul> <li>not stay in the UK beyond the period of leave granted to their parent</li> <li>have:</li> </ul>
	<ul> <li>both parents lawfully present in the UK or about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant</li> </ul>
	<ul> <li>unless:</li> <li>the student is the applicant's only surviving parent</li> <li>the student has and has had sole responsibility for the applicant's upbringing</li> <li>there are serious or compelling family or other considerations that would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's</li> </ul>
	<ul> <li>care</li> <li>if applying for leave to remain, must not be in the UK in breach of immigration laws, except for any period of overstaying: <ul> <li>for 28 days or less, which will be disregarded</li> <li>if the application was submitted before 9 July 2012</li> </ul> </li> </ul>

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Application forms	Entry clearance – VAF 3B	
	Extension – FLR(O)	
	Settlement – N/A	
Cost of application:	Fees for Home Office services	
Entry Clearance	Yes, unless the person is a:	
mandatory?		
	<ul> <li>non-visa national who does not intend to stay in the UK for more than 6 months</li> </ul>	
	<ul> <li>one of the following:</li> <li>British national (overseas)</li> </ul>	
	<ul> <li>British overseas territories citizen</li> </ul>	
	<ul> <li>British overseas citizen</li> </ul>	
	<ul> <li>British protected person</li> </ul>	
	<ul> <li>person who under the British Nationality Act</li> </ul>	
	1981 is a British subject	1
Is biometric information	Yes	
required for applications		
made in the UK? Code of leave to remain	Code 1 if their parent was as will be granted loove	
granted	<ul> <li>Code 1 if their parent was or will be granted leave as a student for 12 months or longer</li> </ul>	
granied	<ul> <li>Code 3 if their parent was or will be granted leave</li> </ul>	
	as a student for less than 12 months	
Entry Clearance	'D: STUDENT DEPENDANT', with the initial and	
endorsements	surname of the student to be added in the 'add endorsement' field.	
Conditions of leave to	No recourse to public funds.	
remain	Cannot work if granted leave on code 3 conditions.	
How long is leave to	The same as the leave granted to the parent who has	
remain normally granted	applied as a student.	
for? Are dependants allowed?	No	
Work and study allowed?	Yes, unless their parent was granted less than 12	
Work and study allowed?	months' leave a student.	
Is switching into this	Yes, from any category, unless the applicant is aged 18	
category allowed?	or over on the date they apply.	
Does this category lead to	No	
settlement (indefinite leave		
to remain)?	7	
Is knowledge of language and life required?	No	
CID case type	Child aged under 18, applying at same time as	
	their parent, biometric information required:	
	<ul> <li>DEP Children (BRP) (except paras 296-303) –</li> </ul>	
	LTR • Child (including where child is over 18) applying at	
▼	<ul> <li>Child (including where child is over 18) applying at same time as their parent, biometric information</li> </ul>	
	not required:	
	<ul> <li>DEP Children (except paras 296-303) – LTR</li> </ul>	
	$\bigcirc$ DET Officien (except paras 230-303) – ETR	

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<ul> <li>Child under 18, applying separately from their parent, biometric information required: <ul> <li>DEP Child (BRP) Joining Person with LTR (except paras 296-303) – LTR</li> </ul> </li> <li>Child (including over 18) applying separately from their parent, biometric information not required: <ul> <li>DEP Child Joining Person with LTR (except paras 296-303) – LTR</li> </ul> </li> <li>Child aged 18 or over, applying at same time as their parent, biometric information required: <ul> <li>DEP Over 18 (BRP) (Dependant Child) (except paras 317-322) – LTR</li> </ul> </li> <li>Child aged 18 or over, applying separately from their parent, biometric information required: <ul> <li>DEP Over 18 (BRP) (Dependant Child) (except paras 317-322) – LTR</li> </ul> </li> </ul>
paras 317-322) – LTR. 79-81

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#### Children of students granted leave under Part 3 of the Immigration Rules

#### Changes to this guidance

About this guidance	This page lists the chang	es to the children of students granted leave under Part 3 of	the Related links
	Immigration Rules guida	nce, with the most recent at the top.	
Key facts			See also
	Date of the change	Details of the change	<u>Contact</u>
Entry or extension	5 May 2015	Change request:	Information and a
requirements			Information owner
		remove references to children of prospective	Dependente outeide
Granting or refusing		students- the category has been removed	Dependants outside PBS - archive
	13 November 2013	6 month review by the modernised guidance	
		team:	
		<ul> <li>minor housekeeping changes</li> </ul>	
		For previous changes to this guidance you will	
		find all earlier versions in the archive. See	
		related link: Dependants outside PBS - archive.	

