# Immigration Rules

- **Archive of Immigration Rules**
- **Statements of changes in Immigration Rules**

This is a consolidated version of the current Immigration Rules.

See the link at the top of this page for all Parliamentary 'Statements of Changes in Immigration Rules' issued since May 2003.

The Immigration Rules were last updated in February 2013.


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## Introduction

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 Immigration and Nationality Directorate will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the United Kingdom and in compliance with the provisions of the Human Rights Act 1998.

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.

### Application

5. Save where expressly indicated, these Rules do not apply to those persons who are entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 EEA Regulations. But any person who is not entitled to rely on the provisions of those Regulations is covered by these Rules.

**Interpretation**

6. In these Rules the following interpretations apply:

**"**the **Immigration Acts'** has the same meaning as it has in the Interpretation Act 1978.

"**the 1993 Act**" is the Asylum and Immigration Appeals Act 1993.

"**the 1996 Act**" is the Asylum and Immigration Act 1996

"**the 2006 EEA Regulations**" means the Immigration (European Economic Area) Regulations 2006

"**adoption**" unless the contrary intention appears, includes a de facto adoption in accordance with the requirements of paragraph 309A of these Rules, and "adopted" and "adoptive parent" should be construed accordingly.

In Appendix FM references to **'application for leave to remain'** include an application for variation of leave to enter or remain of a person in the UK.

"**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 a approved destination, signed on 21 January 2005.

"**a 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 Border and Immigration Agency when requested;

b) provides courses which involve a minimum of 15 hours organised daytime study per week;

c) ensures a suitably qualified tutor is present during the hours of study to offer teaching and instruction to the students;

d) offers courses leading to qualifications recognised by the appropriate accreditation bodies;

e)employs suitably qualified staff to provide teaching, guidance and support to the students;

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.

**"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 United Kingdom to which the notice is sent, Christmas Day or Good Friday.

"**civil partner**" means a civil partnership which exists under or by virtue of the Civil Partnership Act 2004 (and any reference to a civil partner is to be read accordingly);

**"conviction"** means conviction for a criminal offence in the UK or any other country.

"**degree level study**" means a course which leads to a recognised United Kingdom degree at bachelor's level or above, or an equivalent qualification at level 6 or above of the revised National Qualifications Framework, or levels 9 or above of the Scottish Credit and Qualifications Framework.

Under Part 8 of these Rules, "**post-graduate level study**" means a course at level 7 or above of the revised National Qualifications Framework or Qualifications and Credit Framework, or level 11 or above of the Scottish Credit and Qualifications Framework, which leads to a recognised United Kingdom postgraduate degree at Master's level or above, or an equivalent qualification at the same level.

**"foundation degree"** means a programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations.

**"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. An undergraduate degree is a primary degree. A Masters degree that has a Bachelor degree as an entry requirement is not a primary degree.

A **"UK recognised body"** is an institution that has been granted degree awarding powers by either a Royal Charter, an Act of Parliament or the Privy Council. For the purposes of these Rules we will consider the Foundation Programme Office and the Yorkshire and Humber Strategic Health Authority as equivalent to UK Recognised Bodies.

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

"**EEA national**" has the meaning given in regulation 2(1) of the 2006 EEA Regulations.

"**an external student**" is 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.

"**United Kingdom passport**" bears the meaning it has in the Immigration Act 1971.

"**a UK Bachelors 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 or by or under an Act of Parliament to grant degrees, of a qualification designated by the awarding institution to be of Bachelors 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 Bachelors degree level.

"**Immigration Officer**" includes a Customs Officer acting as an Immigration Officer.

"**Multiple Entry work permit employment**" is work permit employment where the person concerned does not intend to spend a continuous period in the United Kingdom in work permit employment.

"**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;

(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.

(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.

"**settled in the United Kingdom**" means that the person concerned:

(a) is free from any restriction on the period for which he may remain save that a person entitled to an exemption under Section 8 of the Immigration Act 1971 (otherwise than as a member of the home forces) is not to be regarded as settled in the United Kingdom except in so far as Section 8(5A) so provides; and

(b) is either:

(i) ordinarily resident in the United Kingdom without having entered or remained in breach of the immigration laws; or

(ii) despite having entered or remained in breach of the immigration laws, has subsequently entered lawfully or has been granted leave to remain and is ordinarily resident.

"**a parent**" includes

(a) the stepfather of a child whose father is dead and the reference to stepfather includes a relationship arising through civil partnership;

(b) the stepmother of a child whose mother is dead and the reference to stepmother includes a relationship arising through civil partnership and;

(c) the father as well as the mother of an illegitimate child where he is proved to be the father;

(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 United Kingdom or where a child is the subject of a de facto adoption in accordance with the requirements of paragraph 309A of these Rules (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 297-303);

(e) in the case of a child born in the United Kingdom 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 parent(s)' inability to care for the child.

**"date of application"** means the date of application determined in accordance with paragraph 30 or 34G of these rules as appropriate.

**"a valid application"** means an application made in accordance with the requirements of Part 1of these Rules.

**"refugee leave"** means limited leave granted pursuant to paragraph 334 or 335 of these rules and has not been revoked pursuant to paragraph 339A or 339B of these rules.

**"humanitarian protection"** means limited leave granted pursuant to paragraph 339C of these rules and has not been revoked pursuant to paragraph 339G or 339H of these rules.

**"a period of imprisonment"** referred to in these rules has the same meaning as set out in section 38(2) of the UK Borders Act 2007.

**"Overstayed"** or **"Overstaying"** means the applicant has stayed in the UK beyond the latest of:

(i) the time limit attached to the last period of leave granted, or

(ii) beyond the period that his leave was extended under sections 3C or 3D of the Immigration Act 1971, or

(iii) the date that an applicant receives the notice of invalidity declaring that an application for leave to remain is not a valid application, provided the application was submitted before the time

limit attached to the last period of
leave expired.

"**intention to live permanently with the other**" and intend to live together permanently means an intention to live together, evidenced by a clear commitment from both parties that they will live together permanently in the United Kingdom immediately following the outcome of the application in question or as soon as circumstances permit thereafter.

"**present and settled**" means that the person concerned is settled in the United Kingdom, and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the United Kingdom their home with the applicant if their application is successful.

For the purposes of Appendix FM 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 or the Home Office, who is a British Citizen or settled in the UK, is to be regarded as present and settled in the UK.

"**sponsor**" means the person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiance, 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.

**"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).

**"working illegally"** means working in breach of conditions of leave or working when in the UK without valid leave where such leave is required.

**"in breach of immigration laws"** means without valid leave where such leave is required, or in breach of the conditions of leave.

"'adequate' and 'adequately' in relation to a maintenance and accommodation requirement shall mean that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of income support."

**"occupy exclusively"** in relation to accommodation shall mean that part of the accommodation must be for the exclusive use of the family.

**"must not be leading an independent life"** means that the applicant does not have a partner as defined in Appendix FM; is living with their parents (except where they are at boarding school, college or university as part of their full-time education); is not employed full-time (unless aged 18 years or over); is wholly or mainly dependent upon their parents for financial support (unless aged 18 years or over); and is wholly or mainly dependent upon their parents for emotional support.

**"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.

"**visa nationals**" are the persons specified in Appendix 1 to these Rules who need a visa for the United Kingdom.

"**non-visa nationals**" are persons who are not specified in Appendix 1 to these Rules.

"**specified national**" is a person specified in Appendix 3 to these Rules who seeks leave to enter the United Kingdom for a period of more than 6 months.

"**employment**" unless the contrary intention appears, 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.

"**the 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 United Kingdom.

"**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 United Kingdom.

"**Employment as a Doctor in Training**" means employment in a medical post or training programme which has been approved by the Postgraduate Medical Education and Training Board, or employment in a postgraduate training programme in dentistry.

"**these Rules**" means these immigration rules (HC 395) made under section 3(2) of the Immigration Act 1971.

A '**refugee'** is a refugee as defined in regulation 2 of The Refugee or Person in Need of International Protection (Qualification) Regulation 2006.

In part 6A of these Rules, "relevant grant allocation period" means a specified period of time, which will be published by the Secretary of State on the UK Border Agency website, during which applications for entry clearance or leave to enter in respect of a particular route may be granted subject to the grant allocation for that period;

In part 6A of these Rules, "grant allocation" means a limit, details of which will be published by the Secretary of State on the UK Border Agency website, on the number of grants of entry clearance or leave to enter which may be granted in respect of a particular route during the relevant grant allocation period;

Under Part 6A of these Rules, "**Highly Skilled Migrant**" means a migrant granted leave under paragraphs 135A to 135G of the Rules in force before 30th June 2008.

Under Part 6A of these Rules, "**Highly Skilled Migrant Programme Approval Letter**" means a letter issued by the Home Office confirming that the applicant meets the criteria specified by the Secretary of State for entry to or stay in the UK under the Highly Skilled Migrant Programme.

Under Part 6A of these Rules, "**Innovator**" means a migrant granted leave under paragraphs 210A to 210F of the Rules in force before 30th June 2008.

Under Part 6A of these Rules, "**Participant in the Fresh Talent Working in Scotland Scheme**" means a migrant granted leave under paragraphs 143A to 143F of the Rules in force before 30th June 2008.

Under Part 6A of these Rules, "**Participant in the International Graduates Scheme**" means a migrant granted leave under paragraphs 135O to 135T of the Rules in force before 30th June 2008.

Under Part 6A of these Rules, "**Postgraduate Doctor or Dentist**" means a migrant who is granted leave under paragraphs 70 to 75 of these Rules.

Under Part 6A of these Rules, "**Self-Employed**" means an applicant is registered as self-employed with HM Revenue & Customs, or is employed by a company of which the applicant is a controlling shareholder.

Under Part 6A of these Rules, "**Student**" means a migrant who is granted leave under paragraphs 57 to 62 of these Rules.

Under Part 6A of these Rules, "**Student Nurse**" means a migrant who is granted leave under paragraphs 63 to 69 of these Rules.

Under Part 6A of these Rules, "**Student Re-Sitting an Examination**" means a migrant who is granted leave under paragraphs 69A to 69F of these Rules.

Under Part 6A of these Rules, "**Student Writing-Up a Thesis**" means a migrant who is granted leave under paragraphs 69G to 69L of these Rules.

Under Part 6A of these Rules, "**Work Permit Holder**" means a migrant who is granted leave under paragraphs 128 to 133 of these Rules.

Under Part 6A of these Rules, "**Prospective Student**" means a migrant who is granted leave under paragraphs 82 to 87 of these rules.

Under Part 6A of these Rules, an "**A-rated Sponsor**" is a Sponsor which is recorded as being "A-rated" on the register of licensed Sponsors maintained by the United Kingdom Border Agency.

Under Part 6A and Appendix A of these Rules, a "**B-Rated Sponsor**" is a sponsor which is recorded as being "B-Rated" on the register of licensed sponsors maintained by the United Kingdom Border Agency.

Under Part 6A of these Rules, **"Highly Trusted Sponsor"** means a sponsor which is recorded as being "Highly Trusted" on the register of licensed sponsors maintained by the United Kingdom Border Agency.

Under paragraph 34K of these Rules, a "Premium Sponsor" is a Sponsor which is recorded as holding Premium status on the register of licensed Sponsors maintained by the United Kingdom Border Agency.

Under Part 6A of these Rules, "**Certificate of Sponsorship**" means an authorisation issued by the Secretary of State to a Sponsor in respect of one or more applications, or potential applications, for entry clearance, leave to enter or remain as a Tier 2 migrant or a Tier 5 migrant in accordance with these Rules.

Under Part 6A and Appendix A of these Rules, "**Confirmation of Acceptance for Studies**" means a unique reference number electronically issued by a sponsor via the Sponsor Management System to an applicant for entry clearance, leave to enter or remain as a Tier 4 Migrant in accordance with these Rules.

Under Part 6A of these Rules, "**Certificate of Sponsorship Checking Service**" means a computerised interface with the Points Based System computer database which allows a United Kingdom Border Agency caseworker or entry clearance officer assessing a migrant's application for entry clearance, leave to enter or leave to remain to access and review details of the migrant's Certificate of Sponsorship, including details of the migrant's Sponsor, together with details of the job and other details associated with the circumstances in which the Certificate of Sponsorship was issued.

Under Part 6A and Appendix A of these Rules, "**length of the period of engagement"** is the period beginning with the employment start date as recorded on the Certificate of Sponsorship Checking service entry which relates to the Certificate of Sponsorship reference number for which the migrant was awarded points under Appendix A and ending on the employment end date as recorded in the same entry.

Under Part 6A and Appendix A of these Rules, "**working for the same employer"** includes working for the business or concern in respect of which employment the earlier grant of leave was granted where that business or concern has, since that date, merged with, or been taken over by, another entity.

Under Part 6A and Appendix A of these Rules, "**Designated Competent Body"** means an organisation which has been approved by the UK Border Agency to endorse applicants as a Tier 1 (Exceptional Talent) Migrant.

Under Part 6A and Appendix A of these Rules, **"Tier 1 (Exceptional Talent) Unique Reference Number"** means a unique reference number issued for the purposes of managing the Tier 1 (Exceptional Talent) Limit and provided by the UK Border Agency to an applicant prior to making his application as a Tier 1 (Exceptional Talent) Migrant.

For the purpose of para 320(7B) of these Rules "Removal Decision" means (a) a decision to remove in accordance with section 10 of the Immigration and Asylum Act 1999; (b) 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 (c) a decision to remove in accordance with section 47 of the Immigration, Asylum and Nationality Act 2006. Pending appeal has the same meaning as in section 104 of the nationality, immigration and asylum act 2002.

Under Part 6A of these Rules, "**Confirmation of Acceptance for Studies Checking Service"** means a computerised interface with the Points Based System computer database which allows a United Kingdom Border Agency caseworker or entry clearance officer assessing a migrant's application for entry clearance, leave to enter or leave to remain as a Tier 4 migrant under these Rules to access and review details of the migrant's Confirmation of Acceptance for Studies, including details of the migrant's Sponsor, together with details of the

course of study and other details associated with the circumstances in which the Confirmation of Acceptance for Studies was issued.

Under Part 6A of these Rules, "**Established Entertainer**" means an applicant who is applying for leave to remain as a Tier 2 (General) Migrant or a Tier 2 (Intra-Company Transfer) Migrant in respect of whom the following conditions are satisfied:

(a) the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, records that the applicant is being sponsored in an occupation which is defined in the United Kingdom Border Agency's Transitional Guidance as being a job in the entertainment sector,

(b) the applicant has, or has previously had, entry clearance, leave to enter or leave to remain in the UK as a Work Permit Holder, and the work permit that led to that grant was issued in the sports and entertainment category to enable him to work in the occupation in which he is, at the date of the application for leave to remain, currently being sponsored,

(c) the applicant's last grant of leave was:

(i) as a Work Permit Holder in the sports and entertainment category, provided the work permit on the basis of which that leave was granted was issued in the sports and entertainment category to enable him to work either in the occupation in which he is, at the date of the current application for leave to remain, currently being sponsored, or in another occupation which is defined in the UK Border Agency's Transitional Guidance as being a job in the entertainment sector, or

(ii) leave to remain as a Tier 2 (General) Migrant or a Tier 2 (Intra-Company Transfer) Migrant, provided (in either case):

(1) he previously had leave as a Work Permit Holder in the sports and entertainment category to work as described in (i) above,

(2) he has not been granted entry clearance in this or any other route since his last grant of leave as a Work Permit Holder, and

(3) his last grant of leave was made to enable him to work either in the occupation in which he is, at the date of the current application for leave to remain, currently being sponsored or in another occupation which is defined in the UK Border Agency's Transitional Guidance as being a job in the entertainment sector,

(d) the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates records:

(i) that the applicant will be paid a salary for the job that is at or above the appropriate entertainments industry rate, as listed in the United Kingdom Border Agency's Transitional Guidance; and

(ii) that before agreeing to employ the applicant, the Sponsor consulted with such bodies as the United Kingdom Border Agency's Transitional Guidance indicates that it should consult with before employing someone in this capacity, and

(e) the applicant has not spent a period of 5 years or more in the UK, beginning with the last grant of entry clearance, as a Qualifying Work Permit Holder, Tier 2 (General) Migrant or Tier 2 (Intra- Company Transfer) Migrant, or in any combination of these.

Under Part 6A of these Rules, "**Qualifying Work Permit Holder**" means a Work Permit Holder who was issued a work permit in the business and commercial or sports and entertainment work permit categories.

Under Part 6A of these Rules, "**Senior Care Worker**" means an applicant who is applying for leave to remain as a Tier 2 (General) Migrant or a Tier 2 (Intra-Company Transfer) Migrant in respect of whom the following conditions are satisfied:

(a) the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, records that the applicant is being sponsored in an occupation which is defined in the codes of practice for Tier 2 sponsors published by the UK Border Agency as being a Senior Care Worker role,

(b) the applicant's last grant of leave was:

(i) as a Qualifying Work Permit Holder, or

(ii) leave to remain as a Tier 2 (General) Migrant or a Tier 2 (Intra-Company Transfer) Migrant, provided (in either case):

(1) he previously had leave as a Qualifying Work Permit Holder, and

(2) he has not been granted entry clearance in this or any other route since his last grant of leave as a Qualifying Work Permit Holder.

(c) the work permit or Certificate of Sponsorship that led to the last grant of leave was issued to enable the applicant to work as a senior care worker, and

(d) the applicant has not spent a period of 5 years or more in the UK, beginning with the last grant of entry clearance, as a Qualifying Work Permit Holder, Tier 2 (General) Migrant or Tier 2 (Intra- Company Transfer) Migrant, or in any combination of these.

Under Part 6A of these Rules, "**Sponsor**" means the person or Government that the Certificate of Sponsorship Checking Service or Confirmation of Acceptance for Studies Checking Service records as being the Sponsor for a migrant.

Under Part 6A of these Rules, a reference to a "**sponsor licence**" means a licence granted by the Secretary of State to a person who, by virtue of such a grant, is licensed as a Sponsor under Tiers 2, 4 or 5 of the Points Based System.

"In Part 6A and Appendices A and J of these Rules, "settled worker" means a person who:
(i) is a national of the UK,
(ii) is a national of the European Economic Area or Switzerland who is exercising a Treaty Right in the UK,
(iii) is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus,
(iv) is a Commonwealth citizen with leave to enter or remain granted on the basis of UK Ancestry (paragraphs 186 to 193 of these Rules), or
(v) has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002."

Under Part 6A of these Rules, "**supplementary employment**" means other employment in a job which appears on the Shortage Occupation List in Appendix K, or in the same profession and at the same professional level as that which the migrant is being sponsored to do provided that:

(a) the migrant remains working for the Sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do,

(b) the other employment does not exceed 20 hours per week and takes place outside of the hours when the migrant is contracted to work for the Sponsor in the employment the migrant is being sponsored to do.

Under part 6A and Appendix A of these Rules, **"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 teach no more than half of a degree programme in the UK as a study abroad programme.

"Business person" means a migrant granted leave under paragraphs 200 to 208 of the Rules in force before 30th June 2008.

"Investor" means a migrant granted leave under paragraphs 224 to 229 of the Rules in force before 30th June 2008.

"Self-employed Lawyer" means a migrant granted entry clearance, or leave to enter or remain, 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.

" **Points Based System Migrant"** means a migrant applying for or granted leave as a Tier 1 Migrant, a Tier 2 Migrant, a Tier 4 Migrant or a Tier 5 Migrant.

**"Tier 1 Migrant"** means a migrant who is granted leave as a Tier 1 (Exceptional Talent) Migrant, a Tier 1 (General) Migrant, a Tier 1 (Entrepreneur) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Graduate Entrepreneur) Migrant or a Tier 1 (Post-Study Work) Migrant.

**"Tier 1 (Exceptional Talent) Migrant"** means a migrant who is granted leave under paragraphs 245B to 245BF of these Rules.

"**Tier 1 (General) Migrant"** means a migrant who is granted leave under paragraphs 245C to 245CE of these Rules.

**"Tier 1 (Entrepreneur) Migrant"** means a migrant who is granted leave under paragraphs 245D to 245DF of these Rules.

"**Tier 1 (Investor) Migrant"** means a migrant who is granted leave under paragraphs 245E to 245EF of these Rules.

"**Tier 1 (Graduate Entrepreneur) Migrant"** means a migrant who is granted leave under paragraphs 245F to 245FB of these Rules in place on or after 6 April 2012.

**"Tier 1 (Post-Study Work) Migrant"** means a migrant who is granted leave under paragraphs 245F to 245FE of the Rules in place before 6 April 2012.

**"Tier 2 Migrant"** means a migrant who is 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.

**Tier 2 (Intra-Company Transfer) Migrant"** means a migrant granted leave under paragraphs 245G to 245GF of these Rules.

**"Tier 2 (General) Migrant"** means a migrant granted leave under paragraphs 245H to 245HF of these Rules and who obtains points under paragraphs 76 to 84A of Appendix A.

**"Tier 2 (Minister of Religion) Migrant"** means a migrant granted leave under paragraphs 245H to 245HF of these Rules and who obtains points under paragraphs 85 to 92 of Appendix A.

**"Tier 2 (Sportsperson) Migrant"** means a migrant granted leave under paragraphs 245H to 245HF of these Rules and who obtains points under paragraphs 93 to 100 of Appendix A."

"Tier 4 (General) Student" means a migrant granted leave under paragraphs 245ZT to 245ZY of these Rules.

"Tier 4 (Child) Student" means a migrant granted leave under paragraphs 245ZZ to 245ZZD of these Rules.

"Tier 4 Migrant" means a Tier 4 (General) Student or a Tier 4 (Child) Student.

"Tier 5 (Youth Mobility) Temporary Migrant" means a migrant granted leave under paragraphs 245ZI to 245ZL of these Rules.

"Tier 5 (Temporary Worker) Migrant" means a migrant granted leave under paragraphs 245ZM to 245ZS of these Rules.

"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 the Tier 5 Youth Mobility Scheme and is held by a country or territory listed as such at Appendix G of these Rules.

"Tier 5 Migrant" means a migrant who is either a Tier 5 (Temporary Worker) Migrant or a Tier 5 (Youth Mobility) Temporary Migrant.

Under Part 6A of these Rules "**Government Authorised Exchange Scheme"** means a scheme under the Tier 5 (Temporary Worker) Government Authorised Exchange sub-category which is endorsed by a Government Department in support of Government objectives and provides temporary work in an occupation which appears on the list of occupations skilled to National Qualifications Framework level 3, as stated in the codes of practice for Tier 2 Sponsors published by the UK Border Agency, and where the migrant will be supernumerary.

Under Part 6A of these Rules **"Work Experience Programme"** means work experience including volunteering and job-shadowing, internships and work exchange programmes under a Government Authorised Exchange Scheme.