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### Children of students granted leave under Part 3 of the Immigration Rules

#### Entry or extension requirements

About this guidance	This section tells you how to check an applicant meets the requirements to be granted leave as the child of a student granted leave under Part 3 of the Immigration Rules .	In this section Switching
Key facts		
	Before considering an application you must check:	Checking that the child and parent(s) are
ntry or extension	the application is valid	related as claimed
equirements	the applicant's passport or travel document is genuine	
ranting or refusing	<ul> <li>the applicant has given their biometric information</li> <li>there are no general grounds for refusal</li> </ul>	Checking the parents' immigration status
	• There are no general grounds for relasar	
	For more information, see related links:	Applicants aged 18 years or older
	specified application forms and procedures	
	biometric information	Independent life
	general grounds for refusal	Parental responsibility
	Biometric information	Education
	Entry clearance	
	Applicants applying for entry clearance and who are aged five years or over are required to	Related links
	give their biometric information. For further information, see related link: Applying for a visa.	specified application forms and procedures
	Leave to remain	Die metrie information
	From 29 February 2012, all applicants applying for leave to remain in this category are required to give their biometric information as part of the application process.	Biometric information – case working
	required to give their biometric miormation as part of the application process.	
	If the applicant applied on or before 28 February 2012, they were required to give their biometric information if their parents	Biometric information – introduction
	biometric information if their parent:	
	was applying for leave to remain as a student at the same time	Biometric information –
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	<ul> <li>had already been granted leave to remain and this was granted on a biometric residence permit (BRP)</li> </ul>	enrolment
		Applications made
	Other applicants who applied before 29 February 2012 were not required to give their	within 21 days of
	biometric information when they applied. From 1 December 2012, all applicants granted	specification of a form
	leave to remain must give their biometric information, even if they were not required to when	
	they applied.	General grounds for refusal
	If an applicant qualifies for leave to remain, but they were not required to give their biometric	
	information at the time of application, you must send them a biometric invitation letter and	Applications from
	application form before completing your action on the case.	overstayers (non family
		routes)
	For guidance on the process, see related link: Applying for a biometric residence permit –	
	standard route applications.	External links
		Paragraphs 79 to 81 of
	Specified application form for leave to remain applications	the Immigration Rules
	For applications submitted on or before 28 February 2012, the specified application form for	A mathematican for a visa
	a person applying for leave to remain as the child of a student was:	Applying for a visa
	FLR (BID) if the applicant was required to give their biometric information	
	<ul> <li>FLR (O) if the application was not required to give their biometric information</li> </ul>	
	Applicants applying on or after 29 February 2012 must apply on the current version of form	
	FLR (O). This form now requires the applicant to apply for a biometric residence permit.	
	Form FLR (BID) has been withdrawn.	
	Transitional and a state of the first submitted between 00 February 0040 and	
	Transitional arrangements apply to applications submitted between 29 February 2012 and	
	21 March 2012 inclusive. For guidance, see related link: Applications made within 21 days of	
	specification of a form.	
	Immigration Bulos requirements	
	Immigration Rules requirements	
	The applicant must meet the requirements of paragraph 79 of the Immigration Rules. The applicant must:	
	Objidteen of students supplied losus under Dest 0 of the losusingstice. Dules 40.05VT	Dublished for Llars - Off
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<ul> <li>be the child of a:</li> <li>student</li> <li>student nurse</li> <li>person re-sitting an examination</li> <li>person writing up a thesis</li> <li>overseas qualified nurse or midwife</li> <li>postgraduate doctor or dentist</li> <li>students' union sabbatical officer</li> <li>be under the age of 18 or have current leave in this category</li> <li>not be:</li> <li>married</li> <li>in a civil partnership</li> <li>forming an independent family unit</li> <li>leading an independent life</li> <li>be maintained and accommodated adequately with no access to public funds</li> <li>not stay in the UK beyond the period of leave granted to their parent</li> <li>have:</li> <li>both parents lawfully present in the UK on about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>one parent lawfully present in the UK and the other parent about to be granted entry clearance or leave to remain at the same time as the applicant</li> <li>the student is the applicant's only surviving parent</li> <li>the student has and has had sole responsibility for the applicant's upbringing</li> <li>there are serious or compelling family or other considerations that would make it desirable not to reluse the applicant's care in the UK</li> <li>if applying for leave to remain, must not be in the UK in breach of immigration laws,</li> </ul>	
desirable not to refuse the application. If this is the case suitable arrangements must have been made for the applicant's care in the UK	
<ul> <li>if applying for leave to remain, must not be in the UK in breach of immigration laws, except for any period of overstaying:</li> </ul>	
<ul> <li>for 28 days or less, which will be disregarded</li> </ul>	
<ul> <li>if the application was submitted before 9 July 2012</li> <li>For more information on these requirements, see related link: Paragraphs 79 to 81 of the</li> </ul>	
The more internation on these requirements, see related link. I alagraphs 73 to 01 of the	

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Immigration Rules.			
initiagration realoc.			
Applications from eventsure			
Applications from overstayers			
For more information on the requirement not to be in the UK in breach of immigrati	on	laws	
		iuws,	
see related link: Applications from overstayers (non family routes).			

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## Children of students granted leave under Part 3 of the Immigration Rules

### Switching

Switching		
About this guidance	This page tells you which immigration categories applicants can apply from to switch into the	In this section
	child of a student granted leave under Part 3 of the Immigration Rules category and when	Entry or extension
Key facts	you must carry out additional checks.	requirements
	Applicants aged under 18	Checking that the child
Entry or extension	Applicants can switch into this category from any other immigration category if they are aged	and parent(s) are
<u>requirements</u>	under 18 on the date they apply. This is because there are no switching restrictions in the rules	related as claimed
	for this age group.	
Granting or refusing		Checking the parents'
	If the applicant is applying for leave to remain they must not be in the UK in breach of	immigration status
	immigration laws, except for any period of overstaving:	
		Applicants aged 18
	for 28 days or less which will be disregarded	years or older
	<ul> <li>if the application was submitted before 9 July 2012</li> </ul>	<u>youro or ordor</u>
	• If the application was submitted before 5 July 2012	Independent life
	For more information, see related link: applications from overstayers (non family routes).	
	Tor more information, see related link. applications norm oversitayers (non-ramity routes).	Parental responsibility
	If the applicant is applying to switch from the category in which they entered the UK, you	<u>r archartesponsibility</u>
	must try and request the visa application form (VAF), if this is available, and consider what	Education
	the applicant declared to the entry clearance officer (ECO). You can consider refusing under	
	the general grounds for refusal, if there is evidence of blatant deception or where specific	Related links
		General grounds for
	undertakings were given.	refusal
	For more infermetion, and related light Concrete grounds for refused	Telusal
	For more information, see related link: General grounds for refusal.	Applications from
	If the applicant has not providually been granted leave as the shild of the parent or parents	overstayers (non family
	If the applicant has not previously been granted leave as the child of the parent or parents	routes)
	named on their application, you must take extra care to make sure the child is related as	Toules)
	claimed to the parent or parents.	External links
	For more information, and valated links Checking that the shild and parent(a) are related as	Paragraphs 79 to 81 of
	For more information, see related link: Checking that the child and parent(s) are related as	
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claimed.	7	the Immigration Rules
Applicants aged 18 or over Applicants aged 18 or over on the date they apply cannot switch into this category. further information, see related link: Applicants aged 18 years or older.	For	

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#### Children of students granted leave under Part 3 of the Immigration Rules

#### Checking that the child and parent(s) are related as claimed

About this guidance	This page tells you how to check the child is related as claimed to the parent or parents	In this section
	named on the application.	Entry or extension
Key facts	If the applicant has not previously been granted leave as the child of the parent or parents	requirements
	named on the application, you must see the applicant's full birth certificate showing both	Switching
Entry or extension	parents' names.	Ownorming
<u>requirements</u>		Checking the parents'
	If the applicant has previously been granted leave in this category, you must check Central	immigration status
Granting or refusing	Reference System (CRS), landing cards or CID as appropriate to see whether the Home Office	
	has previously established that the applicant is related as claimed to the parents. If you have	Applicants aged 18
	any doubts about whether they are related as claimed, you must request the full birth certificate.	<u>years or older</u>
	certificate.	Independent life
	You must be satisfied the document is genuine. If you have reason to doubt whether the	
	document is genuine, discuss this with your line manager or senior caseworker, and make	Parental responsibility
	verification checks if this is deemed appropriate.	
		Education
	You must refuse the application if:	Deleted Bala
	a the applicant fails to give the appropriate syndence	Related links
	<ul> <li>the applicant fails to give the appropriate evidence</li> <li>the document is independently confirmed to be forged</li> </ul>	General grounds for refusal
	<ul> <li>you have reasonable doubts about the authenticity of the document and verification</li> </ul>	
	checks have proved inconclusive	Adopted children
	Adopted children	External links
	Adopted children are eligible to apply as dependent children of students. You must be satisfied	Paragraphs 79 to 81 of
	the adoption is legally recognised under UK law. For further guidance, see related link:	the Immigration Rules
	Adopted children.	

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## Children of students granted leave under Part 3 of the Immigration Rules

#### Checking the parents' immigration status

	ou must be satisfied that one of the child's parents has been, or is about to be, granted	Entry or extension
	ave in one of the following categories:	requirements
ntry or extension equirements	• student	Switching
Granting or refusing	<ul> <li>student nurse</li> <li>person re-sitting an examination</li> <li>person writing up a thesis</li> </ul>	<u>Checking that the child</u> and parent(s) are related as claimed
	<ul> <li>overseas qualified nurse or midwife</li> <li>postgraduate doctor or dentist</li> </ul>	Applicants aged 18 years or older
	• students' union sabbatical officer the child is applying after their parent has been granted, they must give evidence their	Independent life
pa	<ul> <li>arent has leave in a relevant category. This could be:</li> <li>their parent's passport or travel document containing an entry clearance or UK</li> </ul>	Parental responsibility
	<ul> <li>esidence permit</li> <li>their parent's biometric residence permit (BRP)</li> </ul>	Education
	• other evidence their parent has the relevant leave, for example, an immigration status document (ISD)	Related links General grounds for refusal
fo	/here it is impractical to give the original document (for example, if the applicant is applying or entry clearance and the parent is already in the UK), a certified copy of the document will uffice.	External links Paragraphs 79 to 81 o the Immigration Rules
	ou must check CID, Central Reference System (CRS) or landing cards as appropriate to onfirm the parent has relevant leave as claimed.	
W	here the child is accompanying or joining one parent, the other parent must be lawfully	

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present in the UK, or about to be granted leave (for example, as the spouse or civil partner of the student), unless one parent is the sole surviving parent or has and has had sole responsibility for the child, or there are compelling circumstances why the child should join one parent. You must see evidence of the other parent's status and make any appropriate checks as outlined above.