Under Part 6A of these Rules "**Research Programme"** means research programmes and fellowships under a Government Authorised Exchange Scheme where the migrant is working on a scientific, academic, medical, or government research project/s at either a UK Higher Education Institution or another research institution operating under the authority and/or financial sponsorship of a relevant Government Department."

Under Part 6A of these Rules "**Training Programme"** means a training programme under a Government Authorised Exchange Scheme where the migrant either receives formal, practical training in the fields of science and / or medicine or will be trained by HM Armed Forces or by UK emergency services, or meets the requirements of paragraph 245ZQ(b)(vi)(2) to(4).

Under Part 6A of these Rules, **"Temporary Engagement as a Sports Broadcaster"** means providing guest expert commentary on a particular sporting event."

**"Contractual Service Supplier"** means a migrant who is granted entry clearance, leave to enter or leave to remain under paragraphs 245ZP(e) and 245ZR(b)(ii)(3) of these Rules on the basis that the circumstances in which such leave is sought engage the United Kingdom's commitments in respect of contractual service suppliers under the relevant provisions of one of the agreements specified in paragraph 111(f)(i) of Appendix A of these Rules.

"Jewish Agency Employee" means a migrant granted leave outside of these Rules under the concession that formerly appeared in Chapter 17 Section 5 Part 2 of the Immigration Directorate Instructions.

"Member of the Operational Ground Staff of an Overseas-owned Airline" means a migrant granted leave under paragraphs 178 to 185 of the Rules in force before 27 November 2008.

"Minister of Religion, Missionary or Member of a Religious Order" means a migrant granted leave under paragraphs 170 to 177A of the Rules in force before 27 November 2008.

"Overseas Qualified Nurse or Midwife" means a migrant granted leave under paragraphs 69M to 69R of the Rules in force before 27 November 2008.

"Participant in the Science and Engineering Graduates Scheme" means a migrant granted leave under paragraphs 135O to 135T of the Rules in force before 1 May 2007.

"Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation" means a migrant granted leave under paragraphs 136 to 143 of the Rules in force before 27 November 2008.

"**Student Union Sabbatical Officer**" means a migrant granted leave under paragraphs 87A to 87F of the Rules in force before 27 November 2008.

"**Working Holidaymaker**" means a migrant granted leave under paragraphs 95 to 97 of the Rules in force before 27 November 2008.

A "**Business Visitor**" is a person granted leave to enter or remain in the UK under paragraphs 46G-46L, 75A-F or 75G-M of these Rules.

An "**Academic Visitor**" is a person who is from an overseas academic institution or who is highly qualified within his own field of expertise seeking leave to enter the UK to carry out research and associated activities for his own purposes.

A "**Visiting Professor**" is a person who is seeking leave to enter the UK as an academic professor to accompany students who are studying here on Study Abroad Programmes.

A "**Sports Visitor**" is a person granted leave to enter or remain in the UK under paragraphs 46M-46R of these Rules.

An "**Amateur**" is 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.

A "**Series of events**" 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.

An "**Entertainer Visitor**" is a person granted leave to enter or remain in the UK under paragraphs 46S-46X of these Rules.

A "**Special Visitor**" is a person granted leave for a short-term visit in the following circumstances:

"A visitor undertaking permitted paid engagements" is someone who is granted leave to enter under paragraphs 56X- 56Z of these Rules.

(a) A person granted leave to enter or remain in the UK as a visitor for private medical treatment under paragraphs 51 - 56 of these Rules

(b) A person granted leave to enter or remain in the UK for the purpose of marriage or to enter into civil partnership under paragraphs 56D - 56F of these Rules

(c) A person granted leave to enter or remain in the UK as a Parent of a child at school under paragraphs 56A - 56C of these Rules

(d) A person granted leave to enter or remain in the UK as a Child Visitor under paragraphs 46A - 46F of these Rules

(e) A person granted leave to enter or remain in the UK as a Student Visitor under paragraphs 56K - 56M of these Rules

(f) A person granted leave to enter or remain in the UK as a Prospective Student under paragraphs 82-87 of these Rules

(g) A person granted leave to enter the UK as a Visitor in transit under paragraphs 47 - 50 of these Rules, or

(h) A person granted entry clearance, leave to enter or leave to remain in the UK as a Prospective Entrepreneur under paragraphs 56n - 56Q of these Rules.

"**Writer, Composer or Artist**" means a migrant granted leave under paragraphs 232 to 237 of the Rules in force before 30th June 2008.

In paragraph 320(7B) and paragraph 320(11) of these Rules:

"**Deception**" means making false representations or submitting false documents (whether or not material to the application), or failing to disclose material facts.

"**Illegal Entrant**" has the same definition as in section 33(1) of the Immigration Act 1971.

In paragraph 320(22) and 322(12) of these Rules:

"**relevant NHS body**" means

a) in relation to England-

(i) a National Health Service Trust established under section 25 of the National Health Service Act 2006,

(ii) a NHS foundation trust.

b) in relation to Wales-

(i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006,

(ii) a National Health Service Trust established under section 18 of the National Health Service (Wales) Act 2006,

(iii) a Special Health Authority established under 22 of the National Health Service (Wales) Act 2006.

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),

(ii) the Common Services Agency for the Scottish Health Service established under section 10 of that Act,

(iii) Healthcare Improvement Scotland established under section 10A of that Act.

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,

(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

(i) The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2004 (2004 No 1433);

(ii) The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 as amended (1989 No 364);

(iii) The Health and Personal Social Services (Provision of Health Services to Persons not Ordinarily Resident) Regulations (Northern Ireland) 2005 (2005 No 551); or

(iv) The National Health Service (Charges to Overseas Visitors) Regulations (2011 No 1556).

6A. For the purpose of these Rules, 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 sponsor unless, as a result of P's presence in the United Kingdom, the 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 sponsor's joint entitlement to benefits under the regulations referred to in paragraph 6B).

6B. Subject to paragraph 6C, 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.

6C. A person (P) making an application from outside the United Kingdom 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 sponsor as a result of P's presence in the United Kingdom, (including those benefits to which P or the sponsor would be entitled as a result of P's presence in the United Kingdom under the regulations referred to in to paragraph 6B)".

"For the purposes of an application as a fiancé(e) or proposed civil partner under Appendix FM, an EEA national who holds a registration certificate or a document certifying permanent residence issued under the 2006 EEA Regulations (including an EEA national who holds a residence permit issued under the Immigration (European Economic Area) Regulations 2000 which is treated as if it were such a certificate or document by virtue of Schedule 4 to the 2006 EEA Regulations) is to be regarded as present and settled in the United Kingdom.".

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# Part 1 - General provisions regarding 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 the provisions of the 2006 EEA Regulations 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; and

(iii) a condition requiring the person to register with the police.

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

10B. 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 seeking leave to enter the United Kingdom as a returning resident may be admitted for settlement 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.

19. A person who does not benefit from the preceding paragraph by reason only of having been away from the United Kingdom too long may nevertheless be admitted as a returning resident if, for example, he has lived here for most of his life.

19A. Where a person who has indefinite leave to enter or remain in the United Kingdom accompanies, on a tour of duty abroad, a spouse, civil partner, unmarried partner or same-sex partner who is a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service, or a comparable United Kingdom-based staff member of the British Council, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, sub-paragraphs (ii) and (iii) of paragraph 18 shall not apply.

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).

## 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 must 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:

(i) a visa national;

(ii) any other person (other than British Nationals (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) who is seeking entry for a period exceeding six months or is seeking entry for a purpose for which prior entry clearance is required under these Rules.

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). 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 applicant for an entry clearance who is seeking entry as a visitor must apply to a post designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Subject to paragrapgh 28A, any other application must be made to the 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 as a Tier 5 (Temporary Worker) Migrant in the creative and sporting sub-category of Tier 5 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 Tier 5 (Youth Mobility Scheme) Temporary Migrant 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 Consular Fees Act 1980 (including any Regulations or Orders made under that Act) has been paid.

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

(i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or

(ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the United Kingdom, except where the change of circumstances amounts solely to his exceeding the age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or

(iii) the holder's exclusion from the United Kingdom would be conducive to the public good.

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.

## Knowledge of language and life in the United Kingdom

33B. A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for the purpose of an application for indefinite leave to remain under these rules (unless paragraph 33BA applies) if -

(a) i) he has attended an ESOL course at an accredited college;

ii) the course used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" (ISBN 1-84478-5424);

iii) he has demonstrated relevant progress in accordance with paragraph 33F; and

iv) he has attained a relevant qualification; or

(b) he has passed the test known as the "Life in the UK Test" administered by learndirect ltd or if taken in the Isle of Man, the test known as the "Life in the UK Test" or if taken in the Bailiwick of Guernsey or the Bailiwick of Jersey, the test known as the "Citizenship Test" administered by an educational institution or other person approved for this purpose by the Lieutenant Governor; or

(c) in the case of a person who is the spouse or civil partner or unmarried or same sex partner of:

i) a permanent member of HM Diplomatic Service; or

ii) a comparable UK-based staff member of the British Council on a tour of duty abroad; or

iii) a staff member of the Department for International Development who is a British citizen or is settled in the UK,

a person designated by the Secretary of State certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for this purpose.

33BA. (a) subject to sub-paragraph (b), for the purposes of an application for indefinite leave to remain under these Rules, where a person is making an application for indefinite leave to remain as:

(i) a work permit holder under paragraph 134; (ii) a Highly Skilled Migrant under paragraph 135G;

(iii) a representative of an overseas newspaper, news agency or broadcasting organisation under paragraph 142;

(iv) a representative of an overseas business under paragraph 150;

(v) an overseas government employee under paragraph 167;

(vi) a Minister of religion, religious missionary, or member of a religious order under paragraph 176;

(vii) an airport based operational ground staff of an overseas-owned airline under paragraph 184;

(viii) a person established in business under paragraph 209;

(ix) an innovator under paragraph 210G;

(x) a person established in business under the provisions of EC Association Agreements under paragraph 222;

(xi) an investor under paragraph 230;

(xii) a writer, composer or artist under paragraph 238;

(xiii) a Tier 1 (Exceptional Talent) Migrant under paragraph 245BF;

(xiv) a Tier 1 (General) Migrant under paragraph 245CD;

(xv) a Tier 1 (Entrepreneur) Migrant under paragraph 245DF;

(xvi) a Tier 1 (Investor) Migrant under paragraph 245EF;

(xvii) a Tier 2 (Intra-Company Transfer) under paragraph 245GF;

(xviii) a Tier 2 (General), Tier 2 (Minister of religion) and Tier 2 (Sportsperson) Migrant under paragraph 245HF.

that person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, only if they have passed the test known as the 'Life in the UK Test' administered by learndirect ltd or or if taken in the Isle of Man, the test known as the "Life in the UK Test" or if taken in the Bailiwick of Guernsey or the Bailiwick of Jersey, the test known as the "Citizenship Test" administered by an educational institution or other person approved for this purpose by the Lieutenant Governor.

(b) This sub-paragraph makes provision for transitional arrangements with regards to the requirement to pass the life in the UK Test for those people applying for indefinite leave to remain in one of the categories listed in 33BA(i)-(xviii):

(i) Where an applicant enrolled on an ESOL course or gained an ESOL qualification prior to 23rd November 2010, that applicant will be able to rely on an ESOL qualification to meet the requirement to demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for any future application for indefinite leave to remain under one of the categories listed in 33BA.

(ii) An applicant who enrolled on an ESOL course after 23rd November 2010 and applies for indefinite leave to remain in one of the categories listed in 33BA after 6th April 2011 will have to pass the life in the UK Test.

(iii) An applicant who enrolled on an ESOL course after 23rd November 2010 and who gains an ESOL qualification can continue to use that qualification in an application for indefinite leave to remain in one of the categories listed in 33BA if that application was made before 6th April 2011.

33C. In these Rules, an 'accredited college' is:

(a) a publicly funded college that is subject to inspection by the Office for Standards in Education, Children's Services and Skills (if situated in England), the Education and Training Inspectorate (if situated in Northern Ireland), Education Scotland (if situated in Scotland), Estyn (if situated in Wales); or an inspection programme that has been approved by the Island's Government (if situated in the Channel Islands or Isle of Man); or

(b) a private college that has been accredited by Accreditation UK, The British Accreditation Council (BAC), the Accreditation Body for Language Services (ABLS), the Accreditation Service for International Colleges (ASIC).

33D. In these Rules, a 'relevant qualification' is:

(a) an ESOL qualification in speaking and listening which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation (Ofqual) under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 and is determined by Ofqual as being at Entry Level; or

(b) one National Qualifications Unit in ESOL at Access 2, Access 3 or Intermediate 1 Level approved by the Scottish Qualifications Authority.

33E. In these Rules, a 'suitably qualified person' is a person who is deemed suitably qualified by the institution in which the assessment is undertaken.

33F. An applicant has 'demonstrated relevant progress' if he meets the requirements of paragraphs 33F (a) or (b).

(a) The requirements in respect of a relevant qualification awarded or authenticated by a body which is recognised by Ofqual under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009, are that the applicant provides evidence to the Secretary of State that:

(i) prior to his commencing a course of study leading to a relevant qualification an ESOL assessment was undertaken by a suitably qualified person to assess his level of English language ability; and

(ii) he has successfully completed a course of study leading to a relevant qualification; and

(iii) having been assessed in accordance with paragraph (i) as being below Entry 1, he has attained a relevant qualification at Entry 1, 2 or 3; or

(iv) having been assessed in accordance with paragraph (i) as being at Entry 1, he has attained a relevant qualification at Entry 2 or 3; or

(v) having been assessed in accordance with paragraph (i) as being at Entry 2, he has attained a relevant qualification at Entry 3.

(b) The requirements in respect of a relevant qualification approved by the Scottish Qualifications Authority are that the applicant provides evidence to the Secretary of State that -

(i) prior to his commencing a course of study leading to a relevant qualification an ESOL assessment was undertaken by a suitably qualified person to assess his level of English language ability; and

(ii) he has successfully completed a course of study leading to a relevant qualification; and

(iii) having been assessed in accordance with paragraph (i) as being below Access 2, he has attained a relevant qualification at Access 2 or 3 or at Intermediate 1 level; or

(iv) having been assessed in accordance with paragraph (i) at Access 2, he has attained a relevant qualification at Access 3 or Intermediate 1 level; or

(v) having been assessed in accordance with paragraph (i) at Access 3, he has attained a relevant qualification at Intermediate 1 level.

(c) An applicant must provide evidence including:

(i) their original certificate and/or unit transcript awarded or authenticated by a body which is recognised by Ofqual under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 or awarded or authenticated by the Scottish Qualifications' Authority that shows they have gained a relevant qualification; and

(ii) a letter on official headed notepaper from the college at which they studied for their ESOL qualification, dated and signed by an official of the college, and including the following information:

aa) the applicant's name;

bb) title of the qualification that applicant has gained;

cc) name of the awarding body;

dd) confirmation that the course used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" produced by NIACE/LLU+;

ee) confirmation that that applicant was assessed at the beginning of the course by a suitably qualified teacher;

ff) the level at which that applicant was initially assessed;

gg) the level to which that applicant has progressed;

hh) the duration of the course attended by that applicant; and

ii) information demonstrating that the college meets the definition of an "accredited college" in paragraph 33C.".

33G. If in the special circumstances of any particular case the Secretary of State thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom if he considers that, because of the applicant's physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

## Specified forms and procedures for applications or claims in connection with immigration

A34. An application for leave to remain in the United Kingdom under these Rules must be made either by completing the relevant online application process in accordance with paragraph A34 (iii) or by using the specified application form in accordance with paragraphs 34A to 34D.

(i) "The relevant online application process" means the application process accessible via the website of the United Kingdom Border Agency and identified there as relevant for applications for leave to remain for the immigration category under which the applicant wishes to apply.

(ii) "Specified" in relation to the relevant online application process means specified in the online guidance accompanying that process.

(iii) When the application is made via the relevant online application process:

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

(b) if the online application process requires the applicant to provide biometric information that information must be provided as specified;

(c) if the online application process requires supporting documents to be submitted by post then any such documents specified as mandatory must be submitted in the specified manner within 15 working days of submission of the online application;

(d) if the online application process requires the applicant to make an appointment to attend a public enquiry office of the United Kingdom Border Agency the applicant must, within 45 working days of submission of the online application, make and attend that appointment; and comply with any specified requirements in relation to the provision of biometric information and documents specified as mandatory.

(iv) Where an application for leave to remain in the United Kingdom is made by completing the relevant online application process, the application will be invalid if it does not comply with the requirements of paragraph A34(iii) and will not be considered.

Notice of invalidity will be given in writing and deemed to be received on the date it is given, except where it is sent by post, in which case it will be deemed to be received on the second day after it was posted excluding any day which is not a business day.

34. An application form is specified when:

(i) it is posted on the website of the United Kingdom Border Agency of the Home Office,

(ii) it is marked on the form that it is a specified form for the purpose of the immigration rules,

(iii) it comes into force on the date specified on the form and/or in any accompanying announcement.

34A.Where an application form is specified, the application or claim must also comply with the following requirements:

(i) Subject to paragraph A34 the application or claim must be made using the specified form,

(ii) any specified fee in connection with the application or claim must be paid in accordance with the method specified in the application form, separate payment form and/or related guidance notes, as applicable,

(iii) any section of the form which is designated as mandatory in the application form and/or related guidance notes must be completed as specified,

(iv) if the application form and/or related guidance notes require the applicant to provide biographical information, such information must be provided as specified,

(v) an appointment for the purposes stated in subparagraph (iv) must be made and must take place by the dates specified in any subsequent notification by the Secretary of State following receipt of the application, or as agreed by the Secretary of State,

(vi) where the application or claim is made by post or courier, or submitted in person:

(a) the application or claim must be accompanied by the photographs and documents specified as mandatory in the application form and/or related guidance notes,

(ab) those photographs must be in the same format specified as mandatory in the application form and/or related guidance notes, and

(b) the form must be signed by the applicant, and where applicable, the applicant's spouse, civil partner, same-sex partner or unmarried partner, save that where the applicant is under the age of eighteen, the form may be signed by the parent or legal guardian of the applicant on his behalf,

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:

(a) limited or indefinite leave to remain as a sole representative or retired person of independent means

(ba) limited or indefinite leave to remain as a *Tier 1* (Exceptional Talent) Migrant, Tier 1 (Entrepreneur) Migrant, Tier 1 (Investor) Migrant or Tier 1 (Graduate Entrepreneur) Migrant,

(b) indefinite leave to remain as a victim of domestic violence,

(c) a certificate of approval for a marriage or civil partnership,

(d) a Tier 4 or Tier 5 (Temporary Worker) sponsorship licence;

(e) Indefinite leave to remain as a businessperson, investor or innovator, or

(f) an extension of stay or indefinite leave to remain on the basis of long residence in the United Kingdom.

(ii) an application may be sent by courier to the United Kingdom Border Agency of the Home Office if it is an application for:

(a) limited or indefinite leave to remain as a sole representative, retired person of independent means or as a Tier 1 Migrant or Tier 2 Migrant;

(b) limited leave to remain for work permit employment, as a seasonal agricultural worker, for the purpose of employment under the Sectors-Based Scheme.

(c) Indefinite leave to remain as a businessperson, investor or innovator, or

(d) limited leave to remain as a Tier 5 (Temporary Worker) Migrant.

(iv) an applicant may submit an application online where this option is available on the United Kingdom Border Agency's website

34C.Where an application or claim in connection with immigration for which an application form is specified does not comply with the requirements in paragraph 34A, such application or claim will be invalid and will not be considered.

Notice of invalidity will be given in writing and deemed to be received on the date it is given, except where it is sent by post, in which case it will be deemed to be received on the second day after it was posted excluding any day which is not a business day.

34D.Where the main applicant wishes to include applications or claims by any members of his family as his dependants on his own application form, the applications or claims of the dependants must meet the following requirements or they will be invalid and will not be considered:

(i) the application form must expressly permit the applications or claims of dependants to be included, and

(ii) such dependants must be the spouse, civil partner, unmarried or same-sex partner and/or children under the age of 18 of the main applicant.

## Variation of Applications or Claims for Leave to Remain

34E. If a person wishes to vary the purpose of an application or claim for leave to remain in the United Kingdom and an application form is specified for such new purpose or paragraph A34 applies, the variation must comply with the requirements of paragraph 34A or paragraph A34 (as they apply at the date the variation is made) as if the variation were a new application or claim, or 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.

## Determination of the date of an application or claim (or variation of an application or claim) in connection with immigration

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

(i) where the application form is sent by post, the date of posting,

(ii) where the application form is submitted in person, the date on which it is accepted by a public enquiry office of the United Kingdom Border Agency of the Home Office,

(iii) where the application form is sent by courier, the date on which it is delivered to the United Kingdom Border Agency of the Home Office, or

(iv) where the application is made via the online application process, on the date on which the online application is submitted.

34H. Applications or claims for leave to remain made before 29 February 2008 for which a form was prescribed prior to 29 February 2008 shall be subject to the forms and procedures as in force on the date on which the application or claim was made.

34I. Where an application or claim is made no more than 21 days after the date on which a form is specified under the immigration rules and on a form that was permitted for such application or claim immediately prior to the date of such specification, the application or claim shall be deemed to have been made on the specified form.

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

34J. Where a person whose application or claim for leave to remain is being considered requests the return of his passport for the purpose of travel outside the common travel area, the application for leave shall, provided it has not already been determined, be treated as withdrawn as soon as the passport is returned in response to that request.

34K. Paragraph 34J does not apply to an applicant who is applying as a Tier 2 Migrant or a Tier 5 Migrant and whose application is supported by a Certificate of Sponsorship from a Premium Sponsor.

## 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 from a country listed in Appendix T Part 1 must present at the time of application a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 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.

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. An application for a variation of leave to enter or remain made by a student who is sponsored by a government or international sponsorship agency may be refused if the sponsor has not given written consent to the proposed variation.

## 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 must be originals, not copies, except where stated otherwise.

(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 original and a full translation that can be independently verified by the UK Border Agency. The translation must:

(i) include details of the translator's credentials,

(ii) confirm that it is an accurate translation of the original document,

(iii) be dated, and

(iv) include the original signature of the translator."

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# Part 2 - Persons seeking to enter or remain in the United Kingdom for visits

## Visitors

***Requirements for leave to enter as a general visitor***

40. For the purposes of paragraphs 41-46 a general visitor includes a person living and working outside the United Kingdom who comes to the United Kingdom as a tourist. A person seeking leave to enter the United Kingdom as a Business Visitor, which includes Academic Visitors, must meet the requirements of paragraph 46G. A person seeking entry as a Sports Visitor must meet the requirements of paragraph 46M. A person seeking entry as an Entertainer Visitor must meet the requirements of paragraph 46S. A visitor seeking leave to enter for the purposes of marriage or to enter into a civil partnership must meet the requirements of paragraph 56D.