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## Children of students granted leave under Part 3 of the Immigration Rules

#### Applicants aged 18 years or older

About this guidance	This page tells you how to consider applications for leave as the child of a student granted	In this section
	leave under Part 3 of the Immigration Rules when the applicant is aged 18 or older.	Entry or extension
Key facts	Applicants who are aged 18 years or older can be granted leave as the child of a student in	<u>requirements</u>
	certain circumstances.	Switching
Entry or extension		ownormig
requirements	Applicants aged 18 or over on date of application	Checking that the child
Ormation of the inter	If the applicant is aged 18 or over on the date they apply, they must:	and parent(s) are
Granting or refusing		related as claimed
	have current leave to enter or remain as the child of a student	Checking the percente'
	<ul> <li>if applying for leave to remain, must not be in the UK in breach of immigration laws,</li> </ul>	Checking the parents' immigration status
	<ul> <li>except for any period of overstaying:</li> <li>o for 28 days or less, which will be disregarded</li> </ul>	iningration status
	<ul> <li>if the application was submitted before 9 July 2012</li> </ul>	Independent life
	Switching from any other category is not permitted.	Parental responsibility
	For further mulder on an exercise rescaled at links the line from exercise on the site	Education
	For further guidance on overstaying, see related link: Applications from overstayers (non family routes).	Education
	Toules).	Related links
	Applicants who turn 18 while awaiting a decision	Applications from
	If the applicant was aged under 18 on the date they applied, but they have turned 18 while	overstayers (non family
	awaiting a decision, you must treat the applicant as though they are under 18. This means the	routes)
	applicant can be granted, even if they do not have current leave in this category. See related	External links
	link, Switching, for further information.	Paragraphs 79 to 81 of
		the Immigration Rules

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## Children of students granted leave under Part 3 of the Immigration Rules

#### Independent life

•		
About this guidance	This page tells you about the requirement for applicants applying for leave as the child of a student granted leave under Part 3 of the Immigration Rules not to be leading an	In this section Entry or extension
Key facts	independent life.	requirements
Entry or extension requirements	Paragraph 79(iii) of the Immigration Rules requires that a child of a student must not be married or in a civil partnership, have formed an independent family unit, or be leading an	Switching
requirements	independent life.	Checking that the child and parent(s) are
Granting or refusing	Married or in a civil partnership	related as claimed
	The applicant must not be married or in a civil partnership. If they are, you must refuse the application.	Checking the parents' immigration status
	Civil partnerships – applications submitted before 6 April 2012	
	If you are considering an application submitted before 6 April 2012 and the applicant is in a civil partnership, you must refuse on the basis the applicant is leading an independent life (see definition below). This is because, before 6 April 2012, paragraph 79(iii) did not make	Applicants aged 18 years or older
	any reference to civil partnerships.	Parental responsibility
	If the application was made on or after 6 April 2012, use the refusal wording for 'Married or in a civil partnership'.	Education
		External links
	Independent family unit An applicant may be considered to have formed an independent family unit if they:	Paragraphs 79 to 81 of the Immigration Rules
	An applicant may be considered to have formed an independent family unit if they.	
	<ul> <li>are living with a partner (including an unmarried or same-sex partner)</li> </ul>	Paragraph 6 of the
	<ul> <li>have dependent children of their own</li> </ul>	Immigration Rules
	Not leading an independent life	Appendix FM to the
	This term is defined in paragraph 6 (the interpretation section) of the Immigration Rules. See related link.	Immigration Rules
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<ul> <li>To meet this requirement, the applicant must:</li> <li>not have a partner as defined in Appendix FM to the Immigration Rules (spouse, civil partner, unmarried partner, or same-sex partner): see related link, Appendix FM to the Immigration Rules</li> <li>not be living away from their parents, unless they are at boarding school, college, or university as part of their full-time education</li> <li>not be employed full time, unless they are aged 18 or over</li> <li>be wholly or mainly dependent on their parents for financial support, unless they are aged 18 or over</li> <li>be wholly or mainly dependent on their parents for emotional support</li> </ul>

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## Children of students granted leave under Part 3 of the Immigration Rules

#### **Parental responsibility**

	1	
bout this guidance	This page tells you about the requirement of the child of a student granted leave under Part	In this section
	3 of the Immigration Rules to demonstrate the parent they are joining in the UK has parental	Entry or extension
ey facts	responsibility for them.	<u>requirements</u>
		Outlinking
ntry or extension	To meet this requirement the applicant must have:	Switching
quirements	• both parents lawfully present in the UK or about to be granted entry clearance or leave to	Checking that the ch
	remain at the same time as the applicant	and parent(s) are
anting or refusing	<ul> <li>one parent lawfully present in the UK and the other parent about to be granted entry</li> </ul>	related as claimed
	clearance or leave to remain at the same time as the applicant	
		Checking the parents
	The only exceptions to this are if:	immigration status
		Applicante aged 10
	the student is the applicant's only surviving parent	Applicants aged 18 years or older
	<ul> <li>the student has, and has had, sole responsibility for the applicant's upbringing</li> </ul>	years or older
	there are serious or compelling family or other considerations that would make it	Independent life
	desirable not to refuse the application and suitable arrangements have been made in	
	the UK for the applicant's care	Education
	If the applicant is not joining both parents you must establish that the parent they are joining	
	has, and has had, sole responsibility for their care.	Related links
		External links
		Paragraphs 79 to 81
		the Immigration Rule

This guidance is based on the Immigration Rules.

## Children of students granted leave under Part 3 of the Immigration Rules

#### Education

About this guidance	This page tells you what education a person with leave as a child of a student granted leave	In this section
	under Part 3 of the Immigration Rules can access while they are in the UK.	Entry or extension
Key facts	Decrete with leave as the child of a student are allowed to study in the LIV. The presidention	requirements
	People with leave as the child of a student are allowed to study in the UK. The Immigration Rules for this category do not place any restrictions on studies.	Switching
Entry or extension	Rules for this category do not place any restrictions on studies.	Switching
<u>requirements</u>	Children of students must leave the UK with their parent when their parent completes their	Checking that the child
	studies, unless the child qualifies for leave under a category of the Immigration Rules in their	and parent(s) are
Granting or refusing	own right.	related as claimed
	You must not grant leave to a child to study in their own right unless they have applied for, and	Checking the parents'
	meet the requirements of, Tier 4 of the points-based system, or of the short-term student route.	immigration status
	Access to state-funded education	Applicants aged 18
	Children of compulsory school age (five to 16 years of age) who have leave in this category	years or older
	can receive state-funded education while their parent is studying in the UK. This is not classed	
	as having recourse to public funds. The local education authority has a duty of care to children	Independent life
	living in the area, irrespective of immigration status. Parents also have a legal duty to make	
	sure their children receive a suitable education.	Parental responsibility
	Children aged over 16 years can attend sixth form colleges as long as they are not attached	External links
	to a maintained school.	Paragraphs 79 to 81 of
		the Immigration Rules

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This guidance is based on the Immigration Rules.

#### Children of students granted leave under Part 3 of the Immigration Rules

#### Granting or refusing

About this guidance	This section tells you how to grant or refuse applications from the child of a student granted	In this section
	leave under Part 3 of the Immigration Rules.	Grant or refuse entry
Key facts		clearance
	For more information, see related links:	
Entry or extension		Grant or refuse entry at
requirements	grant or refuse entry clearance	<u>UK port</u>
	grant or refuse entry at UK port	Creat or refuse leave to
Granting or refusing	grant or refuse leave to remain in country	Grant or refuse leave to remain in UK
	refusal wording	Temain in OK
		Refusal wording
		Iterusar wording
		External links
		Paragraphs 79 to 81 of
		the Immigration Rules

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This guidance is based on the Immigration Rules.

## Children of students granted leave under Part 3 of the Immigration Rules

#### Grant or refuse entry clearance

About this guidance	This page tells you how to grant or refuse applications from the child of a student granted	In this section
	leave under Part 3 of the Immigration Rules made overseas.	Granting or refusing
Key facts	For guidance on the requirements, see the Entry or extension requirements section.	Grant or refuse entry at
		UK port
Entry or extension	Grant entry clearance	
<u>requirements</u>	You must grant entry clearance if the applicant meets each of the requirements of paragraph	Grant or refuse leave to
Granting or refusing	79 of the Immigration Rules and none of the general grounds for refusal in paragraph 320	remain in UK
	apply.	Refusal wording
	You must grant the child the same amount of leave granted to the parent who is a student.	<u> </u>
		Related links
	You must grant leave on the appropriate condition code as follows:	General grounds for
	• if the applicant's parent has been granted leave as a student for 12 months or more,	refusal
	grant leave on code 1 conditions - this means the applicant will be allowed to work in	Safeguard and promote
	the UK if they are aged 16 or over	child welfare
	• if the applicant's parent has been granted leave as a student for less than 12 months,	Children, Defusion and
	grant leave on code 3 conditions: this means the applicant will not be allowed to work in the UK - but you must use discretion and grant leave on code 1 conditions if:	Children: Refusing and ensuring their welfare
	<ul> <li>there was a delay in deciding the parent's application and the parent would have</li> </ul>	
	been granted 12 months' or more leave as a student if their application had been	External links
	decided on the date it was submitted	Paragraphs 79 to 81 of
	The entry electronic endergement is 'D' STUDENT DEDENDANT' with the initial and	the Immigration Rules
	The entry clearance endorsement is 'D: STUDENT DEPENDANT', with the initial and surname of the student to be added in the 'add endorsement' field.	Paragraphs 320 to 324
		of the Immigration Rules
	Refuse entry clearance	
	You must refuse entry clearance if the applicant has not given the evidence required to	
	show they meet the requirements of paragraph 79 of the Immigration Rules. You must also	

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<ul> <li>consider refusing the application if any of the general grounds for refusal in paragraph 320 apply.</li> <li>For more information, see related link: General grounds for refusal.</li> <li>For more information on the action you must take when you refuse a child's application, see related links: <ul> <li>Safeguard and promote child welfare</li> <li>Children: Refusing and ensuring their welfare</li> </ul> </li> <li>For more information on the wording to use in refusal letters, see related link: Refusal wording.</li> </ul>

This guidance is based on the Immigration Rules.