41. The requirements to be met by a person seeking leave to enter the United Kingdom as a general visitor are that he:

(i) is genuinely seeking entry as a general visitor for a limited period as stated by him, not exceeding 6 months or not exceeding 12 months in the case of a person seeking entry to accompany an academic visitor, provided in the latter case the visitor accompanying the academic visitor has entry clearance; and

(ii) intends to leave the United Kingdom at the end of the period of the visit as stated by him; and

(iii) does not intend to take employment in the United Kingdom; and

(iv) does not intend to produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public; and

(v) does not intend to undertake a course of study; and

(vi) will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends; and

(vii) can meet the cost of the return or onward journey.; and

(viii) is not a child under the age of 18.

(ix) does not intend to do any of the activities provided for in paragraphs 46G (iii), 46M (iii) or 46S (iii); and

(x) does not, during his visit, intend to marry or form a civil partnership, or to give notice of marriage or civil partnership; and

(xi) does not intend to receive private medical treatment during his visit; and

(xii) is not in transit to a country outside the common travel area.

(xiii) where he is seeking leave to enter as a general visitor to take part in archaeological excavations, provides a letter from the director or organiser of the excavation stating the length of their visit and, where appropriate, what arrangements have been made for their accommodation and maintenance.".

***Leave to enter as a general visitor***

42. A person seeking leave to enter to the United Kingdom as a general visitor may be admitted for a period not exceeding 6 months, or not exceeding 12 months in the case of a person accompanying an academic visitor, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 41 is met.

***Refusal of leave to enter as a general visitor***

43. Leave to enter as a general visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 41 is met.

***Requirements for an extension of stay as a general visitor***

44. Six months is the maximum permitted leave which may be granted to a general visitor. The requirements for an extension of stay as a general visitor are that the applicant:

(i) meets the requirements of paragraph 41 (ii)-(vii) and (ix)-(xii); and

(ii) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom or not more than 12 months in the case of a person accompanying an academic visitor as a general visitor. Any periods spent as a child visitor are to be counted as a period spent as a general visitor; and

(iii) has, or was last granted, entry clearance, leave to enter or leave to remain as a general visitor or as a child visitor; 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 general visitor***

45. An extension of stay as a general visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 44 is met.

***Refusal of extension of stay as a general visitor***

46. An extension of stay as a general visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 44 is met.

## Child visitors

### Requirements for leave to enter as a child visitor

46A The requirements to be met by a person seeking leave to enter the United Kingdom as a child visitor are that the applicant:

(i) is genuinely seeking entry as a child visitor for a limited period as stated, not exceeding 6 months or not exceeding 12 months to accompany an academic visitor, provided in the latter case the applicant has entry clearance; and

(ii) meets the requirements of paragraph 41 (ii)-(iv), (vi)-(vii) and (x)-(xii); and

(iii) is under the age of 18; and

(iv) can demonstrate that suitable arrangements have been made for their travel to, and reception and care in the United Kingdom; and;

(v) has a parent or guardian in their home country or country of habitual residence who is responsible for their care and who confirms that they consent to the arrangements for the applicant's travel, reception and care in the United Kingdom; and

(vi) if a visa national:

(a) the applicant holds a valid United Kingdom entry clearance for entry as an accompanied child visitor and is travelling in the company of the adult identified on the entry clearance, who is on the same occasion being admitted to the United Kingdom; or

(b) the applicant holds a valid United Kingdom entry clearance for entry as an unaccompanied child visitor; and

(vii) if the applicant has been accepted for a course of study, this is to be provided by an institution which is outside the maintained sector and is:

(a) the holder of a Sponsor Licence for Tier 4 of the Points Based System, 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 one of the following bodies: the Bridge Schools Inspectorate; the Education and Training Inspectorate; Estyn; Education Scotland; the Independent Schools Inspectorate; Office for Standards in Education; the Schools Inspection Service or the Education and Training Inspectorate Northern Ireland.

(viii) if the applicant is undertaking an exchange or educational visit only, this is to be provided by one of the following schools:

(a) For England and Wales, maintained schools as defined under section 20(7) of the School Standards and Framework Act 1998; non-maintained special schools approved under section 342 of the Education Act 1996; independent schools as defined under section 463 of the Education Act 1996 and registered independent schools entered on the register of independent schools maintained under section 158 of the Education Act 2002; academies as defined in section 1(10) of the Academies Act 2010; city technology colleges and city colleges for technology of the arts as established under the Education Act 1996 and treated as academies under section 15(4) of the Academies Act.

(b) For Scotland, state-maintained schools, grant-aided schools and independent fee paying schools as defined under Section 135 of the Education (Scotland) Act 1980.

(c) For Northern Ireland, grant-aided schools as defined under Articles 10 and 11 of and Schedules 4 to 7 to the Education and Libraries (NI) Order in Council 1986; grant maintained integrated schools as defined under Article 69 of and Schedule 5 to the Education Reform (NI) Order 1989; independent fee paying schools as defined under Article 38 of the Education and Libraries (NI) Order 1986.

***Leave to enter as a child visitor***

46B An applicant seeking leave to enter the United Kingdom as a child visitor may be admitted for a period not exceeding 6 months, or not exceeding 12 months in the case of a child visitor accompanying an academic visitor subject to a condition prohibiting employment and recourse to public funds, providing that the Immigration Officer is satisfied that each of the requirements of paragraph 46A is met.

***Refusal of leave to enter as a child visitor***

46C Leave to enter as a child visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46A is met.

***Requirements for an extension of stay as a child visitor***

46D Six months is the maximum permitted leave which may be granted to a child visitor. The requirements for an extension of stay as a child visitor are that the applicant:

(i) meets the requirements of paragraph 41 (ii) - (vii) and (x) -(xii); and

(ii) is under the age of 18; and

(iii) can demonstrate that there are suitable arrangements for his care in the United Kingdom; and

(iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care, and who confirms that they consent to the arrangements for the applicant's travel, reception and care in the United Kingdom; and

(v) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom, or not more than 12 months in the case of a child visitor accompanying an academic visitor, as a child visitor; and

(vi) has, or was last granted, entry clearance, leave to enter or leave to remain as a child visitor; and

(vii) 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 child visitor***

46E An extension of stay as a child visitor may be granted, subject to a condition prohibiting employment and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 46D is met.

***Refusal of extension of stay as a child visitor***

46F An extension of stay as a child visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 46D is met.

## Business Visitors

***Requirements for leave to enter as a Business Visitor***

46G The requirements to be met by a person seeking leave to enter the United Kingdom as a business visitor are that he:

(i) is genuinely seeking entry as a Business Visitor for a limited period as stated by him:

(a) not exceeding 6 months; or

(b) not exceeding 12 months if seeking entry as an Academic Visitor

(ii) meets the requirements of paragraphs 41(ii)-(viii) and (x)-(xii)

(iii) intends to do one or more of the following during his visit:

(a) to carry out one of the following activities;

(i) to attend meetings, conferences and interviews, provided they were arranged before arrival in the UK and, if the applicant is a board-level director attending board meetings in the UK, provided they are not employed by a UK company (although they may be paid a fee for attending the meeting);

(ii) to attend trade fairs for promotional work only, provided they are not directly selling;

(iii) to arrange deals, or negotiating or signing trade agreements or contracts;

(iv) to carry out fact-finding missions;

(v) to conduct site visits;

(vi) to work as a driver on a genuine international route delivering goods or passengers from abroad;

(vii) to work as a tour group courier, providing the applicant is contracted to a firm with headquarters outside the UK, is seeking entry to accompany a tour group, and will depart with that tour, or another tour organised by the same company;

(viii) to speak at a one-off conference which is not organised as a commercial concern, and is not making a profit for the organiser;

(ix) to represent a foreign manufacturer by:

(i) carrying out installing, debugging or enhancing work for computer software companies,

(ii) servicing or repairing the manufacturer's products within the initial guarantee period, or

(iii) being briefed on the requirements of a UK customer, provided this is limited to briefing and does not include work involving use of the applicant's expertise to make a detailed assessment of a potential customer's requirements;

(x) to represent a foreign machine manufacturer, as part of the contract of purchase and supply, in erecting and installing machinery too heavy to be delivered in one piece;

(xi) to act as an interpreter or translator for visiting business people, provided they are all employed by, and doing the business of, the same overseas company;

(xii) to erect, dismantle, install, service, repair or advise on the development of foreign-made machinery, provided they will only do so in the UK for up to six months;

(b) to take part in a location shoot as a member of a film crew meaning he is a film actor, producer, director or technician paid or employed by an overseas firm other than one established in the UK and is coming to the UK for location sequences only for an overseas film;

(c) to represent overseas news media including as a journalist, correspondent, producer or cameraman provided he is employed or paid by an overseas company and is gathering information for an overseas publication;

(d) to act as an Academic Visitor but only if

(1) he is an academic who is:

(a) on sabbatical leave from an overseas academic institution to carry out research;
(b) taking part in formal exchange arrangements with UK counterparts (including doctors);
(c) coming to share knowledge or experience, or to hold informal discussions with their UK counterparts, or
(d) taking part in a single conference or seminar that is not a commercial or non-profit venture;
(e) an eminent senior doctor or dentist taking part in research, teaching or clinical practice; and

(2) he has been working as an academic in an institution of higher education overseas or in the field of their academic expertise immediately prior to seeking entry;"

(e) to act as a Visiting Professor; subject to undertaking only a small amount of teaching for the institution hosting the students he is supervising, being employed and paid by the overseas academic institution and not intending to base himself or seek employment in the UK.

(f) to be a secondee to a UK company which is directly contracted with the visitor's overseas company,with which it has no corporate relationship, to provide goods or services, provided the secondee remains employed and paid by the overseas company throughout the secondee's visit;

(g) to undertake some preaching or pastoral work as a religious worker, provided his base is abroad and he is not taking up an office, post or appointment;

(h) To act as an adviser, consultant, trainer or trouble shooter, to the UK branch of the same group of companies as the visitor's overseas company, provided the visitor remains employed and paid by the overseas company and does not undertake work, paid or unpaid with the UK company's clients;

(i) specific, one-off training on techniques and work practices used in the UK where:

(a) the training is to be delivered by the UK branch of the same group of companies to which the individual's employer belongs; or

(b). the training is to be provided by a UK company contracted to provide goods or services to the overseas company; or

(c) a UK company is contracted to provide training facilities only, to an overseas company; or

(d) the training is corporate training which is being delivered by an outside provider to overseas and UK employees of the same group of companies.

***Leave to enter as a Business Visitor***

46H A person seeking leave to enter to the United Kingdom as a Business Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46G is met. A person seeking leave to enter the United Kingdom as an Academic Visitor who does not have entry clearance may, if otherwise eligible, be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46G are met. An Academic Visitor who has entry clearance may be admitted for up to 12 months subject to a condition prohibiting employment.

***Refusal of leave to enter as a Business Visitor***

46I Leave to enter as a Business Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46G are met.

***Requirements for an extension of stay as a Business Visitor***

46J Twelve months is the maximum permitted leave which may be granted to an Academic Visitor and six months is the maximum that may be granted to any other form of Business Visitor. The requirements for an extension of stay as a Business Visitor are that the applicant:

(i) meets the requirements of paragraph 46G(ii)-(iii); and

(ii) if he is a Business Visitor other than an Academic Visitor, has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom as a Business Visitor; and

(iii) if he is an Academic Visitor, has not already spent, or would not as a result of an extension of stay spend, more than 12 months in total in the United Kingdom as a Business Visitor; and

(iv) has, or was last granted, entry clearance, leave to enter or leave to remain as a Business Visitor; and

(v) 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 Business Visitor***

46K An extension of stay as a Business Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 46J is met.

***Refusal of extension of stay as a Business Visitor***

46L An extension of stay as a Business Visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 46J is met.

## Sports Visitors

***Requirements for leave to enter as a Sports Visitor***

46M The requirements to be met by a person seeking leave to enter the United Kingdom as a Sports Visitor are that he:

(i) is genuinely seeking entry as a Sports Visitor for a limited period as stated by him, not exceeding six months; and

(ii) meets the requirements of paragraphs 41(ii)-(viii) and (x)-(xii); and

(iii) intends to do one or more of the following during his visit:

a. to take part in a sports tournament, a particular sporting event or series of sporting events in which the applicant is either:

(i) taking part, either as an individual or as part of a team;

(ii) making personal appearances and promotions, such as book signings, television interviews, guest commentaries, negotiating contracts, or to discuss sponsorship deals;

(iii) taking part in 'trials', providing it is not in front of an audience, either paying or non-paying;

(iv) undertaking short periods of training, either as an individual or as part of a team, providing the applicant is not intending to settle in the UK, being paid by a UK sporting body, or joining a UK team where they are involved in friendly or exhibition matches.

b. To take part in a specific one off charity sporting event, provided no payment is received other than for travelling and other expenses;

c. To join, as an Amateur, a wholly or predominantly amateur team provided no payment is received other than for board and lodging and reasonable expenses;

d. To serve as a member of the technical or personal staff, or as an official, attending the same event as a visiting sportsperson coming for one or more of the purposes listed in (a), (b) or (c) or attending the same event as a sports-person carrying out permitted paid engagements as a visitor.

***Leave to enter as a Sports Visitor***

46N A person seeking leave to enter to the United Kingdom as a Sports Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46M is met.

***Refusal of leave to enter as a Sports Visitor***

46O Leave to enter as a Sports Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46M is met.

***Requirements for an extension of stay as a Sports Visitor***

46P Six months is the maximum permitted leave which may be granted to a Sports Visitor. The requirements for an extension of stay as a sports visitor are that the applicant:

(i) meets the requirements of paragraph 46M(ii)-(iii); and

(ii) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom as a Sports Visitor; and

(iii) has, or was last granted, entry clearance, leave to enter or leave to remain as a Sports Visitor; 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 Sports Visitor***

46Q An extension of stay as a Sports Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 46P is met.

***Refusal of extension of stay as a Sports Visitor***

46R An extension of stay as a Sports Visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 46P is met.

## Entertainer Visitors

***Requirements for leave to enter as an Entertainer Visitor***

46S The requirements to be met by a person seeking leave to enter the United Kingdom as an Entertainer Visitor are that he:

(i) is genuinely seeking entry as an Entertainer Visitor for a limited period as stated by him, not exceeding six months and

(ii) meets the requirements of paragraphs 41(ii)-(viii) and (x)-(xii) and

(iii) intends to do one or more of the following during his visit:

a. to take part as a professional entertainer in one or more music competitions; and/or

b. to fulfil one or more specific engagements as either an individual Amateur entertainer or as an Amateur group; and/or

c. to take part, as an amateur or professional entertainer, in one or more cultural events or festivals on the list of permit free festivals at Appendix R to these Rules.

d. serve as a member of the technical or personal staff, or of the production team, of an entertainer coming for one or more of the purposes listed in (a), (b), or (c), or attending the same event as an entertainer carrying out permitted paid engagements as a visitor

***Leave to enter as an Entertainer Visitor***

46T A person seeking leave to enter to the United Kingdom as an Entertainer Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46S is met.

***Refusal of leave to enter as an Entertainer Visitor***

46U Leave to enter as an Entertainer Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46S is met.

***Requirements for an extension of stay as an Entertainer Visitor***

46V Six months is the maximum permitted leave which may be granted to an Entertainer Visitor. The requirements for an extension of stay as an Entertainer Visitor are that the applicant:

(i) meets the requirements of paragraph 46S(ii)-(iii); and

(ii) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the United Kingdom as an Entertainer Visitor; and

(iii) has, or was last granted, entry clearance, leave to enter or leave to remain as an Entertainer Visitor; 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 an Entertainer Visitor***

46W An extension of stay as an Entertainer Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 46V is met.

***Refusal of extension of stay as an Entertainer Visitor***

46X An extension of stay as an Entertainer Visitor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 46V is met.

## Visitors in transit

***Requirements for admission as a visitor in transit to another country***

47. The requirements to be met by a person (not being a member of the crew of a ship, aircraft, hovercraft, hydrofoil or train) seeking leave to enter the United Kingdom as a visitor in transit to another country are that he:

(i) is in transit to a country outside the common travel area; and

(ii) has both the means and the intention of proceeding at once to another country; and

(iii) is assured of entry there; and

(iv) intends and is able to leave the United Kingdom within 48 hours.

***Leave to enter as a visitor in transit***

48. A person seeking leave to enter the United Kingdom as a visitor in transit may be admitted for a period not exceeding 48 hours with a prohibition on employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 47 is met.

***Refusal of leave to enter as a visitor in transit***

49. Leave to enter as a visitor in transit is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 47 is met.

***Extension of stay as a visitor in transit***

50. The maximum permitted leave which may be granted to a visitor in transit is 48 hours. An application for an extension of stay beyond 48 hours from a person admitted in this category is to be refused.

## Visitors seeking to enter or remain for private medical treatment

***Requirements for leave to enter as a visitor for private medical treatment***

51. The requirements to be met by a person seeking leave to enter the United Kingdom as a visitor for private medical treatment are that he:

(i) meets the requirements set out in paragraph 41 (iii)-(vii), (ix)-(x) and (xii) for entry as a general visitor; and

(ii) in the case of a person suffering from a communicable disease, has satisfied the Medical Inspector that there is no danger to public health; and

(iii) can show, if required to do so, that any proposed course of treatment is of finite duration; and

(iv) intends to leave the United Kingdom at the end of his treatment; and

(v) can produce satisfactory evidence, if required to do so, of:

(a) the medical condition requiring consultation or treatment; and

(b) satisfactory arrangements for the necessary consultation or treatment at his own expense; and

(c) the estimated costs of such consultation or treatment; and

(d) the likely duration of his visit; and

(e) sufficient funds available to him in the United Kingdom to meet the estimated costs and his undertaking to do so.

***Leave to enter as a visitor for private medical treatment***

52. A person seeking leave to enter the United Kingdom as a visitor for private medical treatment may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 51 is met.

***Refusal of leave to enter as a visitor for private medical treatment***

53. Leave to enter as a visitor for private medical treatment is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 51 is met.

***Requirements for an extension of stay as a visitor for private medical treatment***

54. The requirements for an extension of stay as a visitor to undergo or continue private medical treatment are that the applicant:

(i) meets the requirements set out in paragraph 41(iii)-(vii), (ix)-(x) and (xii) and paragraph 51 (ii)-(v); and

(ii) has produced evidence in the form of a letter on headed notepaper giving a private practice or hospital address from a registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council that provides full details of the:

(a) nature of the illness:
(b) proposed or continuing treatment;
(c) frequency of consultations;
(d) probable duration of the treatment:
(e) details of the cost of treatment and confirmation that all expenses are being met; and
(f) where treatment amounts to private visits to a consultant for a relatively minor ailment, details of the progress being made and;

(iii) has provided evidence that he has met, out of the resources available to him, any costs and expenses incurred in relation to his treatment in the United Kingdom; and

(iv) has provided evidence that he has sufficient funds available to him in the United Kingdom or if relying on funds from abroad has provided evidence that those funds are fully transferable to the United Kingdom, to meet the likely costs of his treatment and intends to meet those costs; and

(v) was not last admitted to the United Kingdom under the Approved Destination Status Agreement with China; and

(vi) 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 visitor for private medical treatment***

55. An extension of stay to undergo or continue private medical treatment may be granted, with a prohibition on employment, study and recourse to public funds, provided the Secretary of State is satisfied that each of the requirements of paragraph 54 is met.

***Refusal of extension of stay as a visitor for private medical treatment***

56. An extension of stay as a visitor to undergo or continue private medical treatment is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 54 is met.

## Parent of a child at school

***Requirements for leave to enter or remain as the parent of a child at school***

56A. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the parent of a child at school are that:

(i) the parent meets the requirements set out in paragraph 41 (ii)-(xii); and

(ii) (1) if the child has leave under paragraphs 57 to 62 of these Rules, the child is attending an independent fee paying day school and meets the requirements set out in paragraph 57(i) to (ix), or

-- (2) if the child is a Tier 4 (Child) Student, the child is attending an independent fee paying day school and meets the requirements set out in paragraph 245ZZA (if seeking leave to enter) or 245ZZC (if seeking leave to remain); and

(iii) the child is under 12 years of age; and

(iv) the parent can provide satisfactory evidence of adequate and reliable funds for maintaining a second home in the United Kingdom; and

(v) the parent is not seeking to make the United Kingdom his main home; and

(vi) the parent was not last admitted to the United Kingdom under the Approved Destination Status Agreement with China; and

(vii) if seeking leave to remain 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.

***Leave to enter or remain as the parent of a child at school***

56B. A person seeking leave to enter or remain in the United Kingdom as the parent of a child at school may be admitted or allowed to remain for a period not exceeding 12 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is satisfied that each of the requirements of paragraph 56A is met.

***Refusal of leave to enter or remain as the parent of a child at school***

56C. Leave to enter or remain in the United Kingdom as the parent of a child at school is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is not satisfied that each of the requirements of paragraph 56A is met.

## Visitors seeking to enter for the purposes of marriage or to enter a civil partnership

***Requirements for leave to enter as a visitor for marriage or to enter a civil partnership***

56D. The requirements to be met by a person seeking leave to enter the United Kingdom as a visitor for marriage or civil partnership are that he:

(i) meets the requirements set out in paragraph 41 (i) - (ix) and (xi) - (xii); and

(ii) can show that he intends to give notice of marriage or civil partnership, or marry or form a civil partnership, in the United Kingdom within the period for which entry is sought; and

(iii) can produce satisfactory evidence, if required to do so, of the arrangements for giving notice of marriage or civil partnership, or for his wedding or civil partnership to take place, in the United Kingdom during the period for which entry is sought; and

(iv) holds a valid United Kingdom entry clearance for entry in this capacity.

***Leave to enter as a visitor for marriage or civil partnership***

56E. A person seeking leave to enter the United Kingdom as a visitor for marriage or civil partnership may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56D is met.

***Refusal of leave to enter as a visitor for marriage or civil partnership***

56F. Leave to enter as a visitor for marriage or civil partnership is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56D is met.

## Visitors seeking leave to enter under the Approved Destinations Status (ADS) agreement with China

***Requirements for leave to enter as a visitor under the Approved Destination Status Agreement with China ("ADS Agreement ")***

56G The requirements to be met by a person seeking leave to enter the United Kingdom as a visitor under the ADS agreement with China are that he:

(i) meets the requirements set out in paragraph 41(ii)-(xii); and

(ii) is a national of the People's Republic of China; and

(iii) is genuinely seeking entry as a visitor for a limited period as stated by him, not exceeding 30 days; and

(iv) intends to enter, leave and travel within the territory of the United Kingdom as a member of a tourist group under the ADS agreement; and

(v) holds a valid ADS agreement visit visa.