## Children of students granted leave under Part 3 of the Immigration Rules

#### Grant or refuse entry at a UK port

About this guidance	This page tells you how to grant or refuse entry at a UK port to an applicant seeking entry as	
	the child of a student granted leave under Part 3 of the Immigration Rules .	Granting or refusing
Key facts	Granting entry	Grant or refuse entry
Entry or extension	Ann license and line and the shild of a student must held a still a true line state of a set to	<u>clearance</u>
requirements	Applicants seeking entry as the child of a student must hold a valid entry clearance for entry in this capacity unless they are:	Grant or refuse leave to
Omentionen er fan in er		remain in UK
Granting or refusing	• a non-visa national who is not seeking to remain in the UK for longer than 6 months, or	Defusel wording
	<ul> <li>one of the following UK passport holders who do not have the right of abode:</li> <li>o British national (overseas)</li> </ul>	Refusal wording
	<ul> <li>British overseas territories citizen</li> </ul>	Related links
	British overseas citizen	General grounds for refusal
	<ul> <li>British protected person</li> <li>person who under the British Nationality Act 1981 is a British subject</li> </ul>	Telusal
		Refusal of leave to enter
	The UK passport holders referred to above do not have to show they intend to leave after 6	Safeguard and promote
	months, but 6 months is the maximum period of leave they can be granted at a UK port, even if they ask for longer. They can apply to extend their stay in country if necessary.	child welfare
	For more information on which nationals need a visa to enter the UK, see related links:	Children: Refusing and ensuring their welfare
	<ul> <li>paragraphs 23 and 24 of the Immigration Rules, that cover:</li> </ul>	
	<ul> <li>paragraphs 23A and 23B- leave to enter granted on arrival</li> </ul>	External links
	<ul> <li>paragraph 24 – entry clearance</li> <li>Appendix 2 to Appendix V Immigration Bules for Visitors</li> </ul>	Appendix 2 to Appendix V Immigration Rules for
	Appendix 2 to Appendix V Immigration Rules for Visitors	Visitors
	You must grant leave to enter, up to the maximum of 6 months, to an applicant without entry	Deveryon he 70 to 04 of
	clearance if:	Paragraphs 79 to 81 of the Immigration Rules

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they are not required under the Immigration Rules to hold entry clearance	
they meet each of the requirements of paragraph 79 of the rules	Paragraphs 23 and 24
none of the general grounds for refusal in paragraph 320 of the rules apply	of the Immigration Rules
You must grant a period equal to the leave granted to the student, or up to the maximum of	Paragraph 321A of the
6 months, whichever is shorter.	Immigration Rules
You must not grant them leave that expires after the leave granted to the student.	
You must grant leave on the appropriate condition code as follows:	
<ul> <li>if the applicant's parent has been granted leave as a student for 12 months or more, grant leave on code 1 conditions - this means the applicant will be allowed to work in the UK if they are aged 16 or over</li> </ul>	
<ul> <li>if the applicant's parent has been granted leave as a student for less than 12 months, grant leave on code 3 conditions: this means the applicant will not be allowed to work in the UK - but you must use discretion and grant leave on code 1 conditions if:</li> </ul>	
<ul> <li>there was a delay in deciding the parent's application and the parent would have been granted 12 months' or more leave as a student if their application had been decided on the date it was submitted</li> </ul>	
The on entry admission code is: STD - Student dependant.	
You must admit an applicant who holds a valid entry clearance or has continuing leave to enter or remain in this category, unless it is right to cancel their entry clearance or leave under paragraph 321A of the Immigration Rules (see below).	
Refusing entry	
You must refuse leave to enter to an applicant who does not have a valid entry clearance if	
they are a: • visa national	
non-visa national (other than one of the UK passport holders listed above) seeking	
dense. Children of students granted leave under Dart 2 of the Immigration Pulse, v10.0EVT	Dublished for Homo
$\alpha \beta \alpha \beta \alpha \beta \beta$	

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entry for more than 6 months
If the applicant does not require entry clearance but does not meet the requirements of
paragraph 79, you must refuse leave to enter.
You must also consider refusing leave to enter if any of the general grounds for refusal in
paragraph 320 apply. For more information, see related link: General grounds for refusal.
If the applicant holds a valid entry clearance or has continuing leave to enter or remain in
this category, the entry clearance or leave may be cancelled if any of the grounds in
paragraph 321A of the Immigration Rules apply.
For more information on refusing entry, see related link: Refusal of leave to enter.
For more information on cancelling entry clearance or continuing leave to enter, see related
links:
Refusal of leave to enter
Paragraph 321A of the Immigration Rules
For more information on the wording to use in refusal letters, see related link: Refusal
wording.
For more information on the action you must take when you consider refusing a child's
application, see related links:
Safeguard and promote child welfare
Children: Refusing and ensuring their welfare

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This guidance is based on the Immigration Rules.

## Children of students granted leave under Part 3 of the Immigration Rules

#### Grant or refuse leave to remain in UK

About this guidance	This page tells you how to grant or refuse applications for leave to remain from the child of a	
	student granted leave under Part 3 of the Immigration Rules .	Granting or refusing
Key facts	Grant leave to remain	Grant or refuse entry
Entry or extension	You must grant leave to remain to the child of a student if they meet each of the requirements	<u>clearance</u>
requirements	of paragraph 79 of the Immigration Rules and none of the general grounds for refusal in	Cropt or refuee entry of
	paragraph 322 apply.	Grant or refuse entry at UK port
Granting or refusing	From 1 December 2012, you must grant leave to remain on a biometric residence permit	
	(BRP) in all cases.	Refusal wording
	You must invite the applicant to give their biometric information before producing a BRP, if	Related links
	the applicant:	General grounds for
		refusal
	applied before 29 February 2012	Applying for a biometric
	<ul> <li>was not required to give their biometric information when they made their application (for more information, see related link: Entry or extension requirements)</li> </ul>	Applying for a biometric residence permit –
	(for more mormation, see related link. Entry of extension requirements)	standard route
	For guidance on the process to follow, see related link: Applying for a biometric residence	applications
	permit – standard route applications.	Applications from
	You must grant the child the same amount of leave granted to the parent who is a student.	overstayers (non family
		routes)
	You must grant leave on the appropriate condition code as follows:	
	, if the applicant's parent has been granted loove as a student for 10 months or more	Safeguard and promote child welfare
	<ul> <li>if the applicant's parent has been granted leave as a student for 12 months or more, grant leave on code 1 conditions - this means the applicant will be allowed to work in</li> </ul>	
	the UK if they are aged 16 or over	Children: Refusing and
	• if the applicant's parent has been granted leave as a student for less than 12 months,	ensuring their welfare
	grant leave on code 3 conditions: this means the applicant will not be allowed to work	

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in the UK - but you must use discretion and grant leave on code 1 conditions if:	External links
<ul> <li>there was a delay in deciding the parent's application and the parent would have</li> </ul>	Paragraphs 79 to 81 of
been granted 12 months' or more leave as a student if their application had been decided on the date it was submitted	the Immigration Rules
<ul> <li>the applicant already has code 1 conditions</li> </ul>	
o the applicant already has code i conditions	
Refuse leave to remain	
You must refuse the application if the applicant has not given the evidence required to show	
they meet the requirements of paragraph 79. You must also consider refusing the	
application if any of the general grounds for refusal in paragraph 322 apply.	
For more information, see related link: General grounds for refusal.	
The Home Office has a statutory duty of care towards children under section 55 of the	
Borders, Citizenship and Immigration Act 2009. For more information on the action you	
must take when you consider refusing a child's application, see related links:	
<ul> <li>Safeguard and promote child welfare</li> </ul>	
Children: Refusing and ensuring their welfare	
For more information on the refusal paragraphs you must refer to when refusing a case and	
examples of wording for refusal notices, see related link: Refusal wording.	

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## Children of students granted leave under Part 3 of the Immigration Rules

### **Refusal wording**

Kordour wording		
About this guidance	This page gives you some suggested wording for refusing applications for an extension of leave as the child of a student granted leave under Part 3 of the Immigration Rules.	In this section Granting or refusing
Key facts	The following are examples of wording you can use in refusal notices. You must make sure the	Grant or refuse entry
Entry or extension	wording you use is appropriate to the applicant and the reasons for refusing.	<u>clearance</u>
requirements	Entry clearance officers and immigration officers must use the formula:	Grant or refuse entry at
Granting or refusing	'In view of [], I am not satisfied that []'	<u>UK port</u>
	Caseworkers deciding applications for leave to remain must use the formula: 'In view of [], the Secretary of State is not satisfied that []'	Grant or refuse leave to remain in UK
	Introduction	Related links
	You have applied/an application has been made on your behalf (delete as appropriate) for entry clearance to/leave to enter/leave to remain in (delete as appropriate) the United Kingdom as the child of a student/student nurse/person re-sitting an examination/person writing up a	Safeguard and promote child welfare
	thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate), but your application has been refused.	Children: Refusing and ensuring their welfare
	Not related as claimed	External links
	In view of [insert reasons here], I am / the Secretary of State is (delete as appropriate) not satisfied that you are the child of a parent [to be] admitted to or allowed to remain in the United	Paragraphs 79 to 81 of the Immigration Rules
	Kingdom as a student/student nurse/person re-sitting an examination/person writing up a	
	thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate).	
	Paragraph 81 with reference to 79(i).	
	Parent refused entry clearance, leave to enter or leave to remain	
	Your mother s/father's (delete as appropriate) application for entry clearance/leave to enter/leave to remain in that capacity has been refused, and consequently, I am / the Secretary	
· · · · · · · · · · · · · · · · · · ·		