***Leave to enter as a visitor under the ADS agreement with China***

56H A person seeking leave to enter the United Kingdom as a visitor under the ADS Agreement may be admitted for a period not exceeding 30 days, subject to a condition prohibiting employment, study and recourse to public funds, provided they hold an ADS Agreement visit visa.

***Refusal of leave to enter as a visitor under the ADS agreement with China***

56I Leave to enter as a visitor under the ADS agreement with China is to be refused if the person does not hold an ADS Agreement visit visa.

***Extension of stay as a visitor under the ADS agreement with China***

56J Any application for an extension of stay as a visitor under the ADS Agreement with China is to be refused.

## Student visitors

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

56K. The requirements to be met by a person seeking leave to enter the United Kingdom as a student visitor are that he:

(i) is genuinely seeking entry as a student visitor for a limited period as stated by him, not exceeding six months; and

(ii) has been accepted on a course of study which is to be provided by an institution which is:

(a) the holder of a Sponsor licence for Tier 4 of the Points Based System, 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 one of the following bodies: Bridge Schools Inspectorate; the Education and Training Inspectorate; Estyn; Education Scotland; the Independent Schools Inspectorate; Office for Standards in Education; the Quality Assurance Agency for Higher Education; the Schools Inspection Service or the Education and Training Inspectorate Northern Ireland, or

(d) an overseas Higher Education Institution offering only part of their programmes in the United Kingdom, holding its own national accreditation and offering programmes that are an equivalent level to a United Kingdom degree, and

(iii) intends to leave the United Kingdom at the end of his visit as stated by him; and

(iv) does not intend to take employment in the United Kingdom; and

(v) does not intend to engage in business, to produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public; and

(vi) does not intend to study at a maintained school; and

(vii) will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends; and

(viii) can meet the cost of the return or onward journey; and

(ix) is not a child under the age of 18; and

(x) meets the requirements set out in paragraph 41 (ix) - (xii).

**Leave to enter as a student visitor**

56L. A person seeking leave to enter to the United Kingdom as a student visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56K is met.

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

56M. Leave to enter as a student visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56K is met.

## Prospective Entrepreneurs

***Purpose***

56N. This Special Visitor route is to enable individuals who are at the time of applying for leave under this route in discussions with:

(i) one or more registered venture capitalist firms regulated by the Financial Services Authority, and/or

(ii) one or more UK entrepreneurial seed funding competitions which is listed as endorsed on the UK Trade & Investment website, and/or

(iii) one or more UK Government Departments,

to secure funding in order to join, set up or take over, and be actively involved in the running of, a business in the UK.

### Requirements for leave to enter as a Prospective Entrepreneur

56O. The requirements to be met by a person seeking leave to enter the United Kingdom as a Prospective Entrepreneur are that:

(a) The applicant must provide an original, letter on headed paper signed by an authorised official of that institution supporting the application from:

(i) one or more registered venture capitalist firms regulated by the financial services authority,

(ii) one or more UK entrepreneurial seed funding competitions which is listed as endorsed on the UK Trade & Investment website, or

(iii) one or more UK Government Departments;

(b) The letter referred to in (a) must be dated no earlier than three months before the date of the application, be signed by an authorised official, and contain:

(i) a description of the nature of the individual(s) and/or organisation(s) supporting the application;

(ii) a description of the background and nature of the proposed business;

(iii) a description of the applicant's suitability to be involved with the proposed business;

(iv) a commitment by the individual(s) and/or organisation(s) supporting the applicant to make a decision whether to make a decision whether to provide a minimum of £50,000 funding for the proposed business within 6 months of the applicant entering the UK. (if more than one individual and/or organisation is supporting the applicant, each amount proposed may be less than £50k, provided that the total amount is a minimum of £50k);

(v) a commitment by the individual(s) or organisation(s) supporting the applicant that the proposed business will be set up and run from the UK;

(vi) details of a contact name, telephone number and e-mail address for the individual(s) and/or organisation(s) supporting the applicant; and

(vii) confirmation that the individual(s) and/or organisation(s) supporting the applicant is content to be contacted about the applicant;

(c) The applicant's primary intention in applying as a Prospective Entrepreneur is to secure funding in order to join, set up or take over, and be actively involved in the running of a business in the UK;

(d) The applicant intends to carry out one of the activities as listed in paragraph 56O(d)(i), specifying the activities that a Prospective Entrepreneur may undertake during a visit to the UK;

56O(d)(i). The permitted activities are:

(1) attending meetings, including meetings arranged while in the UK, interviews arranged before arriving in the UK and conferences;
(2) attending trade fairs provided this is restricted to promotional work and does not involve selling directly to members of the public;
(3) arranging deals and negotiating or signing trade agreements and contracts;
(4) conducting site visits;
(5) speaking at a one-off conference which is not organised as a commercial concern;
(6) undertaking fact finding missions;
(7) purchasing, checking the details of or examining goods;
(8) recruiting staff for the proposed business activity which is the object of the visa

(e) The applicant intends to leave the United Kingdom at the end of the period of the visit as stated by him, unless he makes a successful application for leave to remain as a Tier 1 (Entrepreneur) Migrant before the end of the period of the visit;

(f) The applicant will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends;

(g) The applicant does not intend during his visit to:

(i) take employment in the United Kingdom;

(ii) produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public;

(iii) undertake a course of study;

(iv) marry or form a civil partnership, or to give notice of marriage or civil partnership; or

(v) receive private medical treatment.

(h) The applicant is not under the age of 18;

(i) The applicant is not in transit to a country outside the common travel area; and

(j) The applicant holds a valid United Kingdom entry clearance for entry in this capacity.

### Leave to enter as a Prospective Entrepreneur

56P. a person seeking leave to enter to the United Kingdom as a Prospective Entrepreneur may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the secretary of state is satisfied that each of the requirements of paragraph 56O is met.

### Refusal of leave to enter as a Prospective Entrepreneur

56Q. Leave to enter as a Prospective Entrepreneur is to be refused if the secretary of state is not satisfied that each of the requirements of paragraph 56O is met.

### Olympic or Paralympic Games Family Member Visitor

Rules 56R to 56W ceased to have effect on 9 November 2012

**Requirements for leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor**

**56R.** The requirements to be met by a person seeking leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor are that the applicant:

(i) is genuinely seeking leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor; and

(ii) is accredited by the London Organising Committee of the Olympic Games and Paralympic Games Limited for the 2012 London Olympic and Paralympic Games and that accreditation has not been revoked by the International Olympic Committee or the International Paralympic Committee; and

(iii) is not accredited for the 2012 London Olympic and Paralympic Games in accreditation category codes OCOG, S or X; and.

(iv) when seeking leave to enter or remain presents an Olympic Identity and Accreditation Card or a Paralympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited; and

(v) is seeking leave to enter or remain during the period commencing on 30 March 2012 and ending on 8 November 2012; and

(vi) if seeking leave to enter or remain during the period commencing on 30 March 2012 and ending on 8 May 2012 is seeking leave for a period not exceeding 6 months; or if seeking leave to enter or remain during the

period commencing on 9 May 2012 and ending on 8 November 2012 is not seeking leave beyond 8 November 2012; and

(vii) if seeking leave to enter or remain on or after 13 August 2012 and presents an Olympic Identity and Accreditation Card must have held leave to enter, leave to remain or entry clearance at any time during the period commencing on 30 March 2012 and ending on 12 August 2012; or if seeking leave enter or remain on or after 10 September 2012 and presents a Paralympic Identity and Accreditation Card must have held leave to enter, leave to remain or entry clearance at any time during the period commencing on 30 March 2012 and ending on 9 September 2012; and

(viii) if intending to take employment, takes employment only related to the Olympic and Paralympic Games; and

(ix) will maintain and accommodate himself and any dependents adequately out of resources available to him without recourse to public funds; or will, with any dependents, be maintained and accommodated adequately by relatives, friends, or associates; and

(x) does not intend to undertake a course of study; and

(xi) does not, during his visit, intend to marry or form a civil partnership, or to give notice of marriage or civil partnership; and

(xii) can meet the cost of the return or onward journey; and

(xiii) intends to leave the United Kingdom by or on 8 November 2012; and

(xiv) is not a child under the age of 18.

**Leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor**

**56S.** A person seeking leave to enter or remain in the United Kingdom as an Olympic or Paralympic Games Family Member Visitor during the period commencing on 30 March 2012 and ending on 8 May 2012 may be admitted or allowed to stay in the United Kingdom for up to 6 months subject to a condition prohibiting recourse to public funds and restricting employment to employment only related to the Olympic or Paralympic Games, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56R is met. A person seeking leave to enter or remain in the United Kingdom as an Olympic or Paralympic Games Family Member Visitor during the period commencing on 9 May 2012 and ending on 8 November 2012 may be admitted or allowed to stay in the United Kingdom until 8 November 2012 subject to a condition prohibiting recourse to public funds and restricting employment to employment only related to the Olympic and Paralympic Games provided the Immigration Officer is satisfied that each of the requirements of paragraph 56R is met.

**Refusal of leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor**

**56T.** Leave to enter or remain as an Olympic or Paralympic Games Family Member Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56R is met.

**Olympic or Paralympic Games Family Member Child Visitor**

**Requirements for leave to enter or remain as an Olympic or Paralympic Games Family Member Child Visitor**

**56U.** The requirements to be met by a person seeking leave to enter or remain as an Olympic or Paralympic Games Family Member Child Visitor are that the applicant: -

(i) is genuinely seeking leave to enter or remain as an Olympic or Paralympic Games Family Member Child Visitor; and

(ii) meets the requirements of paragraph 56R (ii) to (xiii); and

(iii) is under the age of 18; and

(iv) can demonstrate that suitable arrangements have been made for their travel to, and reception and care in the United Kingdom; and

(v) can demonstrate that their parent or guardian in their home country or country of habitual residence who is responsible for their care consents to arrangements for applicant's travel, reception and care in the United Kingdom.

Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56U is met.

**Leave to enter or remain as an Olympic or Paralympic Games Family Member Child Visitor**

**56V.** A person seeking leave to enter or remain in the United Kingdom as an Olympic or Paralympic Games Family Member Child Visitor during the period commencing on 30 March 2012 and ending on 8 May 2012 may be admitted or allowed to stay in the United Kingdom for up to 6 months subject to a condition prohibiting recourse to public funds and restricting employment to employment only related to the Olympic or Paralympic Games, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56U is met. A person seeking leave to enter or remain in the United Kingdom as an Olympic or Paralympic Games Family Member Child Visitor during the period commencing on 9 May 2012 and ending on 8 November 2012 may be admitted or allowed to stay in the United Kingdom until 8 November 2012 subject to a condition prohibiting recourse to public funds and restricting employment to employment only related to the Olympic and Paralympic Games providing the Immigration Officer is satisfied that each of the requirements of paragraph 56U is met.

**Refusal of leave to enter or remain as an Olympic or Paralympic Games Family Member Child Visitor**

**56W.** Leave to enter or remain as an Olympic or Paralympic Games Family Member Child

## Visitors undertaking permitted paid engagements

**Requirements for leave to enter as a visitor undertaking permitted paid engagements**

56X. The requirements to be met by a person seeking leave to enter the United Kingdom as a visitor undertaking permitted paid engagements are that the applicant:

i. is genuinely seeking entry as a visitor undertaking a permitted paid engagement for a limited period, not exceeding one month; and

ii. meets the requirements of paragraphs 41(ii), (v), (vii), (viii), (x) - (xii); and

iii. intends to do one of the following pre-arranged permitted paid engagements which can be evidenced by a formal invitation, and can show that the engagement relates to his or her area of expertise and/or qualifications, and full time occupation overseas:

a) examine students and/or participate in or chair selection panels as a visiting academic, who is highly qualified within his or her own field of expertise, invited by a United Kingdom Higher Education Institution or a United Kingdom based research or arts organisation as part of that institution or organisation's quality assurance processes;

b) give one or more lectures in his or her field of expertise as a visiting lecturer, invited by a United Kingdom Higher Education Institution or a United Kingdom based research or arts organisation provided this is not in a formal teaching role;

c) as an overseas designated pilot examiner, assess United Kingdom based pilots to ensure they meet the national aviation regulatory requirements of other countries, by invitation of an approved training organisation based in the United Kingdom that is regulated by the United Kingdom Civil Aviation Authority for that purpose;

d) provide advocacy in a particular area of law as a qualified lawyer for the purposes of a court or tribunal hearing, arbitration or other form of alternative dispute resolution for legal proceedings within the United Kingdom, at the invitation of a client in the United Kingdom or foreign based client;

e) undertake an activity relating to the arts, entertainment or sporting professions, by invitation of an arts or sports organisation or broadcaster based in the United Kingdom; and

iv. does not intend to take employment, produce goods or provide services within the United Kingdom, including the selling of goods or services direct to members of the public other than as permitted for by the pre-arranged paid engagement; and

v. will maintain and accommodate him or herself adequately out of resources available to the applicant without recourse to public funds or taking employment; or will be maintained and accommodated adequately by relatives or friends.

**Leave to enter as a visitor undertaking permitted paid engagements**

56Y. A person seeking leave to enter the United Kingdom as a visitor undertaking permitted paid engagements may be admitted for a single entry and for a period not exceeding 1 month, with a condition prohibiting study and recourse to public funds provided the Immigration Officer is satisfied that each of the requirements of paragraph 56X are met.

**Refusal of leave to enter as a visitor undertaking permitted paid engagements**

56Z Leave to enter as a visitor undertaking permitted paid engagements is to be refused if the Immigration Officer is not satisfied that each of the requirements at paragraph 56X are met.

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# Part 3 - Persons seeking to enter or remain in the United Kingdom for studies

## Students

### 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.

**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 by way of a letter or email from the General Medical Council or a test admission card; 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 the leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules.

**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 subject to a condition prohibiting employment, study and recourse to public funds, 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, by way of a letter or email from the General Medical Council or a test admission card; and

(iii) meets the requirements set out in paragraph 41 (iii)-(vii); and

(iv) intends to leave the United Kingdom at the end of the leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules; and

(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; and

(vi) 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 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, subject to a condition prohibiting employment, study and recourse to public funds, 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 the leave granted under this paragraph;

(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, subject to a condition prohibiting employment, study and recourse to public funds, 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 the leave granted under this paragraph; and

(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; and

(vii) 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 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, subject to a condition prohibiting employment, study and recourse to public funds, 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.

## Spouses or civil partners of students or prospective students granted leave under this part of the Rules

### Requirements for leave to enter or remain as the spouse or civil partner of a student or prospective student

76. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a student or a prospective student are that:

(i) the applicant is married to or the civil partner of a person admitted to or allowed to remain in the United Kingdom under paragraphs 57-75 or 82-87F; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or the civil partner of is subsisting; and

(iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds; and

(iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(v) the applicant does not intend to take employment except as permitted under paragraph 77 below; and

(vi) the applicant intends to leave the United Kingdom at the end of any period of leave granted to him; and

(vii) if seeking leave to remain 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.

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

77. A person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a student or a prospective student may be admitted or allowed to remain for a period not in excess of that granted to the

student or prospective student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is satisfied that each of the requirements of paragraph 76 is met. Employment may be permitted where the period of leave granted to the student or prospective student is, or was, 12 months or more.

### Refusal of leave to enter or remain as the spouse or civil partner of a student or prospective student

78. Leave to enter or remain as the spouse or civil partner of a student or prospective student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is not satisfied that each of the requirements of paragraph 76 is met.

## Children of students or prospective students granted leave under this part of the Rules

### Requirements for leave to enter or remain as the child of a student or prospective student

79. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the child of a student or prospective student are that he:

(i) is the child of a parent admitted to or allowed to remain in the United Kingdom as a student or prospective student under paragraphs 57-75 or 82-87F; and

(ii) is under the age of 18 or has current leave to enter or remain in this capacity; and

(iii) is not married or in a civil partnership, has not formed an independent family unit and is not leading an independent life; and

(iv) can, and will, be maintained and accommodated adequately without recourse to public funds; and

(v) will not stay in the United Kingdom beyond any period of leave granted to his parent; and

(vi) meets the requirements of paragraph 79A; and

(vii) if seeking leave to remain 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.

79A. Both of the applicant's parents must either be lawfully present in the UK, or being granted entry clearance or leave to remain at the same time as the applicant or one parent must be lawfully present in the UK and the other being granted entry clearance or leave to remain at the same time as the applicant, unless:

(i) The student or prospective student is the applicant's sole surviving parent, or

(ii) The student or prospective student 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.

### Leave to enter or remain as the child of a student or prospective student

80. A person seeking leave to enter or remain in the United Kingdom as the child of a student or prospective student may be admitted or allowed to remain for a period not in excess of that granted to the student or prospective student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State is satisfied that each of the requirements of paragraph 79 is met. Employment may be permitted where the period of leave granted to the student or prospective student is, or was, 12 months or more.

### Refusal of leave to enter or remain as the child of a student or prospective student

81. Leave to enter or remain in the United Kingdom as the child of a student or prospective student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Secretary of State, is not satisfied that each of the requirements of paragraph 79 is met.

## Prospective students

### 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.

### 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.

**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.

## 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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# 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. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partners of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 are that:

(i) the applicant is married or the civil partner of to a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partners during the applicant's stay and the 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; and

(v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse; and

(vi) 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity; or

(vii) if seeking leave to remain, 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.

### 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. A person seeking leave to enter or remain in the United Kingdom as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 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 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, was admitted with a valid United Kingdom entry clearance for entry in this capacity and he is able to satisfy the Secretary of State that each of the requirements of paragraph 122 (i)-(v) and (vii) is met.

### 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. Leave to enter or remain in the United Kingdom as the spouse of a person with limited leave to enter or remain in the United Kingdom under paragraphs 110-121 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 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 122 (i)-(v) and (vii) is met.

## 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. 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 under paragraphs 110-121 are that:

(i) he is the child of a parent who has limited leave to enter or remain in the United Kingdom under paragraphs 110-121; 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity; or

(viii) if seeking leave to remain, 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.

#### 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. 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 110-121 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 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 125 (i)-(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 110-121

127. 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 110-121 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 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 125 (i)-(vi) and (viii) is met.

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## 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. For the purposes of references in this Part to requirements for indefinite leave to remain:

(a) "continuous period of 5 years or 4 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 (or four consecutive 12 calendar month periods where the applicant is applying under the terms set out in Appendix S) 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 where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Except for periods when the applicant had leave as a highly skilled migrant, a self-employed lawyer, a writer, composer or artist, an innovator or on the grounds of his UK ancestry:

(i) the applicant must have been employed in the UK continuously throughout the five years, under the terms of his work permit or in the employment for which he was given leave to enter or remain, except that any breaks in employment in which he applied for leave as a work permit holder or as an employee under any provision of this section to work for a new employer shall be disregarded provided this is within 60 days of the end of his employment with his previous employer.

(ii) any absences from the UK must have been for a purpose that is consistent with the continuous permitted employment in (i), including paid annual leave or for serious or compelling reasons.

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

128. A person coming to the UK to seek or take employment must be otherwise eligible for admission under these Rules or eligible for admission as a seaman under contract to join a ship due to leave British waters. The requirements for applications for work permit employment set out in paragraphs 128 to 133 of these Rules were deleted on 6 April 2012 by Statement of Changes HC 1888 except insofar as relevant to paragraphs 134 to 135.

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

134. Indefinite leave to remain may be granted on application provided the applicant:

(i) has spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a work permit holder (under paragraphs 128 to 133 of these rules), and the remainder must be any combination of leave as a work permit holder or leave as a highly skilled migrant (under paragraphs 135A to 135F of these rules) or leave as a self-employed lawyer (under the concession that appeared in Chapter 6,

Section 1 Annex D of the Immigration Directorate Instructions), or leave as a writer, composer or artist (under paragraphs 232 to 237 of these rules);

(ii) has met the requirements of paragraph 128(i) to (v) throughout their leave as a work permit holder, and has met the requirements of paragraph 135G(ii) throughout any leave as a highly skilled migrant;

(iii) is still required for the employment in question, as certified by the employer; and

(iv) provides certification from the employee that the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, and

(v) provides the specified documents in paragraph 134-SD to evidence the employer's certification in sub-section (iv), and the reason for the absences set out in paragraph 128A, and

(vi) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the date of the application;

(vii) does not fall for refusal under the general grounds for refusal; and

(viii) 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.

**134SD - Specified documents**

The specified documents referred to in paragraph 134(v) are A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,
(ii) dated no earlier than one calendar month before the date of the application, and
(iii) either:

(1) an original payslip,
(2) on company-headed paper, or
(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,
(ii) be dated no earlier than one calendar month before the date of the application,
(iii) clearly show:

(1) the applicant's name,
(2) the applicant's account number,
(3) the date of the statement,
(4) the financial institution's name,
(5) the financial institution's logo, and
(6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 134-SD A (a),

(iv) be either:

(1) printed on the bank's or building society's letterhead,
(2) electronic bank or building society statements from an online account, 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 from an online account, bearing the official stamp of the bank or building society on every page,
and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

(1) the applicant's name,
(2) the applicant's account number,
(3) the financial institution's name,
(4) the financial institution's logo, and
(5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 134-SD A (a),
and

(ii) be either:

(1) the original pass book, or
(2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. 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 original 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 work permit holder**

135. Indefinite leave to remain in the United Kingdom for a work permit holder is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 134 is met.

## 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. The requirements for indefinite leave to remain for a person who has been granted leave as a highly skilled migrant are that the applicant:

(i) has spent a continuous period of 5 years (or four years where the applicant is applying under the terms set out in Appendix S) lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant (in accordance with paragraphs 135A to 135F of these Rules), and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of these Rules), or leave as an Innovator (under paragraphs 210A to 210F of these Rules); and

(ii) throughout the five years (or four years where the applicant is applying under the terms set out in Appendix S) spent in the United Kingdom has been able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(iii) is lawfully economically active in the United Kingdom in employment, self-employment or a combination of both; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules unless he is under the age of 18 or aged 65 or over at the time he makes his application or the applicant is applying under the terms set out in Appendix S, and

(v) unless the applicant is applying under the terms set out in Appendix S, does not fall for refusal under the general grounds for refusal; and

(vi) unless the applicant is applying under the terms of the HSMP ILR Judicial Review Policy Document, 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.

### Indefinite leave to remain as a highly skilled migrant

135GA. Indefinite leave to remain may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 135G is met and that the application does not fall for refusal under paragraph 135HA.

### Refusal of indefinite leave to remain as a highly skilled migrant

135H. Indefinite leave to remain in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 135G is met or if the application falls for refusal under paragraph 135HA.

### Additional grounds for refusal for highly skilled migrants

135HA. An application under paragraphs 135A-135C or 135G-135H of these Rules is to be refused, even if the applicant meets all the requirements of those paragraphs, if the Immigration Officer or Secretary of State has cause to doubt the genuineness of any document submitted by the applicant and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.