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	of State is (delete as appropriate) not satisfied that you are the child of a parent to be admitted to, or allowed to remain in the United Kingdom as a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate). Paragraph 81 with reference to 79(i).
	Parent not in United Kingdom or not in appropriate category within United Kingdom In view of [insert reasons here], I am / the Secretary of State is (delete as appropriate) not
	satisfied that you are the child of a parent admitted to or allowed to remain in the United
	Kingdom as a student/student nurse/person re-sitting an examination/person writing up a
	thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate). Paragraph 81 with reference to 79(i).
	Over age and has not got current leave in this category
	As you were born on (insert date) / you have failed to produce satisfactory evidence of your
	date of birth (delete as appropriate), I am / the Secretary of State is (delete as appropriate) not
	satisfied that you are under the age of 18 or that you have current leave to enter or remain in this capacity. Paragraph 81 with reference to 79(ii).
	Married or in a civil partnership – for applications made on or after 6 April 2012 In view of (insert reasons here), I am / the Secretary of State is (delete as appropriate) not satisfied that you are unmarried/not in a civil partnership (delete as appropriate). Paragraph 81 with reference to 79(iii).
	Married – for applications made on or before 5 April 2012
	(If the applicant is in a civil partnership, use the 'Independent life' wording)
	In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you are unmarried. Paragraph 81 with reference to 79(iii).
	Independent family unit
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0		
	In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not satisfied that you have not formed an independent family unit. Paragraph 81 with reference to 79(iii).	
	Independent life	
	In view of (insert reasons here), I am/the Secretary of State is (delete as appropriate) not	
	satisfied that you are not leading an independent life. Paragraph 81 with reference to 79(iii).	
	Maintenance and accommodation	
	In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not	
	satisfied that you can and will be maintained and accommodated adequately without recourse to public funds.	
	Paragraph 81 with reference to 79(iv).	
	Intention to leave	
	In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not satisfied that you will not stay in the United Kingdom beyond any period of leave granted to your mother/father/parents (delete as appropriate). Paragraph 81 with reference to 79(v).	
	Not accompanying both parents – for applications made on or after 6 April 2012	
	In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not satisfied that both of your parents are lawfully present in the United Kingdom, or are being	
	granted entry clearance or leave to remain at the same time as you, or that one of your	
	parents is lawfully present in the United Kingdom and your other parent is being granted	
	entry clearance or leave to remain at the same time as you; or that the parent you intend to	
	[accompany/join] is your sole surviving parent or has, and has had, sole responsibility for	
	your upbringing, or that there are serious and compelling family or other considerations	
	which make your exclusion from the United Kingdom undesirable. Paragraph 81 with reference to 79A and 79(vi).	
	Not accompanying both parents – for applications made on or before 5 April 2012	
	In view of [insert reasons here], I am/the Secretary of State is (delete as appropriate) not	
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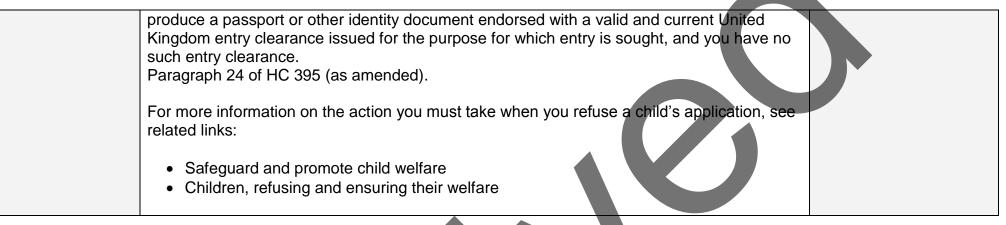
	satisfied that both of your parents are lawfully present in the United Kingdom, or are being granted entry clearance or leave to remain at the same time as you, or that the parent you intend to [accompany/join] is your sole surviving parent or has, and has had, sole responsibility for your upbringing, or that there are serious and compelling family or other considerations which make your exclusion from the United Kingdom undesirable. Paragraph 81 with reference to 79A and 79(vi).	
	In breach of immigration laws – leave to remain applications only In view of [insert reasons here], the Secretary of State is satisfied that you are in the UK in breach of immigration laws. Paragraph 81 with reference to 79(vii).	
	Parent's application for leave as a student refused - no switching Your mother's/father's (delete as appropriate) application for leave to remain has been refused for the reason that he/she (delete as appropriate) was not admitted to the United Kingdom with a valid student entry clearance. Paragraph 81 with reference to 79(i).	
	For immigration officers only No entry clearance –visa national	
	You have asked for leave to enter the United Kingdom as the child of a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate) but under the Immigration Rules you are required to produce a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought, and you have no such entry clearance. Paragraph 320(5) of HC 395 (as amended).	
	<b>No entry clearance – non-visa national seeking more than 6 months</b> You have asked for leave to enter the United Kingdom for a period of [ <i>state period</i> ] as the child of a student/student nurse/person re-sitting an examination/person writing up a thesis/overseas qualified nurse or midwife/postgraduate doctor or dentist/students' union sabbatical officer (delete as appropriate) but under the Immigration Rules you are required to	
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## Children of students granted leave under Part 3 of the Immigration Rules

Contact		
About this guidance	This page explains who to contact for more help with a specific case in the children of a	Related links
	student granted leave under Part 3 of the Immigration Rules category.	Changes to this
Key facts		guidance
<u>······</u>	If you have read the relevant Immigration Rules and this guidance and still need more help	
Entry or extension	with this category, you must first ask your senior caseworker or line manager.	Information owner
requirements		
	If the question cannot be answered at that level, you may email the student migration policy	External links
Granting or refusing	team (see related link) for guidance on the policy.	Paragraphs 79 to 81 of the Immigration Rules
	Changes to this guidance can only be made by the guidance, rules and forms team	
	(GRaFT). If you think the policy content needs amending you must contact the study and	Links to staff intranet
	visit operational policy team, who will ask the GRaFT to update the guidance, if appropriate.	removed
	The GRaFT will accept direct feedback on broken links, missing information or the format,	
	style and navigability of this guidance. You can send these using the link: Email: guidance -	
	making changes.	

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## Children of students granted leave under Part 3 of the Immigration Rules

#### Information owner

About this guidance		version of the children of students granted leave under	er Part 3	Related links
	of the Immigration Rules guida	ance and who owns it.		Changes to this
Key facts				<u>guidance</u>
	Version	10.0		
Entry or extension	Published for Home	5 May 2015		Contact
	Office staff on			
<u>requirements</u>	Policy owner	Official – sensitive: information removed		External links
	Clearance by director	Official – sensitive: information removed		Paragraphs 79 to 81 of
Granting or refusing	Director's role	Official – sensitive: information removed		the Immigration Rules
	Date cleared	29 March 2015		
	This version approved for	Official – sensitive: information removed		Links to staff intranet
	publication by			removed
	Approver's role	Official – sensitive: information removed		
	Approval date	29 April 2015		
	Appioral dato			
	Changes to this guidance can	only be made by the guidance, rules and forms team		
		cy content needs amending you must contact the stud		
		see related link), who will ask the GRaFT to update the		
		see related link), who will ask the Grain to update the	5	
	guidance, if appropriate.			
	The CROET will eccept direct	foodbook on broken linke, missing information or the f	ormot	
		feedback on broken links, missing information or the f		
		uidance. You can send these using the link: Email: gu	Idance –	
	making changes.			

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