## 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**

135T. 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 on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 142 and 143.

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

142. Indefinite leave to remain may be granted, on application, to a representative of an overseas newspaper, news agency or broadcasting organisation 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 139 throughout the 5 year period; and

(iii) is still required for the employment in question, as certified by the employer; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; 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 any period of overstaying for a period of 28 days or less will be disregarded; and

(vii) provides the specified documents in paragraph 142-SD to evidence the reason for the absences set out in paragraph 128A.

**142-SD Specified documents**

The specified documents referred to in paragraph 142(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 original 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 representative of an overseas newspaper, news agency or broadcasting organisation.

143. Indefinite leave to remain in the United Kingdom for 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 142 is met.

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. The requirements to be met by a person seeking leave to enter the United Kingdom as a representative of an overseas business are that he:

(i) has been recruited and taken on as an employee outside the United Kingdom of a business which has its headquarters and principal place of business outside the United Kingdom; and

(ii) is seeking entry to the United Kingdom:

(a) as a senior employee of an overseas business which has no branch, subsidiary or other representative in the United Kingdom with full authority to take operational decisions on behalf of the overseas business for the purpose of representing it in the United Kingdom by establishing and operating a registered branch or wholly owned subsidiary of that overseas business, the branch or subsidiary of which will be concerned with same type of business activity as the overseas business; or

(b) as an employee of an overseas newspaper, news agency or broadcasting organisation being posted on a long-term assignment as a representative of their overseas employer.

(iii) where entry is sought under (ii)(a), the person:

(a) will be the sole representative of the employer present in the United Kingdom under the terms of this paragraph;

(b) intends to be employed full time as a representative of that overseas business; and

(c) is not a majority shareholder in that overseas business.

(iv) where entry is sought under (ii)(b), the person intends to work full-time as a representative of their overseas employer.

(v) does not intend to take employment except within the terms of this paragraph; and

(vi) has competence in the English language to the required standard on the basis that

(a) 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; and provides the specified documents in paragraph 144-SD(a) or

(b) the applicant has a knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning, and

(1) provides an original English language test certificate from an English language test provider approved by the Secretary of State for these purposes, as listed in Appendix O, which clearly shows the applicant's name, the qualification obtained (which must meet or exceed the standard described above) and the date of the award, or

(2) 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 degree in the UK, and

(i) provides the specified documents in paragraph 144-SD(b) to show he has the qualification, and

(ii) UK NARIC has confirmed that the qualification was taught or researched in English to level C1 of the Council of Europe's Common European Framework for Language learning or above, or

(3) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK, and provides the the specified documents in paragraph 144-SD(c) to show that:

(i) he has the qualification, and

(ii) the qualification was taught or researched in English, or

(4) 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 the specified documents in paragraph 144-SD(b).

(vii) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(viii) holds a valid United Kingdom entry clearance for entry in this capacity.

**144-SD Specified documents**

(a) The specified documents in paragraph 144(vi)(a) as evidence of nationality are the applicant's current valid original passport or travel document. If the applicant is unable to provide these, 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) an original 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.

(b) The specified documents in paragraph 144(vi)(b)(2)(i) and paragraph 144(vi)(4) as evidence of qualifications taught in English are:

(1) the original 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 original 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 original certificate or award.

(c) The specified documents in paragraph 144(vi)(b)(3)(i) as evidence of qualifications taught in English are:

(1) the specified documents in (b) above, and

(2) an original letter 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) the date of the award, and

(e) confirmation that the qualification was taught in English.

### Leave to enter as a representative of an overseas business

145. A person seeking leave to enter the United Kingdom as a representative of an overseas business may be admitted for a period not exceeding 3 years provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity, and his leave may 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 which the applicant has been admitted to represent.

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

146. Leave to enter as a representative of an overseas 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 as a representative of an overseas business

147. The requirements for an extension of stay as a representative of an overseas business are that the applicant:

(i) entered the United Kingdom with a valid United Kingdom entry clearance as:

(a) a sole representative of an overseas business, including entry under the rules providing for the admission of sole representatives in force prior to 1 October 2009; or

(b) a representative of an overseas newspaper, news agency or broadcasting organisation;

(ii) the person was admitted in accordance with paragraph 144(ii)(a) and can show that:

(a) the overseas business still has its headquarters and principal place of business outside the United Kingdom; and

(b) he is employed full time as a representative of that overseas business and has established and is in charge of its registered branch or wholly owned subsidiary; and

(c) he is still required for the employment in question, as certified by his employer;

(iii) the person was admitted in accordance with paragraph 144(ii)(b) and can show that:

(a) he is still engaged in the employment for which the entry clearance was granted; and

(b) he is still required for the employment in question, as certified by his employer.

(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) 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 representative of an overseas business**

148. An extension of stay as a representative of an overseas business may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 147 is met. The extension of stay will be granted for:

(i) a period not exceeding 2 years, unless paragraph (ii) applies.

(ii) a period not exceeding 3 years, if the applicant was last granted leave prior to 1 October 2009, and 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 which the applicant has been admitted to represent.

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

149. An extension of stay as a representative of an overseas business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 147 is met.

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

150. Indefinite leave to remain may be granted, on application, to a representative of an overseas business 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 147 throughout the 5 year period; and

(iii) is still required for the employment in question, as certified by the employer; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application, 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 any period of overstaying for a period of 28 days or less will be disregarded; and

(vii) provides the specified documents in paragraph 150-SD to evidence the reason for the absences set out in paragraph 128A.

**150-SD Specified documents**

The specified documents referred to in paragraph 150(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 original 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 sole representative of an overseas business

151. Indefinite leave to remain in the United Kingdom for a representative of an overseas business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 150 is met.

## 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33B of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application.

(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 any period of overstaying for a period of 28 days or less 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 original 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 18-65 inclusive; 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 EEA national employer, or that employer's British or EEA national 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 or EEA national 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) a foreign national employer or the employer's spouse, civil partner or child where the employer is seeking or has been granted entry clearance or leave to enter under Part 2 of these Rules; and

(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

(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

(vi) will not take employment other than within the terms of this paragraph to work full time as a domestic worker for the employer in a household that the employer intends to live in; 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 not exceeding 6 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 domestic worker in a private household**

159C. Leave to enter as a domestic worker in a private 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 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

(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 any period of overstaying for a period of 28 days or less 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) 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 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

(iv) does not intend to take employment except as a domestic worker in a private household; 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 any period of overstaying for a period of 28 days or less 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. 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.

**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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33B of these Rules, unless they are under 18 or over 65 at the time the application is made ; 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 any period of overstaying for a period of 28 days or less 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 original 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.

## 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; 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 any period of overstaying for a period of 28 days or less 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 original 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. For the purposes of these Rules:

(i) a minister of religion means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed;

(ii) a missionary means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical;

(iii) a member of a religious order means a person who is coming to live in a community run by that order.

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

170. Deleted on 27 November 2008 by paragraph 39 of Statement of Changes HC 1113 except insofar as relevant to paragraph 176 AND 177.

### 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.

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

176. Indefinite leave to remain may be granted, on application, to a person admitted as a minister of religion, missionary or member of a religious order 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 173 or 174A throughout the 5 year period; and

(iii) is still required for the employment in question as certified by the leadership of the congregation, the employer or the head of the religious order to which the applicant belongs; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; 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 any period of overstaying for a period of 28 days or less will be disregarded; and

(vii) provides the specified documents in paragraph 176-SD to evidence the reason for the absences set out in paragraph 128A.

**176-SD Specified documents**

The specified documents referred to in paragraph 176(vii) are:

(a) A letter from the leadership of the congregation, the employer or the head of the religious order to which the applicant belongs, 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 original 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 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. 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; 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 any period of overstaying for a period of 28 days or less 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 original 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. The requirements to be met by a person seeking leave to enter the United Kingdom on the grounds of his United Kingdom ancestry are that he:

(i) is a Commonwealth citizen; and

(ii) is aged 17 or over; and

(iii) is able to provide proof that one of his grandparents was born in the United Kingdom and Islands and that any such grandparent is the applicant's blood grandparent or grandparent by reason of an adoption recognised by the laws of the United Kingdom relating to adoption; and

(iv) is able to work and intends to take or seek employment in the United Kingdom; and

(v) will be able to 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 the United Kingdom on the grounds of United Kingdom ancestry

187. A person seeking leave to enter the United Kingdom on the grounds of his United Kingdom ancestry may be given leave to enter 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 on the grounds of United Kingdom ancestry

188. Leave to enter the United Kingdom on the grounds of United Kingdom ancestry 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 on the grounds of United Kingdom ancestry

189. The requirements to be met by a person seeking an extension of stay on the grounds of United Kingdom ancestry are that:

(i) he is able to meet each of the requirements of paragraph 186 (i)-(v); and

(ii) he was admitted to the United Kingdom on the grounds of United Kingdom ancestry in accordance with paragraphs 186 to 188 or has been granted an extension of stay in this capacity; and

(iii) he is not 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 on the grounds of United Kingdom ancestry

190. An extension of stay on the grounds of United Kingdom ancestry may be granted for a period not exceeding 5 years provided the Secretary of State is satisfied that each of the requirements of paragraph 189 is met.

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

191. An extension of stay on the grounds of United Kingdom ancestry is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 189 is met.

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

192. Indefinite leave to remain may be granted, on application, to a Commonwealth citizen with a United Kingdom born grandparent provided the applicant:

(i) meets the requirements of paragraph 186 (i)-(v); and

(ii) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity; and

(iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; and

(iv) does not fall for refusal under the general grounds for refusal; and

(v) is not 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; and

(vi) provides the specified documents in paragraph 192-SD to evidence the reason for the absences set out in paragraph 128A, where the absence was due to a serious or compelling reason.

**192-SD Specified documents**

The specified documents referred to in paragraph 192(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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 on the grounds of United Kingdom ancestry

193. Indefinite leave to remain in the United Kingdom on the grounds of a United Kingdom born grandparent is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 192 is met.

## Spouses or civil 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 spouse or civil 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 spouse or civil 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 spouse or civil 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 married to or a civil partner of a person with limited leave to enter in the United Kingdom under paragraphs 128-193 (but not paragraphs 135I-135K); and

(ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the 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; and

(v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

### Leave to enter as the spouse or civil 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 spouse or civil 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) provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met. If the person is seeking leave to enter as the spouse or civil partner of a Highly Skilled Migrant, leave which is granted will be subject to a condition prohibiting 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 and provides evidence of this degree.

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

(ii) is married to or civil partner of a person who 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

(iii) is married to or a civil partner of a person who 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

(iv) meets the requirements of paragraph 194(ii) - (v); and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity; and

(vi) must not 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 the spouse or civil 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 spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or

(ii) the spouse or civil partner of a person who is being admitted at the same time for settlement, or the spouse or civil partner of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years, in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 196A is met.

If the person is seeking an extension of stay as the spouse or civil partner, of a Highly Skilled Migrant, leave which is granted will be subject to a condition prohibiting 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.

**Refusal of extension of stay as the spouse or civil 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 spouse or civil 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 spouse or civil 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 spouse or civil 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 married to or civil partner of a person who 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

(ii) is married to or a civil partner of a person who 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

(iii) meets the requirements of paragraph 194(ii) - (v); and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity; 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 any period of overstaying for a period of 28 days or less will be disregarded.

### Indefinite leave to remain as the spouse or civil 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 for the spouse or civil 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 spouse or civil 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 for the spouse or civil 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.

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.

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

### 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); 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity; or

(viii) if seeking leave to remain, 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.

**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 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) provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) .

**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)**

199. 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, 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 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 197 (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 197 (i)-(vi) and (viii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193 (but not paragraphs 135I-135K) .

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## Part 6 - Persons seeking to enter or remain in the United Kingdom as a businessman, self-employed person, investor, writer, composer or artist

**General requirements for indefinite leave to remain**

200A. For the purposes of references in this Part to requirements for indefinite leave to remain:

(a) "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 where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Absences from the UK must have been for a purpose that is consistent with the applicant's basis of stay here, including leave, or for serious or compelling reasons.

### 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. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

201. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

202. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

203. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

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

204. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

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

205. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

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

206. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206A. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206B. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206C. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206D. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206E. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206F. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206G. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206H. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

206I. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

**Extension of stay in order to remain in business**

207. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

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

208. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 209. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

### Indefinite leave to remain for a person established in business

209. Indefinite leave to remain may be granted, on application, to a person established in business provided the applicant:

(i) has spent a continuous period of 5 years lawfully in the United Kingdom in this capacity and is still engaged in the business in question; and

(ii) has met the requirements of paragraph 206 throughout the 5 year period; and

(iii) submits audited accounts for the first 4 years of trading and management accounts for the 5th year.; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; and

(v) does not fall for refusal under the general grounds for refusal; and

(vi) 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; and

(vii) provides the specified documents in paragraph 209-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.

**209-SD Specified documents**

The specified documents referred to in paragraph 209(vii) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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 person established in business

210. Indefinite leave to remain in the United Kingdom for a person established in business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 209 is met.

## Innovators

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

210A. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

**Leave to enter as an innovator**

210B. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. 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 innovator**

210C. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. 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 innovator**

210D. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DA. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DB. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DC. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DD. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DE. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DF. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DG. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DH. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

210DI. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

**Extension of stay as an innovator**

210E. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. 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 innovator

210F. Deleted on 30 June 2008 by paragraph 17 of Statement of Changes HC 607 except insofar as relevant to paragraph 210G. Please see Appendix F for the wording of these Rules in a case in which they are relevant.

### Indefinite leave to remain for an innovator

210G. Indefinite leave to remain may be granted, on application, to a person currently with leave as an innovator provided that the applicant:

(i) has spent a continuous period of at least 5 years lawfully in the United Kingdom in this capacity; and

(ii) has met the requirements of paragraph 210D throughout the 5 year period; and

(iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; and

(iv) does not fall for refusal under the general grounds for refusal; and

(v) is not 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; and

(vi) provides the specified documents in paragraph 210G-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.

**210G-SD Specified documents**

The specified documents referred to in paragraph 210G(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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 as an innovator

210H. Indefinite leave to remain in the United Kingdom as a person currently with leave as a innovator is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 210G is met.

## 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

## Indefinite leave to remain for a person established in business under the provisions of an EC Association Agreement

222. Indefinite leave to remain may be granted, on application, to a person established in business provided he -

(i) is a national of Bulgaria or Romania; and

(ii) entered the United Kingdom with a valid United Kingdom entry clearance as a person intending to establish himself in business under the provisions of an EC Association Agreement; and

(iii) was granted an extension of stay before 1st January 2007 in order to remain in business under the provisions of the Agreement; and

(iv) established himself in business in the United Kingdom, spent a continuous period of 5 years in the United Kingdom in this capacity and is still so engaged; and

(v) met the requirements of paragraph 222A throughout the period of 5 years; and

(vi) submits audited accounts for the first 4 years of trading and management accounts for the 5th year; and

(vii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(viii) does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974; and

(ix) 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.

222A. The requirements mentioned in paragraph 222(v) are that throughout the period of 5 years -

(i) the applicant's share of the profits of the business has been 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

(ii) he has not supplemented his business activities by taking or seeking employment in the United Kingdom (other than his work for the business); and

(iii) he has satisfied the requirements in paragraph 222B or 222C.

222B. Where the applicant has established himself in a company in the United Kingdom which he effectively controls, the requirements for the purpose of paragraph 222A(iii) are that -

(i) the applicant has been actively involved in the promotion and management of the company; and

(ii) he has had a controlling interest in the company; and

(iii) the company was registered in the United Kingdom and has been trading or providing services in the United Kingdom; and

(iv) the company owned the assets of the business.

222C. Where the applicant has established himself as a sole trader or in a partnership in the United Kingdom, the requirements for the purpose of paragraph 222A(iii) are that -

(i) the applicant has been actively involved in trading or providing services on his own account or in a partnership in the United Kingdom; and

(ii) the applicant owned, or together with his partners owned, the assets of the business; and

(iii) in the case of a partnership, the applicant's part in the business did not amount to disguised employment.

Refusal of indefinite leave to remain for a person established in business under the provisions of an EC Association Agreement

223. Indefinite leave to remain in the United Kingdom for a person established in business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 222 is met.

223A. Notwithstanding paragraph 5, paragraphs 222 to 223 shall apply to a person who is entitled to remain in the United Kingdom by virtue of the provisions of the 2006 EEA Regulations.

## 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.

### Indefinite leave to remain for an investor

230. Indefinite leave to remain may be granted, on application, to a person admitted as an investor 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 227 throughout the 5 year period including the requirement as to the investment of £750,000 and continues to do so; and

(iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application.

(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 any period of overstaying for a period of 28 days or less will be disregarded; and

(vi) provides the specified documents in paragraph 230-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.

**230-SD Specified documents**

The specified documents referred to in paragraph 230(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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 investor

231. Indefinite leave to remain in the United Kingdom for an investor is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 230 is met.

## 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.

### Indefinite leave to remain for a writer, composer or artist

238. Indefinite leave to remain may be granted, on application, to a person admitted as a writer, composer or artist 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 requirement of paragraph 235 throughout the 5 year period; and

(iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time of the application; 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 any period of overstaying for a period of 28 days or less will be disregarded; and

(vi) provides the specified documents in paragraph 238-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.

**238-SD Specified documents**

The specified documents referred to in paragraph 238(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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 writer, composer or artist

239. Indefinite leave to remain for a writer, composer or artist is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 238 is met.

## Spouses of persons with limited leave to enter or remain under paragraphs 200-239

### Requirements for leave to enter or remain as the spouse or civil partners of a person with limited leave to enter or remain under paragraphs 200-239

240. 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 under paragraphs 200-239 are that:

(i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the 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; and

(v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse or civil partner; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239**

241. A person seeking limited 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 under paragraphs 200-239 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 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

**Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239**

242. 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 under paragraphs 200-239 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 are that the applicant:

(i) is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239; or

(ii) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or

(iii) is married to or civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain in the United Kingdom under paragraphs 200-239 immediately before being granted indefinite leave to remain; and

(iv) meets the requirements of paragraph 240(ii) - (v); and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity; and

(vi) 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 the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242B. An extension of stay in the United Kingdom as:

(i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain; or

(ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, in both instances, provided the Secretary of State is satisfied that each of the requirements of paragraph 242A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242C. An extension of stay in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 242A is met.

**Requirements for indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200 - 239 are that the applicant:

(i) is married to or civil partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or

(ii) is married to or civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain under paragraphs 200 - 239 immediately before being granted indefinite leave to remain; and

(iii) meets the requirements of paragraph 240 (ii) to (v);

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application; and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity; 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 any period of overstaying for a period of 28 days or less will be disregarded.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239**

242E. Indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 200 - 239 may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 242D is met.

### Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the United Kingdom under paragraphs 200-239

242F. Indefinite leave to remain in the United Kingdom as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the United Kingdom under paragraphs 200 - 239 is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 242D is met.

## Children of persons with limited leave to enter or remain under paragraphs 200-239

### 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 200-239

243. 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 200-239 are that:

(i) he is the child of a parent who has leave to enter or remain in the United Kingdom under paragraphs 200-239; 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity; or

(viii) if seeking leave to remain, 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.

### Leave to enter or remain as the child of a person with limited leave to enter or remain in the United Kingdom under paragraphs 200-239

244. 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 under paragraphs 200-239 may be admitted to or allowed to remain in the United Kingdom for the same period of leave as that granted to the person given limited

leave to enter or remain under paragraphs 200-239 provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 243 (i)-(vi) and (viii) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 243 (i)-(vi) and (viii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to remain under paragraphs 200-239.

### 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 200-239

245. 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 200-239 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 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 243 (i) - (vi) and (viii) is met. An application for indefinite leave to remain in this capacity 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 243 (i)-(vi) and (viii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to remain under paragraphs 200-239.

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## Part 6A - Points-based system

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

For the purposes of references in this Part to requirements for indefinite leave to remain, except for those in paragraphs 245BF, 245DF and 245EF:

(a) "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 month periods preceding the date of the application for leave to remain;

(ii) the applicant has existing limited leave to enter or remain upon their departure and return except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of an application made within that 28 day period shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Except for periods when the applicant had leave as a Tier 1 (General) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Entrepreneur) Migrant, a Tier 1 (Exceptional Talent) Migrant, a highly skilled migrant, a businessperson, an innovator, an investor, a self-employed lawyer or a writer, composer or artist:

(i) the applicant must have been employed in the UK continuously throughout the five years, under the terms of their Certificate of Sponsorship, work permit or in the employment for which they were given leave to enter or remain, except that any breaks in employment in which they applied for leave as a Tier 2 Migrant, or, under Tier 5 Temporary Worker (International Agreement) Migrant as a private servant in a diplomatic household, where in the latter case they applied to enter the UK before 6 April 2012, to work for a new employer shall be disregarded, provided this is within 60 days of the end of their employment with their previous employer or Sponsor; and

(ii) any absences from the UK during the five years must have been for a purpose that is consistent with the continuous employment in (i), including paid annual leave or for serious or compelling reasons.

**245AA. Documents not submitted with applications**

(a) Where Part 6A or any appendices referred to in Part 6A state that specified documents must be provided, the UK Border Agency will only consider documents that have been submitted with the application, and will only consider documents submitted after the application where they are submitted in accordance with subparagraph (b).

(b) If the applicant has submitted:

(i) A sequence of documents and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);

(ii) A document in the wrong format; or

(iii) A document that is a copy and not an original document, the UK Border Agency may contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received by the UK Border Agency at the address specified in the request within 7 working days of the date of the request.

(c) The UK Border Agency will not request documents where a specified document has not been submitted (for example an English language certificate is missing), or where the UK Border Agency does not anticipate that addressing the omission or error referred to in subparagraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted a specified document:

(i) in the wrong format, or

(ii) that is a copy and not an original document,

the application may be granted exceptionally, providing the UK Border Agency is satisfied that the specified documents are genuine and the applicant meets all the other requirements. The UK Border Agency reserves the right to request the specified original documents in the correct format in all cases where (b) applies, and to refuse applications if these documents are not provided as set out in (b).

### 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 original 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. Purpose

This route is for exceptionally talented individuals in the fields of science, humanities, engineering and the arts, who wish to work in the UK. These individuals are those who are already internationally recognised at the highest level as world leaders in their particular field, or who have already demonstrated exceptional promise in the fields of science, humanities and engineering and are likely to become world leaders in their particular area.

### 245BA. Entry to the UK

All migrants arriving in the UK and wishing to enter as a Tier 1 (Exceptional Talent) 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.

### 245BB. Requirements for entry clearance

To qualify for entry clearance as a Tier 1 (Exceptional Talent) 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.

(c) The applicant must have a minimum of 75 points under paragraphs 1 to 6 of Appendix A.

(d) an applicant who has, or was last granted, leave as a student or a Postgraduate Doctor or Dentist, a Student Nurse, a Student Writing-Up a Thesis, a Student Re-Sitting an Examination or as a Tier 4 Migrant 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.

### 245BC. Period and conditions of grant

Entry clearance will be granted for a period of 3 years and 4 months and 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,

(iii) no employment as a Doctor or Dentist in Training, and

(iv) no employment as a professional sportsperson (including as a sports coach).

### 245BD. Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (Exceptional Talent) 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 1 to 6 of Appendix A.

(c) If the applicant has, or was last granted, leave as a Tier 1 (Exceptional Talent) Migrant, the applicant must have a minimum of 10 points under paragraphs 1 to 15 of
Appendix B.

(d) The applicant must have, or have last been granted, entry clearance, leave to enter or
remain as:

(i) a Tier 1 (Exceptional Talent) Migrant,

(ii) a Tier 2 (General) Migrant, or

(iii) as a Tier 5 (Temporary Worker) Migrant, sponsored in the Government Authorised Exchange sub-category in an exchange scheme for sponsored
researchers.

(e) The applicant 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.

### 245BE. Period and conditions 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 (Exceptional Talent) Migrant, or

(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,

(iii) no employment as a Doctor or Dentist in Training, and

(iv) no employment as a professional sportsperson (including as a sports coach).

### 245BF. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain, a Tier 1 (Exceptional Talent) 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 spent a continuous period of 5 years lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period, with leave as a Tier 1 (Exceptional Talent) Migrant.

(d) The applicant must have a minimum of 75 points under paragraphs 1 to 6 of Appendix A.

(e) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.

(f) The applicant 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.

## Tier 1 (General) Migrants

### 245C. Purpose

This route is for highly skilled migrants who wish to work, or become self-employed, to extend their stay in the UK.

### 245CA. Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (General) 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) if the applicant has, or has had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-Employed Lawyer, or as a Tier 1 (General) Migrant under the Rules in place before 19 July 2010, and has not been granted leave in any categories other than these under the Rules in place since 19 July 2010, the applicant must have 75 points under paragraphs 7 to 34 of Appendix A.

(c) in all cases other than those referred to in (b) above, the applicant must have 80 points under paragraphs 7 to 34 of Appendix A.

(d) The applicant must have 10 points under paragraphs 1 to 15 of Appendix B.

(e) The applicant must have 10 points under paragraphs 1 to 3 of appendix C.

(f) The applicant must have, or have last been granted, entry clearance, leave to enter or remain:

(i) as a Tier 1 (General) Migrant,

(ii) as a Highly Skilled Migrant,

(iii) as a Writer, Composer or Artist, or

(iv) as a self-employed lawyer.

(g) The applicant 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.

### 245CB. Period and conditions of grant

(a) Leave to remain will be granted for a period of 2 years, to an applicant who has, or was last granted, leave as a Tier 1 (General) Migrant under the Rules in place before 6 April 2010.

(b) in all other cases, leave to remain will be granted for a period of 3 years.

(c) 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, 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, 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.

(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;

(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,

(iv) no employment as a professional sportsperson (including as a sports coach).

**245CD. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain, a Tier 1 (General) 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) Unless the application is being made under the terms set out in Appendix S, the applicant must have spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a Tier 1 (General) Migrant, in any combination of the following categories:

(i) as a Tier 1 (General) Migrant,

(ii) as a Highly Skilled Migrant,

(iii) as a Work Permit Holder,

(iv) as an innovator,

(v) as a Self-Employed Lawyer,

(vi) as a Writer, Composer or Artist,

(vii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant, or

(viii) as a Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010.

(d) if the applicant has or has had leave as a Highly skilled Migrant, a Writer, Composer or artist, a self-employed lawyer or as a Tier 1 (General) Migrant under the Rules in place before 19 July 2010, and has not been granted leave in any categories other than these under the Rules in place since 19 July 2010, the applicant must have 75 points under paragraphs 7 to 34 of Appendix A.

(e) Where the application is being made under the terms set out in Appendix S, the applicant must have a continuous period of 4 years lawful leave in the UK, or 5 years lawful leave in the UK if the applicant applied to the HSMP between 3 April 2006 and 7 November 2006, received an approval letter and came to or stayed in the United Kingdom on the basis of that letter, of which the most recent must have been spent with leave as a Tier 1 (General) Migrant, in any combination of the following categories:

(i) as a Tier 1 (General) Migrant;

(ii) as a Highly Skilled Migrant;

(iii) as a Work Permit Holder; or

(iv) as an innovator.

(f) Where the application is being made under the terms set out in Appendix S, the applicant must be economically active in the UK, in employment or self-employment or both.

(g) in all other cases than those referred to in (d) or (e) above, the applicant must have 80 points under paragraphs 7 to 34 of Appendix A.

(h) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made or the applicant is applying under the terms set out in Appendix S.

(i) The applicant 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.

(j) The applicant must provide the specified documents in paragraph 245CD-SD to evidence the reason for the absences set out in paragraph 245AAA, where the absence was due to a serious or compelling reason.

**245CD-SD Specified documents**

The specified documents referred to in paragraph 245CD(j) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original 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.

**245CE. Transitional arrangements**

This paragraph makes special provision for applicants who on 29 February 2008 are in the UK, or on 1 April 2008 are in India, and who are in the process of applying to become a Highly Skilled Migrant. It will also be relevant to applicants who have, or have last been granted, leave to remain as a Highly Skilled Migrant, and who fall within subparagraph (c) below.

(a) If an applicant has made an application for entry clearance in India as a Highly Skilled Migrant before 1 April 2008, and the application has not been decided before that date, it will be decided in accordance with the Rules in force on 31 March 2008 as set out in Appendix D.

(b) If an applicant has made an application for limited leave to remain as a Highly Skilled Migrant before 29 February 2008, and the application has not been decided before that date, it will be decided in accordance with these Rules in force on 28 February 2008 as set out in Appendix D.

(c) If an applicant has made an application in India for entry clearance on or after 1 April 2008, or has made an application in the UK for limited leave to remain on or after 29 February 2008, and has submitted with that application a valid Highly Skilled Migrant Programme Approval Letter, the applicant will be automatically awarded

75 points under Appendix A and 10 points under Appendix B. The applicant must separately score 10 points under Appendix C.

(ca) If an applicant has made an application other than in India for entry clearance on or after 30th June 2008, and has submitted with that application a valid Highly Skilled Migrant Programme Approval Letter, the applicant will be automatically awarded 75 points under Appendix A and 10 points under Appendix B. The applicant must separately score 10 points under Appendix C.

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

(e) If the requirements are met, leave to remain as a Tier 1 (General) Migrant will be granted for a period of 3 years, subject to the conditions in paragraph 245CB(c) above.

## Tier 1 (Entrepreneur) Migrants

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

(a) This route is for migrants who wish to establish, join or take over one or more businesses in the UK.

(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.

### 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) An applicant who has, or was last granted, leave as a Student or a Postgraduate Doctor or Dentist, a Student Nurse, a Student Writing-Up a Thesis, a Student Re-Sitting an Examination or as a Tier 4 Migrant 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.

(f) Except where the applicant has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator 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 genuinely intends and is able to establish, take over or become a director of one or more businesses in the UK within the next six months;

(ii) the applicant genuinely intends to invest the money referred to in Table 4 of Appendix A in the business or businesses referred to in (i);

(iii) that the money referred to in Table 4 of Appendix A is genuinely available to the applicant, and will remain available to him until such time as it is spent by his business or businesses. 'Available to him' means that the funds are:

(1) in his own possession,

(2) in the financial accounts of a UK incorporated business of which he is the director, 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-SD(b) of Appendix A;

(iv) that the applicant does not intend to take employment in the United Kingdom other than under the terms of paragraph 245DC;

(g) In making the assessment in (f), 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 4 of Appendix A;

(iii) the viability and credibility of the applicant's business plans and market research into their chosen business sector;

(iv) the applicant's previous educational and business experience (or lack thereof); (v) the applicant's immigration history and previous activity in the UK; and

(vi) any other relevant information.

(h) The Entry Clearance Officer 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 UK Border Agency at the address specified in the request within 28 working days of the date of the request.

(i) 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.

(j) The Entry Clearance Officer will not 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.

### 245DC. Period and conditions of grant

(a) Entry clearance will be granted for a period of 3 years and four months and 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, and

(iv) no employment as a professional sportsperson (including as a sports coach).

### 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, 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:

(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) as a Tier 1 (Graduate Entrepreneur) Migrant

(vi) as a Tier 1 (Post-Study Work) Migrant,

(vii) as a Businessperson,

(viii) as an Innovator,

(ix) as an Investor,

(x) as a Participant in the Fresh Talent: Working in Scotland Scheme,

(xi) as a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),

(xii) as a Postgraduate Doctor or Dentist,

(xiii) as a Self-employed Lawyer,

(xiv) as a Student,

(xv) as a Student Nurse,

(xvi) as a Student Re-sitting an Examination,

(xvii) as a Student Writing Up a Thesis,

(xviii) as a Work Permit Holder,

(xix) as a Writer, Composer or Artist,

(xx) as a Tier 2 Migrant

(xxi) as a Tier 4 Migrant, or

(xxii) as a Prospective Entrepreneur

(f) An applicant who has, or was last granted, leave as a Student or a Postgraduate Doctor or Dentist, Student Nurse, Student Re-Sitting an Examination, a Student Writing-Up a Thesis or as a Tier 4 Migrant 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.

(g) The applicant 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.

(h) Except where the applicant has, or was last granted, leave as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator and is being assessed under Table 5 of Appendix A, the UK Border Agency must be satisfied that:

(i) the applicant genuinely:

(1) intends and is able to establish, take over or become a director of one or more businesses in the UK within the next six months, or

(2) has established, taken over or become a director of one or more businesses in the UK and continues to operate that business or businesses; and

(ii) the applicant genuinely intends to invest the money referred to in Table 4 of Appendix A in the business or businesses referred to in (i);

(iii) that the money referred to in Table 4 of Appendix A is genuinely available to the applicant, and will remain available to him until such time as it is spent by his business or businesses. 'Available to him' means that the funds are:

(1) in his own possession,

(2) in the financial accounts of a UK incorporated business of which he is the director, 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-SD(b) of Appendix A;

(iv) that the applicant does not intend to take employment in the United Kingdom other than under the terms of paragraph 245DE.

(i) In making the assessment in (h), the UK Border Agency will assess the balance of probabilities. The UK Border Agency 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 4 of Appendix A;

(iii) the viability and credibility of the applicant's business plans and market research into their chosen business sector;

(iv) the applicant's previous educational and business experience (or lack thereof);

(v) the applicant's immigration history and previous activity in the UK;

(vi) where the applicant has already registered in the UK as self-employed or as the director of a business, and 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.

(j) The UK Border Agency reserves the right to request additional information and evidence to support the assessment in (h), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the UK Border Agency at the address specified in the request within 28 working days of the date of the request.

(k) If the UK Border Agency 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.

(l) The UK Border Agency will not carry out the assessment in (h) 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.

**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 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, and

(iii) no employment, other than working for the business or businesses which he has established, joined or taken over, and

(iv) no employment as a professional sportsperson (including as a sports coach).

(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 business in which he is a director, or

(3) registered as a director of an existing business, 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 in the establishment or running of his business or businesses. 'Spent' excludes spending on the applicant's own remuneration. 'Available to him' means that the funds are:

(1) in his own possession,

(2) in the financial accounts of a UK incorporated business of which he is the director, 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-SD(b) of Appendix A.

(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.

(e) Paragraph 245DE(c) does not apply where the applicant's last grant of leave prior to the grant of the leave that he currently has was as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator.

### 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.

(e) The applicant 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.

## 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 of Appendix A.

(c) An applicant who has, or was last granted, leave as a Student or a Postgraduate Doctor or Dentist, a Student Nurse, a Student Re-Sitting an Examination, a Student Writing-Up a Thesis or as a Tier 4 Migrant 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 to as set out in paragraph 245A above, show that this requirement has been met.

### 245EC. Period and conditions of grant

(a) Entry clearance will be granted for a period of 3 years and four months and 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 sponsor licence under Tier 4 of the Points Based System, and

(iv) no employment as a professional sportsperson (including as a sports coach).

### 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 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) as a Tier 1 (Post-Study Work) Migrant,

(vi) as a Businessperson,

(vii) as an Innovator,

(viii) as an Investor,

(ix) as a Student,

(x) as a Student Nurse,

(xi) as a Student Re-Sitting an Examination,

(xii) as a Student Writing Up a Thesis,

(xiii) as a Work Permit Holder,

(xiv) as a Writer, Composer or Artist,

(xv) as a Tier 2 Migrant, or

(xvi) as a Tier 4 Migrant.

(d) An applicant who has, or was last granted, leave as a Student Nurse, Student Re-Sitting an Examination, Student Writing-Up a Thesis or as a Tier 4 Migrant 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 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.

**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 sponsor licence under Tier 4 of 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).

(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 £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 other than those principally engaged in property investment, or

(ii) the applicant does not maintain the 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) Paragraph 245EE(c) does not apply where the applicant's last grant of leave prior to the grant of the leave that he currently has was as a Tier 1 (Investor) Migrant or as an Investor.

### 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 of Appendix A

(d) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.

(e) The applicant 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.

## Tier 1 (Graduate Entrepreneur) Migrants

### 245F. Purpose of the route and meaning of business

(a) This route is for graduates who have been identified by Higher Education Institutions as having developed world class innovative ideas or entrepreneurial skills to extend their stay in the UK after graduation to establish one or more businesses in the UK.

(b) For the purpose of paragraphs 245F to 245FB and paragraphs 66 to 72 of Appendix A 'business' means an enterprise as:

(i) a sole trader,

(ii) a partnership, or

(iii) a company registered in the UK.

**245FA. Requirements for leave to remain**

To qualify for leave to remain as a Tier 1 (Graduate Entrepreneur) 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 66 to 72 of Appendix A.

(c) The applicant must have a minimum of 10 points under paragraph 9 of Appendix B.

(d) The applicant must have a minimum of 10 points under paragraphs 1 to 2 of Appendix C. 11

(e) The applicant must have, or have last been granted, entry clearance, leave to enter or remain:

(i) as a Tier 4 Migrant,

(ii) as a Student,

(iii) as a Student Nurse,

(iv) as a Student Re-sitting an Examination,

(v) as a Student Writing Up a Thesis,

(vi) as a Postgraduate Doctor or Dentist, or

(vii) as a Tier 1 (Graduate Entrepreneur) Migrant.

(f) The applicant must not have previously been granted entry clearance, leave to enter or remain as a Tier 1 (Post-Study Work) Migrant, a Participant in the Fresh Talent: Working in Scotland Scheme, or a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme).

(g) The applicant must not previously have been granted leave as a Tier 1 (Graduate Entrepreneur) Migrant on more than 1 occasion.

(h) An applicant who does not have, or was not last granted, leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant and:

(i) is currently being sponsored in his studies by a government or international scholarship agency, or

(ii) was being sponsored in his studies 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.

(i) The applicant 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.

**245FB. Period and conditions of grant**

Leave to remain will be granted for a period of 1 year and 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 except:

(1) working for the business(es) the applicant has established and

(2) other employment of no more than 20 hours per week, 12

(iv) no employment as a Doctor or Dentist in Training, and

(v) no employment as a professional sportsperson (including as a sports coach).

## TIER 2 MIGRANTS
## Tier 2 (Intra-Company Transfer) Migrants

### 245G. Purpose of this route and definitions

This route enables multinational employers to transfer their existing employees from outside the EEA to their UK branch for training purposes or to fill a specific vacancy that cannot be filled by a British or EEA worker. There are four sub-categories in this route:

(i) Short Term staff: for established employees of multi-national companies who are being transferred to a skilled job in the UK for 12 months or less that could not be carried out by a new recruit from the resident workforce;

(ii) Long Term staff: for established employees of multi-national companies who are being transferred to a skilled job in the UK which will, or may, last for more than 12 months and could not be carried out by a new recruit from the resident workforce;

(iii) Graduate Trainee: for recent graduate recruits of multi-national companies who are being transferred to the UK branch of the same organisation as part of a structured graduate training programme, which clearly defines progression towards a managerial or specialist role;

(iv) Skills Transfer: for overseas employees of multi-national companies who are being transferred to the UK branch of the same organisation in a graduate occupation to learn the skills and knowledge they will need to perform their jobs overseas, or to impart their specialist skills to the UK workforce.

### 245GA. Entry clearance

All migrants arriving in the UK and wishing to enter as a Tier 2 (Intra-Company Transfer) 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.

### 245GB. Requirements for entry clearance

To qualify for entry clearance as a Tier 2 (Intra-Company Transfer) 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 50 points under paragraphs 73 to 75E of Appendix A.

(c) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(d) The applicant must not have had entry clearance or leave to remain as a Tier 2 Migrant at any time during the 12 months immediately before the date of the application, unless paragraph (e) below applies.

(e) Paragraph (d) above does not apply to an applicant who:

(i) was not in the UK with leave as a Tier 2 migrant at any time during the above 12-month period, and provides evidence to show this; or

(ii) is applying under the Long Term Staff sub-category and who has, or last had entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term staff, Graduate Trainee or Skills Transfer sub-categories, or under the Rules in place before 6 April 2011.

(f) an applicant who has, or was last granted, leave as a Student, a Student Nurse, a Student Re-Sitting an Examination, a Student Writing-Up a Thesis, a Postgraduate Doctor or Dentist or a Tier 4 Migrant 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.

(g) The applicant must be at least 16 years old.

(h) 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.

(i) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

**245GC. Period and conditions of grant**

(a) if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either of the short Term staff or Graduate Trainee sub-categories, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 1 year, whichever is the shorter.

(b) if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 6 months, whichever is the shorter.

(c) if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 3 years and 1 month, whichever is the shorter.

(d) entry clearance will be granted with effect from 14 days before the date that the Certificate of Sponsorship Checking Service records as the start date for the applicant's employment in the UK, unless entry clearance is being granted less than 14 days before that date, in which case it will be granted with immediate effect.

(e) 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, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a change to the details of that employment, other than prohibited changes as defined in paragraph 323AA,(2) supplementary employment, and

(3) voluntary work.

**245GD. Requirements for leave to remain**

To qualify for leave to remain as a Tier 2 (Intra-Company Transfer) 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, and must not be an illegal entrant.

(b) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as either:

(1) a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, or

(2) a Tier 2 (Intra-Company Transfer) Migrant in the established Staff sub-category under the Rules in place before 6 April 2011, or

(3) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010, or

(4) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an Intra-Company Transfer, or

(5) as a representative of an overseas Business, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(c) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term Staff sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term Staff sub-category, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(d) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(e) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the skills Transfer sub-category, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(f) in all cases the applicant must have a minimum of 50 points under paragraphs 73 to 75E of Appendix A.

(g) if the applicant is seeking a grant of leave to remain that would extend his total stay as a Tier 2 (Intra-Company Transfer) Migrant beyond 3 years, the applicant must have a minimum of 10 points under paragraphs 1 to 16 of Appendix B.

(h) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(i) The applicant must be at least 16 years old.

(j) 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.

(k) 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.

(l) The applicant 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.

**245GE. Period and conditions of grant**

(a) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in either the Short Term Staff or Graduate Trainee sub-categories, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days, or

(ii) the difference between the period of leave that the applicant has already been granted, beginning with his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant, and 12 months,

whichever is the shorter. If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(b) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days, or

(ii) the difference between the period of leave that the applicant has already been granted, beginning with his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant, and 6 months,

whichever is the shorter. If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(c) in the cases set out in paragraph (d) below, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 3 years plus 14 days,

whichever is the shorter.

(d) The cases referred to in paragraph (c) are those where the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and was last granted:

(i) entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder, or

(ii) leave to remain as a Tier 2 (Intra-Company Transfer) Migrant, provided:

(1) he previously had leave as a Qualifying Work Permit Holder,

(2) at some time during that period of leave as a Qualifying Work Permit Holder he was granted leave to remain as a Tier 2 (Intra-Company Transfer) Migrant,

(3) he has not been granted entry clearance in this or any other route since his last grant of leave as a Qualifying Work Permit Holder, and

(4) he is still working for the same employer named on the Work Permit document which led to his last grant of leave as a Qualifying Work Permit Holder.

(e) in the cases set out in paragraph (f) below, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 2 years,

whichever is the shorter.

(f) The cases referred to in paragraph (e) are those where:

(i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and

(ii) the applicant previously had leave as a Tier 2 (Intra-Company Transfer)Migrant under the Rules in place before 6 April 2011; and

(iii) the applicant has not been granted entry clearance in this or any other route since the grant of leave referred to in (ii) above; and

(iv) paragraphs (c) to (d) do not apply.

(g) in the cases set out in paragraph (h) below, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 2 years, or

(iii) the difference between 9 years and the continuous period immediately before the date of application during which the applicant has had leave as a Tier 2 (Intra-Company Transfer) Migrant, or been in the UK without leave,

whichever is the shorter.

(h) The cases referred to in paragraph (g) are those where:

(i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and

(ii) the Certificate of Sponsorship Checking Service entry records that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 75 of Appendix A) to be paid by the Sponsor is £150,000 or higher, and

(iii) paragraphs (c) to (f) do not apply.

(i) if the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category and paragraphs (c) to (h) do not apply, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 2 years,(iii) the difference between the period that the applicant has already spent in the UK since his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant and 5 years,

whichever is the shorter. if the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(j) in addition to the periods in paragraphs (a) to (i), leave to remain will be granted for the period between the date that the application is decided and the date that the Certificate of Sponsorship Checking Service records as the start date of employment in the UK, provided this is not a negative value.

(i) leave to remain will be granted subject to the following conditions:(i) no recourse to public funds,

(ii) registration with the police, if this is required by paragraph 326, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a change to the details of that employment, other than prohibited changes as defined in paragraph 323AA,(2) supplementary employment, and

(3) voluntary work.

**245GF. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain as a Tier 2 (Intra-Company Transfer) 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 spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a Tier 2 (Intra-Company Transfer) Migrant, in any combination of the following categories:

(i) as a Tier 2 (Intra-Company Transfer) Migrant,

(ii) as a Qualifying Work Permit Holder, or

(iii) as a representative of an overseas Business.

(d) The continuous period of 5 years referred to in paragraph (c) must include a period of leave as:

(i) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010, or

(ii) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an Intra-Company Transfer.

(e) The sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that:

(i) he still requires the applicant for the employment in question, and

(ii) he is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J.

(f) The applicant provides the specified documents in paragraph 245GF-SD to evidence the sponsor's certification in subsection (e) (ii) and to evidence the reason for the absences set out in paragraph 245AAA.

(g) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.

(h) The applicant 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.

**245GF-SD Specified documents**

The specified documents referred to in paragraph 245GF(f) are set out in A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,

(ii) dated no earlier than one calendar month before the date of the application, and

(iii) either:

(1) an original payslip,

(2) on company-headed paper, or

(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,

(ii) be dated no earlier than one calendar month before the date of the application,

(iii) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the date of the statement,

(4) the financial institution's name,

(5) the financial institution's logo, and

(6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245GF-SD A.(a)

(iv) be either:

(1) printed on the bank's or building society's letterhead,

(2) electronic bank or building society statements from an online account, 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 from an online account, bearing the official stamp of the bank or building society on every page,

and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the financial institution's name,

(4) the financial institution's logo, and

(5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245GF-SD A.(a)

and

(ii) be either:

(1) the original pass book, or

(2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. 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 original 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.

## Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants and Tier 2 (Sportsperson) Migrants

### 245H. Purpose of these routes and definitions

These routes enable UK employers to recruit workers from outside the EEA to fill a particular vacancy that cannot be filled by a British or EEA worker.

### 245HA. Entry clearance

All Migrants arriving in the UK and wishing to enter as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant must have a valid entry clearance for entry under the relevant one of these routes. If they do not have a valid entry clearance, entry will be refused.

### 245HB. Requirements for entry clearance

To qualify for entry clearance as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) 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) If applying as a Tier 2 (General) Migrant, the applicant must have a minimum of 50 points under paragraphs 76 to 84A of Appendix A.

(c) If applying as a Tier 2 (Minister of religion) Migrant, the applicant must have a minimum of 50 points under paragraphs 85 to 92 of Appendix A.

(d) If applying as a Tier 2 (sportsperson) Migrant, the applicant must have a minimum of 50 points under paragraphs 93 to 100 of Appendix A.

(e) The applicant must have a minimum of 10 points under paragraphs 1 to 18 of Appendix B.

(f) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(g) The applicant must not have had entry clearance or leave to remain as a Tier 2 Migrant at any time during the 12 months immediately before the date of the application, unless the applicant was not in the UK with leave as a Tier 2 Migrant during this period, and provides evidence to show this.

(h) An applicant who has, or was last granted, leave as a Student, a Student Nurse, a Student Re-Sitting an Examination, a Student Writing-Up a Thesis, a Postgraduate Doctor or Dentist or a Tier 4 Migrant 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.

(i) The applicant must be at least 16 years old.

(j) 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.

(k) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

(l) If the Sponsor is a limited company, the applicant must not own more than 10% of its shares.

### 245HC. Period and conditions of grant

(a) Entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 3 years and 1 month,

whichever is the shorter.

(d) Entry clearance will be granted with effect from 14 days before the date that the Certificate of Sponsorship Checking Service records as the start date for the applicant's employment in the UK, unless entry clearance is being granted less than 14 days before that date, in which case it will be granted with immediate effect.

(e) 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 except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a change to the details of that employment, other than prohibited changes as defined in paragraph 323AA,(2) supplementary employment,

(3) voluntary work, and

(4) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the UK.

(f) (i) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 76 to 79D of Appendix A shall be granted entry clearance as a Tier 2 (General) Migrant.

(ii) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 85 to 92 of Appendix A shall be granted entry clearance as a Tier 2 (Minister of Religion) Migrant.

(iii) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 93 to 100 of Appendix A shall be granted entry clearance as a Tier 2 (Sportsperson) Migrant.

### 245HD. Requirements for leave to remain

To qualify for leave to remain as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion Migrant or Tier 2 (Sportsperson) 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, and must not be an illegal entrant.

(b) the applicant must:

(i) have, or have last been granted, entry clearance, leave to enter or leave to remain as:

(1) a Tier 1 Migrant,
(2) a Tier 2 Migrant,
(3) a Highly Skilled Migrant,
(4) an Innovator,
(5) a Jewish Agency Employee,
(6) a Member of the Operational Ground Staff of an Overseas-owned Airline,
(7) a Minister of Religion, Missionary or Member of a Religious Order,
(8) a Participant in the Fresh Talent: Working in Scotland Scheme,
(9) a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
(10) a Qualifying Work Permit Holder,
(11) a Representative of an Overseas Business
(12) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,
(13) a Tier 5 (Temporary Worker) Migrant, or
(14) the partner of a Relevant Points Based System Migrant if the relevant Points Based System Migrant is a Tier 4 Migrant,

or

(ii) have current entry clearance, leave to enter or leave to remain which has not expired, as:

(1) a Tier 4 Migrant,
(2) a Student,
(3) a Student Nurse,
(4) a Student Re-Sitting an Examination,
(5) a Person Writing Up a Thesis,
(6) an Overseas Qualified Nurse or Midwife,
(7) a Postgraduate Doctor or Dentist, or
(8) a Student Union Sabbatical Officer.

(c) An applicant who has, or was last granted leave as a Tier 2 (Intra-Company Transfer) Migrant must:

(i) have previously had leave as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 April 2010, or in the Established Staff sub-category under the Rules in place before 6 April 2011,

(ii) not have been granted entry clearance in this or any other route since the grant of leave referred to in (i) above; and

(iii) not be applying to work for the same Sponsor as sponsored him when he was last granted leave.

(d) An applicant under the provisions in (b)(ii) above must meet the following requirements:

(i) The applicant must have completed and passed:

(1) a UK recognised bachelor or postgraduate degree (not a qualification of equivalent level which is not a degree),

(2) a UK Postgraduate Certificate in Education or Professional Graduate Diploma of Education (not a qualification of equivalent level),

or the applicant must have completed a minimum of 12 months study in the UK towards a UK PhD.

(ii) The applicant must have studied for the course in (d)(i) 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.

(iii) The applicant must have studied the course referred to in (d)(i) during:

(1) his last grant of leave, or

(2) a period of continuous leave which includes his last grant of leave.

(iv) The applicant's periods of UK study and/or research towards the course in (i) must have been 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 that course of study and/or research.

(v) If the institution studied at is removed from the Tier 4 Sponsor Register, the applicant's qualification must not have been obtained on or after the date of removal from the Sponsor Register.

(vi) If the applicant:

(1) is currently being sponsored by a government or international scholarship agency, or

(2) was being sponsored by a government or international scholarship agency, and that sponsorship 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 as set out in paragraph 245A above,to show that this requirement has been met.

(vii) The applicant must provide an original degree certificate, academic transcript or an academic reference on official headed paper of the institution, which clearly shows:

(1) The applicant's name,
(2) the course title/award,
(3) the course duration (except in the case of a degree certificate), and

(4) unless the course is a PhD course, the date of course completion and pass (or the date of award in the case of a degree certificate).

(e) an applicant who was last granted leave as a Tier 5 (Temporary Worker) Migrant must have been granted such leave in the Creative and Sporting sub-category of Tier 5 in order to allow the applicant to work as a professional footballer, and the applicant must be applying for leave to remain as a Tier 2 (Sportsperson) Migrant.

(f) If applying as a Tier 2 (General) Migrant, the applicant must have a minimum of 50 points under paragraphs 76 to 79D of Appendix A.

(g) If applying as a Tier 2 (Minister of Religion) Migrant, the applicant must have a minimum of 50 points under paragraphs 85 to 92 of Appendix A.

(h) If applying as a Tier 2 (Sportsperson) Migrant, the applicant must have a minimum of 50 points under paragraphs 93 to 100 of Appendix A.

(i) The applicant must have a minimum of 10 points under paragraphs 1 to 16 of Appendix B.

(j) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(k) The applicant must not have had entry clearance or leave to remain as a Tier 2 Migrant at any time during the 12 months immediately before the date of the application, unless:

(i) the applicant's last grant of leave was as a Tier 2 Migrant, or

(ii) the applicant was not in the UK with leave as a Tier 2 Migrant during this period, and provides evidence to show this.

(l) The applicant must be at least 16 years old.

(m) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(n) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just 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.

(o) if the sponsor is a limited company, the applicant must not own more than 10% of its shares.

(p) The applicant 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.

**245HE. Period and conditions of grant**

(a) If the applicant:

(i) previously had leave under the Rules in place before 6 April 2011 as:

(1) a Tier 2 (General) Migrant,

(2) a Tier 2 (Minister of Religion) Migrant,

(3) a Tier 2 (Sportsperson) Migrant,

(4) a Jewish Agency Employee,

(5) a Member of the Operational Ground Staff of an Overseas-owned Airline,

(6) a Minister of Religion, Missionary or Member of a Religious Order,

(7) a Qualifying Work Permit Holder, or

(8) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,

and

(ii) has not been granted entry clearance as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant under the Rules in place from 6 April 2011, and

(iii) has not been granted entry clearance, leave to enter or leave to remain in any other category since the grant of leave referred to in (i) above,

leave to remain will be granted as set out in paragraph (d) below.

(b) In all other cases, leave to remain will be granted as set out in paragraph (e) below.

(c) In paragraph (e) below, X refers to the continuous period of time, during which the applicant:

(i) has had entry clearance, leave to enter or leave to remain as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant; or

(ii) has been in the UK without leave following leave in one of these categories.

(d) in the cases set out in paragraph (a) above, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days, or

(ii) a period of 3 years plus 14 days,

whichever is the shorter.

(e) If paragraph (a) does not apply, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days,

(ii) a period of 3 years plus 14 days, or

(iii) a period equal to 6 years less X,

whichever is the shorter. If the calculation of the period of leave comes to zero or a negative number, leave to remain will be refused.

(f) in addition to the periods in paragraphs (d) and (e), leave to remain will be granted for the period between the date that the application is decided and the date that the Certificate of Sponsorship Checking Service records as the start date of employment in the UK, provided this is not a negative value.

(g) leave to remain will be granted 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 except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a change to the details of that employment, other than prohibited changes as defined in paragraph 323AA, (2) supplementary employment,

(3) voluntary work,

(4) until the start date of the period of engagement, any employment which the applicant was lawfully engaged in on the date of his application, and

(5) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the UK.

(h) (i) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 76 to 79D of Appendix A shall be granted leave to remain as a Tier 2 (General) Migrant.

(ii) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 85 to 92 of Appendix A shall be granted leave to remain as a Tier 2 (Minister of Religion) Migrant.

(iii) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 93 to 100 of Appendix A shall be granted leave to remain as a Tier 2 (Sportsperson) Migrant.

### 245HF. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) 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 spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a Tier 2 Migrant, in any combination of the following categories:

(i) as a Member of the Operational Ground Staff of an Overseas-owned Airline,

(ii) as a Minister of Religion, Missionary or Member of a Religious Order,

(iii) as a Qualifying Work Permit Holder,

(iv) as a Representative of an Overseas Business,

(v) as a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,

(vi) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant,

(vii) as a Highly Skilled Migrant,

(viii) as an innovator,

(ix) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant, or

(x) as a Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as:

(1) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010, or

(2) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an Intra-Company Transfer.

(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that:

(i) he still requires the applicant for the employment in question, and

(ii) in the case of a Tier 2 (General) Migrant applying for settlement, that they are paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J.

(e) The applicant provides the specified documents in paragraph 245HF-SD to evidence the sponsor's certification in subsection (d)(ii) and to evidence the reason for the absences set out in paragraph 245AAA.

(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

(g) The applicant 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.

**245HF-SD Specified documents**

The specified documents referred to in paragraph 245HF(e) are set out in A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,

(ii) dated no earlier than one calendar month before the date of the application, and

(iii) either:

(1) an original payslip,

(2) on company-headed paper, or

(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,

(ii) be dated no earlier than one calendar month before the date of the application,

(iii) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the date of the statement,

(4) the financial institution's name,

(5) the financial institution's logo, and

(6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245HF-SD A.(a)

(iv) be either:

(1) printed on the bank's or building society's letterhead,

(2) electronic bank or building society statements from an online account, 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 from an online account, bearing the official stamp of the bank or building society on every page,

and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the financial institution's name,

(4) the financial institution's logo, and

(5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245HF-SD A.(a)

and

(ii) be either:

(1) the original pass book, or

(2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. 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 original 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.

## Tier 5 (Youth Mobility Scheme) Temporary Migrants

### 245ZI. Purpose of this route

This route is for sponsored young people from participating countries and territories who wish to live and work temporarily in the UK.

### 245ZJ. Entry clearance

All migrants arriving in the UK and wishing to enter as a Tier 5 (Youth Mobility Scheme) Temporary Migrant must have a valid entry clearance for entry under this route. If a migrant does not have a valid entry clearance, entry will be refused.

### 245ZK. Requirements for entry clearance

To qualify for entry clearance as a Tier 5 (Youth Mobility Scheme) Temporary Migrant, an applicant must meet the requirements listed below. However, whether or not the requirements listed below are met, if a citizen of a country or the rightful holder of a passport issued by a territory listed in Appendix G makes an application for

entry clearance which, if granted, would mean that the annual allocation of places under this route as specified in Appendix G for citizens of that country or rightful holders of passports issued by that territory would be exceeded, the application will be refused. The applicant will also be refused if the requirements listed below are not met.

**Requirements:**

(a) The applicant must not fall for refusal under the general grounds for refusal; and

(b) The applicant must be:

(i) a citizen of a country or rightful holder of a passport issued by a territory listed in Appendix G to these Rules, or

(ii) a British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas), as defined by the British Nationality Act 1981 and must provide a valid passport to show that this requirement has been met; and

(c) The applicant must be sponsored by his country of citizenship or the territory of which he is a rightful passport holder as follows:

(i) 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, the applicant must hold a valid Certificate of Sponsorship issued by that country or territory and must use that Certificate of Sponsorship in support of an application lodged in the country or territory of issue; or

(ii) 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, his valid passport issued by the country or territory holding such status will stand as evidence of sponsorship and the application for leave may be made at any post worldwide; and

(ca) A Certificate of Sponsorship will only be considered to be valid if:

(i) the country or territory issued it to the applicant no more than 3 months before the application for entry clearance is made, and

(ii) it has not have been cancelled by the country or territory since it was issued.

(d) The applicant must have a minimum of 40 points under paragraphs 101 to 104 of Appendix A; and

(e) The applicant must have a minimum of 10 points under paragraphs 6 to 7 of Appendix C; and

(f) The applicant must have no children under the age of 18 who are either living with him or for whom he is financially responsible; and

(g) The applicant must not previously have spent time in the UK as a Working Holidaymaker or a Tier 5 (Youth Mobility Scheme) Temporary Migrant.

### 245ZL. Period and conditions of grant

Entry clearance will be granted for a period of 2 years 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,

(c) no employment as a professional sportsperson (including as a sports coach), and

(d) 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, and provides evidence of this degree.

(e) no self employment, except where the following conditions are met:

(i) the migrant has no premises which he owns, other than his home, from which he carries out his business,

(ii) the total value of any equipment used in the business does not exceed £5,000, and

(iii) the migrant has no employees.

## Tier 5 (Temporary Worker) Migrants

### 245ZM. Purpose of this route and definitions

(a) This route is for certain types of temporary worker whose entry helps to satisfy cultural, charitable, religious or international objectives including volunteering and job shadowing.

(b) For the purposes of paragraphs 245ZM to 245ZS and paragraphs 105 to 112 of Appendix A:

a migrant has "consecutive engagements" if:

(i) more than one Certificate of Sponsorship reference number has been allocated in respect of the migrant,

(ii) there is no gap of more than 14 days between any of the periods of engagement, and

(iii) all the Certificate of Sponsorship Checking Service references record that the migrant is being sponsored in the creative and sporting subcategory of the Tier 5 (Temporary Worker) Migrant route.

"Period of engagement" means a period beginning with the employment start date as recorded on the Certificate of Sponsorship Checking Service entry which relates to the Certificate of Sponsorship reference number for which the migrant was awarded points under paragraphs 105 to 111 of Appendix A, and ending on the employment end date as recorded in the same entry.

### 245ZN. Entry clearance

(a) Subject to paragraph (b), all migrants arriving in the UK and wishing to enter as a Tier 5 (Temporary Worker) 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 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 is not a visa national,

(ii) the Certificate of Sponsorship reference number provided by the migrant leading to points being obtained under Appendix A links to an entry in the Certificate of Sponsorship Checking Service recording that their Sponsor has sponsored them in the creative and sporting subcategory of the Tier 5 (Temporary Worker) Migrant route,

(iii) if the migrant has consecutive engagements, the total length of all the periods of engagement, together with any gap between those engagements, is 3 months or less,

(iv) if the migrant does not have consecutive engagements, the total length of the period of engagement is 3 months or less, and

(v) the migrant meets the requirements in paragraph 245ZO below.

### 245ZO. Requirements for entry clearance or leave to enter

To qualify for entry clearance or, as the case may be, leave to enter, as a Tier 5 (Temporary Worker) 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 30 points under paragraphs 105 to 112 of Appendix A.

(c) The applicant must have a minimum of 10 points under paragraphs 8 to 9 of Appendix C.

(d) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(e) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

(f) An applicant being sponsored in the international agreement sub-category of Tier 5 (Temporary Workers) as a private servant in a diplomatic household must:

(i) be no less than 18 years of age at the time of application, and

(ii) provide evidence of agreed written terms and conditions of employment in the UK with his employer including specifically that the applicant will be paid in accordance with the National Minimum Wage Act 1998 and regulations made under that Act, in the form set out in Appendix Q.

(g) The employer referred to in (f) (ii) must be:

(i) a diplomat, or

(ii) an employee of an international organisation recognised by Her Majesty's Government, who enjoys certain privileges or immunity under UK or international law.

(h) Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier in the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route, the grant of leave to enter will not result in the applicant being granted leave to enter or remain as a Contractual Service Supplier under the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route for a cumulative period exceeding 6 months in any 12 month period ending during the period of leave to enter requested.

**245ZP. Period and conditions of grant**

(a) Where paragraph 245ZN(b) applies and the applicant has consecutive engagements, leave to enter will be granted for:

(i) a period commencing not more than 14 days before the beginning of the first period of engagement and ending 14 days after the end of the last period of engagement, or

(ii) 3 months

whichever is the shorter.

(b) Where paragraph 245ZN(b) applies and the applicant does not have consecutive engagements, leave to enter will be granted for:

(i) a period commencing not more than 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or

(ii) 3 months

whichever is the shorter.

(c) Where paragraph 245ZN(b) does not apply and the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored in the Creative and Sporting subcategory, the Government Authorised Exchange subcategory for a Work Experience Programme, or the Charity Workers sub-category of the Tier 5 (Temporary Worker) Migrant route, entry clearance or leave to enter will be granted for:

(i) a period commencing 14 days before the beginning of the period of engagement (or of the first period of engagement, where the applicant has consecutive engagements) and ending 14 days after the end of that period of engagement (or of the last period of engagement, where the applicant has consecutive engagements), or

(ii) 12 months

whichever of (i) or (ii) is the shorter.

(d) Where paragraph 245ZN (b) does not apply and the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored in the religious workers, government authorised exchange or, other than as a Contractual Service Supplier, in the international agreement subcategory of the Tier 5 (Temporary Worker) Migrant route, entry clearance will be granted for:

(i) a period commencing 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or

(ii) 2 years,

whichever is the shorter.

(e) Where paragraph 245ZN(b) does not apply and the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier in the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route, entry clearance will be granted for:

(i) a period commencing 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or

(ii) 6 months,

whichever is the shorter.

(f) Leave to enter and entry clearance will be granted 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 except:

(1) unless paragraph (2) applies, working for the person who for the time being is the Sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do for that Sponsor,

(2) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the Government Authorised Exchange subcategory of Tier 5 (Temporary Workers), the work, volunteering or job shadowing authorised by the Sponsor and that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do,

(3) supplementary employment except in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the international agreement sub-category, to work as a private servant in a diplomatic household or as a Contractual Service Supplier, and

(4) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the creative and sporting subcategory of Tier 5 (Temporary Workers), employment as a sportsperson for his national team while his national team is in the UK and Temporary Engagement as a Sports Broadcaster.

(iv) in the case of an applicant whom the Certificate of Sponsorship Checking Service records as being sponsored in the international agreement sub-category of Tier 5 (Temporary Workers), to work as a private servant in a diplomatic household, the employment in (iii)(1) above means working only in the household of the employer recorded by the Certificate of Sponsorship Checking Service.

### 245ZQ. Requirements for leave to remain

To qualify for leave to remain as a Tier 5 (Temporary Worker) Migrant under this rule, an applicant must meet the requirements listed below. Subject to paragraph 245ZR(a), 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, or have last been granted.

(i) entry clearance or leave to remain as a Tier 5 (Temporary Worker) Migrant, or

(ii) entry clearance, leave to enter or leave to remain as a Sports Visitor or Entertainer Visitor, provided:

(1) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows that he is being sponsored in the creative and sporting subcategory; and

(2) the Certificate of Sponsorship reference number was allocated to the applicant before he entered the UK as a Sports Visitor or Entertainer Visitor, or

(iii) entry clearance, leave to enter or leave to remain as an Overseas Government Employee, provided

(a) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows he is being sponsored in the international agreement sub-category, and

(b) the applicant is continuing employment with the same overseas government or international organisation for which earlier leave was granted, or

(iv) entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder, provided, or

(a) the applicant was previously issued with a work permit for the purpose of employment by an overseas government, and

(b) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows he is being sponsored in the international agreement sub-category, and

(c) the applicant is continuing employment with the same overseas government or international organisation for which earlier leave was granted

(v) entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder, provided

(1) the applicant was previously issued with a work permit for the purpose of employment as a sponsored researcher, and

(2) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows he is being sponsored in the government authorised exchange sub-category, and

(3) the applicant is continuing employment with the same organisation for which his most recent period of leave was granted, or

(vi) entry clearance, leave to enter or leave to remain as a Student, a Student Re-Sitting an Examination, a Person Writing Up a Thesis, a Postgraduate Doctor or Dentist, a Student Nurse, a Student Union Sabbatical Officer, or a Tier 4 (General) Migrant, provided the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application confirms:

(1) he is being sponsored in the government authorised exchange sub-category, and

(2) he lawfully obtained a UK recognised bachelor or postgraduate degree (not a qualification of equivalent level which is not a degree) during his last grant of leave, and

(3) he is being sponsored to undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as the qualification in (2) above, and

(4) that he will not be filling a permanent vacancy, such that the employer he is directed to work for by the Sponsor does not intend to employ him in the UK once the training or work experience for which he is being sponsored has concluded, an

and the applicant provides an original degree certificate, academic transcript or an academic reference on official headed paper of the institution, which clearly shows his name, the course title/award, and the date of course completion and pass (or the date of award in the case of a degree certificate).

(c) The applicant must have a minimum of 30 points under paragraphs 105 to 112 of Appendix A.

(d) The applicant must have a minimum of 10 points under paragraphs 8 to 9 of Appendix C.

(e) The Certificate of Sponsorship Checking Service entry to which the Certificate of Sponsorship reference number for which points under Appendix A were awarded relates must:

(i) record that the applicant is being sponsored in the same subcategory of the Tier 5 (Temporary Worker) Migrant route as the one in which he was being sponsored to work for when he was last granted entry clearance or leave to remain as a Tier 5 (Temporary Worker) Migrant, and

(ii) in the case of an applicant who the Certificate of Sponsorship Checking Service records as being sponsored in the international agreement sub-category of Tier 5 (Temporary Workers), to work as a private servant in a diplomatic household, who entered the UK with a valid entry clearance in that capacity under the Rules in place from 6 April 2012, record that the applicant is being sponsored to work for the same employer as set out in paragraph 245ZO (g) who he was being sponsored to work for when he was last granted entry clearance or leave to remain as a Tier 5 (Temporary Worker) Migrant, and the applicant must have continued to work for that employer throughout his period of leave and must provide evidence of agreed written terms and conditions of employment in the UK with his employer in the form set out in Appendix Q.

(f) Where the applicant is under 18 years of age, the application must be supported by the applicant' parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(g) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just 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.

(h) An applicant who has, or was last granted, leave as a Student, a Student Re-Sitting an Examination, a Person Writing Up a Thesis, a Postgraduate Doctor or Dentist, a Student Nurse, a Student Union Sabbatical Officer, or a Tier 4 (General) Migrant 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.

(i) The applicant 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.

(j) Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier in the International Agreement subcategory of the Tier 5 (Temporary Worker) Migrant route, the grant of leave to remain will not result in the applicant being granted leave to enter or remain as a Contractual Service Supplier

under the international agreement sub-category of the Tier 5 (Temporary Worker) Migrant route for a cumulative period exceeding 6 months in any 12 month period ending during the period of leave to remain requested.

**245ZR. Period and conditions of grant**

(a) If any calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(b) Subject to paragraphs (c) to (f) below, leave to remain will be granted for:

(i) the length of the period of engagement, as recorded in the Certificate of Sponsorship Checking Service entry, plus 14 days (or, where the applicant has consecutive engagements, a period beginning on the first day of the first period of engagement and ending 14 days after the last day of the last period of engagement) or

(ii) the difference between the period that the applicant has already spent in the UK since his last grant of entry clearance or leave to enter as a Tier 5 (Temporary Worker) Migrant and:

(1) 12 months, if he is being sponsored in the Government Authorised exchange sub-category for a Work Experience Programme where the initial grant of leave was granted under the Rules in place from 6 April 2012, the Creative and Sporting subcategory, or the Charity Workers subcategory, or

(2) 2 years, if he is being sponsored in the Government Authorised Exchange sub-category where the initial grant of leave was made under the Rules in place before 6 April 2012 or for a Research Programme or Training Programme, the Religious Workers subcategory, or the International Agreement subcategory other than as a Contractual Service Supplier or

(3) 6 months, if the applicant is being sponsored in the International Agreement subcategory and is a Contractual Service Supplier,

whichever of (i) or (ii) is the shorter.

(c) Where the provisions in paragraph 245ZQ(b)(ii) apply, the migrant will be granted leave to remain for:

(i) the period of engagement plus 14 days (or, where the applicant has consecutive engagements, a period beginning on the first day of the first period of engagement and ending 14 days after the last day of the last period of engagement), or

(ii) 12 months

whichever of (i) or (ii) is the shorter.

(d) Where the Certificate of Sponsorship Checking Service reference records that the migrant is being sponsored in the international agreement subcategory of the Tier 5 (Temporary Worker) Migrant route as an overseas government employee or a private servant in a diplomatic household where in the case of the latter he entered the UK with a valid entry clearance in that capacity under the Rules in place before 6 April 2012, leave to remain will be granted for:

(i) the period of engagement plus 14 days, or

(ii) 12 months,

whichever of (i) or (ii) is the shorter, unless at the date of the application for leave to remain the applicant has spent more than 5 years continuously in the UK with leave as a Tier 5 (Temporary Worker) Migrant, in which case leave to remain will be granted for:

(iii) the period of engagement plus 14 days, or

(iv) a period equal to 6 years less X, where X is the period of time, beginning with the date on which the applicant was last granted entry clearance or leave to enter as a Tier 5 (Temporary Worker) Migrant, that the applicant has already spent in the UK as a Tier 5 (Temporary Worker) Migrant

whichever of (iii) or (iv) is the shorter.

(e) Where the Certificate of Sponsorship Checking Service reference records that the applicant is being sponsored in the international agreement sub-category of the Tier 5 (Temporary Worker) Migrant route as a private servant in a diplomatic household to work in a domestic capacity in the household of a named individual and where he entered the UK with a valid entry clearance in that capacity under the Rules in place from 6 April 2012, leave to remain will be granted for:

(i) the period of engagement plus 14 days, or

(ii) 12 months,

whichever of (i) or (ii) is the shorter, unless at the date of the application the applicant has spent more than 4 years continuously in the UK with leave as a Tier 5 (Temporary Worker) migrant, in which case leave will be granted for:

(iii) the period of engagement plus 14 days, or

(iv) a period equal to 5 years less X, where X is the period of time, beginning with the date on which the applicant was first granted entry clearance as a Tier 5 (Temporary Worker) Migrant, that the applicant has already spent in the UK as a Tier 5 (Temporary Worker) Migrant

whichever of (iii) or (iv) is the shorter. Where the calculation at (iv) above results in zero or a negative number, the application for leave to remain will be refused.

(f) Where:

(i) the Certificate of Sponsorship Checking Service reference number records that the applicant is being sponsored in the creative and sporting subcategory of the Tier 5 (Temporary Worker) Migrant route as a creative worker, and

(ii) the Sponsor is the Sponsor who sponsored the applicant when he received his last grant of leave

leave to remain will be granted for the period set out in paragraph (f) below.

(g) Where the conditions in paragraph (e) above are met, leave to remain will be granted for:

(i) the period of engagement plus 14 days (or, where the applicant has consecutive engagements, a period beginning on the first day of the first period of engagement and ending 14 days after the last day of the last period of engagement), or

(ii) 12 months

whichever of (i) or (ii) is the shorter, unless the applicant has spent more than 1 year continuously in the UK with leave as a Tier 5 (Temporary Worker) Migrant, in which case leave to remain will be granted for:

(iii) the period of engagement plus 14 days (or, where the applicant has consecutive engagements, a period beginning on the first day of the first period of engagement and ending 14 days after the last day of the last period of engagement), or

(iv) a period equal to 2 years less X, where X is the period of time, beginning with the date on which the applicant was last granted entry clearance or leave to enter as a Tier 5 (Temporary Worker) Migrant, that the applicant has already spent in the UK as a Tier 5 (Temporary Worker) Migrant

whichever of (iii) or (iv) is the shorter.

(h) Leave to remain will be granted 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 except:

(1) unless paragraph (2) applies, working for the person who for the time being is the Sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do for that Sponsor,

(2) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the government authorised exchange subcategory of Tier 5 (Temporary Workers), the work, volunteering or job shadowing authorised by the Sponsor and that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do,

(3) supplementary employment, and

(4) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the creative and sporting subcategory of Tier 5 (Temporary Workers), employment as a sportsperson for his national team while his national team is in the UK and Temporary Engagement as a Sports Broadcaster.

(iv) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the international agreement sub-category of Tier 5 (Temporary Workers), to work as a private servant in a diplomatic household, the employment in (iii)(1) above means working only in the household of the employer recorded by the Certificate of Sponsorship Checking Service .

### 245ZS. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain as a Tier 5 (Temporary Worker) 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:**

(aa) DELETED.

(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 spent a continuous period of 5 years lawfully in the UK with leave in the international agreement sub-category of Tier 5 and working as a private servant in a diplomatic household and have last been granted entry clearance in this capacity under the Rules in place before 6 April 2012.

(c) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, with reference to paragraphs 33B to 33D of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

(d) The applicant 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.

(e) the applicant must provide a letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. Where the absence was due to a serious or compelling reason, the applicant must provide a personal letter which includes full details of the reason for the absences and all original 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.

## Tier 4 (General) Student

### 245ZT. Purpose of this route

This route is for migrants aged 16 or over who wish to study in the UK.

### 245ZU. Entry clearance

All migrants arriving in the UK and wishing to enter as a Tier 4 (General) Student must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

### 245ZV. Requirements for entry clearance

To qualify for entry clearance as a Tier 4 (General) Student, 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 30 points under paragraphs 113 to 120 of Appendix A.

(c) The applicant must have a minimum of 10 points under paragraphs 10 to 14 of Appendix C.

(ca) The applicant must, if required to do so on examination or interview, be able to demonstrate without the assistance of an interpreter English language proficiency of a standard to be expected from an individual who has reached the standard specified in a Confirmation of Acceptance for Studies assigned in accordance with Appendix A paragraph 118(b) (for the avoidance of doubt, the applicant will not be subject to a test at the standard set out in Appendix A, paragraph 118(b).

(da) if the applicant wishes to undertake a course:

(i) undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of these Rules, or

(ii) undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of these Rules, or

(iii) a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of these Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of research, that the applicant will be taking and at the institution at which the applicant wishes to undertake it and must provide a print-out of his Academic Technology Approval Scheme clearance certificate to show that these requirements have been met.

(e) If the applicant wishes to be a postgraduate doctor or dentist on a recognised Foundation Programme:

(i) the applicant must have successfully completed a recognised UK degree in medicine or dentistry from:

(1) an institution with a Tier 4 General Sponsor Licence,

(2) a UK publicly funded institution of further or higher education or

(3) a UK bona fide private education institution which maintains satisfactory records of enrolment and attendance,

(ii) the applicant must have previously been granted leave:

(1) as a Tier 4 (General) Student, or as a Student, for the final academic year of the studies referred to in paragraph (i) above, and

(2) as a Tier 4 (General) Student, or as a Student, for at least one other academic year (aside from the final year) of the studies referred to in paragraph (i) above,

(iii) if the applicant has previously been granted leave as a Postgraduate Doctor or Dentist, the applicant must not be seeking entry clearance or leave to enter or remain to a date beyond 3 years from the date on which he was first granted leave to enter or remain in that category, and

(iv) if the applicant has previously been granted leave as a Tier 4 (General) Student to undertake a course as a postgraduate doctor or dentist, the applicant must not be seeking entry clearance or leave to enter or remain to a date beyond 3 years from the date on which the applicant was first granted leave to undertake such a course.

(f) If the applicant is currently being sponsored by a Government or international scholarship agency, or within the last 12 months has come to the end of such a period of sponsorship, the applicant must provide the 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.

(g) If the course is below degree level the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 3 years in the UK as a Tier 4 Migrant since the age of 18 studying courses that did not consist of degree level study.

(ga) If the course is at degree level or above, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:

(i) the applicant has successfully completed a course at degree level in the UK of a minimum duration of 4 academic years, and will follow a course of study at Master's degree level sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council, and the grant of entry clearance must not lead to the applicant having spent more than 6 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above; or

(ii) the grant of entry clearance is to follow a course leading to the award of a PhD, and the applicant is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(iii) the applicant is following a course of study in;

(1) Architecture;

(2) Medicine;

(3) Dentistry;

(4) Law, where the applicant has completed a course at degree level in the UK and is progressing to:

a. a law conversion course validated by the Joint Academic Stage Board; or

b. the Legal Practice Course; or

c. the Bar Professional Training Course.

(5) Veterinary Medicine & Science; or

(6) Music at a music college that is a member of Conservatoires UK (CUK).

(gb) If the applicant has completed a course leading to the award of a PhD in the UK, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than 8 years in the UK as a Tier 4 (General) Migrant, or as a Student.

(h) The applicant must be at least 16 years old.

(i) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(j) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

(k) The Entry Clearance Officer must be satisfied that the applicant is a genuine student. 245ZV(k) will not be applied to a national or the rightful holder of a qualifying passport issued by one of the relevant competent authorities listed in Appendix H.

### 245ZW. Period and conditions of grant

(a) Subject to paragraph (b), entry clearance will be granted for the duration of the course.

(b) In addition to the period of entry clearance granted in accordance with paragraph (a), entry clearance will also be granted for the periods set out in the following table. Notes to accompany the table appear below the table.

| Type of course | Period of entry clearance to be granted before the course starts | Period of entry clearance to be granted after the course ends |
|---|---|---|
| 12 months or more | 1 month | 4 months |
| 6 months or more but less than 12 months | 1 month | 2 months |
| Pre-sessional course of less than 6 months | 1 month | 1 month |
| Course of less than 6 months that is not a pre-sessional course | 7 days | 7 days |
| Postgraduate doctor or dentist | 1 month | 1 month |

**Notes**

(i) If the grant of entry clearance is made less than 1 month or, in the case of a course of less than 6 months that is not a pre-sessional course, less than 7 days before the start of the course, entry clearance will be granted with immediate effect.

(ii) A pre-sessional course is a course which prepares a student for the student's main course of study in the UK.

(iii) The additional periods of entry clearance granted further to the table above will be disregarded for the purposes of calculating whether a migrant has exceeded the limits specified at 245ZV(g) to 245ZV(gb).

(c) Entry clearance will be granted 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 except:

(1) employment during term time of no more than 20 hours per week and employment (of any duration) during vacations, where the student is following a course of degree level study and is either:

(a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(2) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of below degree level study and is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council,

(3) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of study at any academic level and is sponsored by a Sponsor that is a publicly funded further education college,

(4) employment as part of a course-related work placement which forms an assessed part of the applicant's course and provided that any period that the applicant spends on that placement does not exceed one third of the total length of the course undertaken in the UK except:

(i) where it is a United Kingdom statutory requirement that the placement should exceed one third of the total length of the course; or

(ii) where the placement does not exceed one half of the total length of the course undertaken in the UK and the student is following a course of degree level study and is either:

(a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(5) employment as a Student Union Sabbatical Officer, for up to 2 years, provided the post is elective and is at the institution which is the applicant's Sponsor or they must be elected to a national National Union of Students (NUS) position.

(6) employment as a postgraduate doctor or dentist on a recognised Foundation Programme

(7) until such time as a decision is received from the UK Border Agency on an application which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor and which is made following successful completion of course at degree level or above at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council and while the applicant has extant leave, and any appeal against that decision has been determined, employment with the Tier 2 Sponsor, in the role for which they assigned the Certificate of Sponsorship to the Tier 4 migrant,

(8) self-employment, providing the migrant has made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant which:

(_a) is supported by an endorsement from a qualifying Higher Education Institution,

(_b) is made following successful completion of a UK recognised Bachelor degree, Masters degree or PhD (not a qualification of equivalent level which is not a degree) course at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council, and

(_c) is made while the applicant has extant leave,

until such time as a decision is received from the UK Border Agency on that application and any appeal against that decision has been determined, provided that the migrant is not self-employed other than under the conditions of (8) above, or employed as a Doctor or Dentist in Training other than under the conditions of (v) below, professional sportsperson (including a sports coach) or an entertainer, and provided that the migrant's employment would not fill a permanent full time vacancy other than under the conditions of (7) above, or a vacancy on a recognised Foundation Programme or as a sabbatical officer; and

(iv) no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor.

(2) until such time as a decision is received from the UK Border Agency on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study,

(v) no employment as a Doctor or Dentist in Training unless:

(1) the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme, or

(2) the migrant has made an application as a Tier 4 (General) Student which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor to sponsor the applicant to do a recognised Foundation Programme, and this study satisfies the requirements of (iv)(2) above, or

(3) the migrant has made an application as a Tier 2 (General) Migrant which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor to sponsor the applicant to work as a Doctor or Dentist in Training, and this employment satisfies the conditions of (iii)(7) above.

### 245ZX. Requirements for leave to remain

To qualify for leave to remain as a Tier 4 (General) Student 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 applicant 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, or have last been granted, entry clearance, leave to enter or leave to remain:

(i) as a Tier 4 (General) Student,

(ii) as a Tier 4 (Child) Student,

(iii) as a Tier 1 (Post-study Work) Migrant,

(iv) as a Tier 2 Migrant,

(v) as a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),

(vi) as a Participant in the Fresh Talent: Working in Scotland Scheme,

(vii) as a Postgraduate Doctor or Dentist,

(viii) as a Prospective Student,

(ix) as a Student,

(x) as a Student Nurse,

(xi) as a Student Re-sitting an Examination,

(xii) as a Student Writing-Up a Thesis,

(xiii) as a Student Union Sabbatical Officer, or

(xiv) as a Work Permit Holder.

(c) The applicant must have a minimum of 30 points under paragraphs 113 to 120 of Appendix A.

(d) The applicant must have a minimum of 10 points under paragraphs 10 to 14 of Appendix C.

(ea) if the applicant wishes to undertake a course:

(i) undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of these Rules, or

(ii) undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of these Rules, or

(iii) a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of these Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of research, that the applicant will be taking and at the institution at which the applicant wishes to undertake it and must provide a print-out of his Academic Technology Approval Scheme clearance certificate to show that these requirements have been met.

(f) If the applicant wishes to be a postgraduate doctor or dentist on a recognised Foundation Programme:

(i) the applicant must have successfully completed a recognised UK degree in medicine or dentistry from:

(1) an institution with a Tier 4 General Sponsor Licence,

(2) a UK publicly funded institution of further or higher education or

(3) a UK bona fide private education institution which maintains satisfactory records of enrolment and attendance,

(ii) the applicant must have previously been granted leave:

(1) as a Tier 4 (General) Student, or as a Student, for the final academic year of the studies referred to in paragraph (i) above, and

(2) as a Tier 4 (General) Student, or as a Student, for at least one other academic year (aside from the final year) of the studies referred to in paragraph (i) above,

(iii) if the applicant has previously been granted leave as a Postgraduate Doctor or Dentist the applicant must not be seeking entry clearance or leave to enter or remain to a date beyond 3 years from the date on which he was first granted leave to enter or remain in that category, and

(iv) if the applicant has previously been granted leave as a Tier 4 (General) Student to undertake a course as a postgraduate doctor or dentist, the applicant must not be seeking entry clearance or leave to enter or remain to a date beyond 3 years from the date on which he was first granted leave to undertake such a course.

(g) If the applicant is currently being sponsored by a Government or international scholarship agency, or within the last 12 months has come to the end of such a period of sponsorship, the applicant 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.

(h) If the course is below degree level the grant of leave to remain the applicant is seeking must not lead to the applicant having spent more than 3 years in the UK as a Tier 4 Migrant since the age of 18 studying courses that did not consist of degree level study.

(ha) If the course is at degree level or above, the grant of leave to remain the applicant is seeking must not lead to the applicant having spent more than 5 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above unless:

(i) the applicant has successfully completed a course at degree level in the UK of a minimum duration of 4 academic years, and will follow a course of study at Master's degree level sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council, and the grant of leave to remain must not lead to the applicant having spent more than 6 years in the UK as a Tier 4 (General) Migrant, or as a Student, studying courses at degree level or above; or

(ii) the grant of leave to remain is to follow a course leading to the award of a PhD and the applicant is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(iii) the applicant is following a course of study in;

(1) Architecture;

(2) Medicine;

(3) Dentistry;

(4) Law, where the applicant has completed a course at degree level in the UK and is progressing to:

a. a law conversion course validated by the Joint Academic Stage Board; or
b. the Legal Practice Course; or
c. the Bar Professional Training Course.

(5) Veterinary Medicine & Science; or

(6) Music at a music college that is a member of Conservatoires UK (CUK).

(hb) If the applicant has completed a course leading to the award of a PhD in the UK, the grant of leave to remain the applicant is seeking must not lead to the applicant having spent more than 8 years in the UK as a Tier 4 (General) Migrant, or as a Student.

(i) The applicant must be at least 16 years old.

(j) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(k) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just 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.

(l) The applicant must be applying for leave to remain for the purpose of studies which commence within 28 days of the expiry of the applicant's current leave to enter or remain or, where the applicant has overstayed, within 28 days of when that period of overstaying began.

(m) The applicant 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.

### 245ZY. Period and conditions of grant

(a) Subject to paragraphs (b) and (c) below, leave to remain will be granted for the duration of the course.

(b) In addition to the period of leave to remain granted in accordance with paragraph (a), leave to remain will also be granted for the periods set out in the following table. Notes to accompany the table appear below the table.

| Type of course | Period of leave to remain to be granted before the course starts | Period of leave to remain to be granted after the course ends |
|---|---|---|
| 12 months or more | 1 month | 4 months |
| 6 months or more but less than 12 months | 1 month | 2 months |
| Pre-sessional course of less than 6 months | 1 month | 1 month |

| | | |
|---|---|---|
| Course of less than 6 months that is not a pre-sessional course | 7 days | 7 days |
| Postgraduate doctor or dentist | 1 month | 1 month |

**Notes**

(i) If the grant of leave to remain is being made less than 1 month or, in the case of a course of less than 6 months that is not a pre-sessional course, less than 7 days before the start of the course, leave to remain will be granted with immediate effect.

(ii) A pre-sessional course is a course which prepares a student for the student's main course of study in the UK.

(iii) The additional periods of entry clearance granted further to the table above will be disregarded for the purposes of calculating whether a migrant has exceeded the limits specified at 245ZX(h) to 245ZX(hb).

(c) Leave to remain will be granted 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 except:

(1) employment during term time of no more than 20 hours per week and employment (of any duration) during vacations, where the student is following a course of degree level study and is either:

(a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(2) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of below degree level study and is sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council,

(3) employment during term time of no more than 10 hours per week and employment (of any duration) during vacations, where the student is following a course of study at any academic level and is sponsored by a Sponsor that is a publicly funded further education college,

(4) employment as part of a course-related work placement which forms an assessed part of the applicant's course and provided that any period that the applicant spends on that placement does not exceed one third of the total length of the course undertaken in the UK except:

(i) where it is a United Kingdom statutory requirement that the placement should exceed one third of the total length of the course; or

(ii) where the placement does not exceed one half of the total length of the course undertaken in the UK and the student is following a course of degree level study and is either:

(a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

(5) employment as a Student Union Sabbatical Officer for up to 2 years provided the post is elective and is at the institution which is the applicant's Sponsor or they must be elected to a national National Union of Students (NUS) position,

(6) employment as a postgraduate doctor or dentist on a recognised Foundation Programme

(7) until such time as a decision is received from the UK Border Agency on an application which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor and which is made following successful completion of course at degree level or above at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council and while the applicant has extant leave, and any appeal against that decision has been determined, employment with the Tier 2 Sponsor institution, in the role for which they assigned the Certificate of Sponsorship to the Tier 4 migrant,

(8) self-employment, providing the migrant has made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant which is supported by an endorsement from a qualifying Higher Education Institution and which is made following successful completion of a course at degree level or above at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council and while the applicant has extant leave, until such time as a decision is received from the UK Border Agency on an application and any appeal against that decision has been determined, provided that the migrant is not self-employed other than under the conditions of (8) above, or employed as a Doctor or Dentist in Training other than under the conditions of (v) below, a professional sportsperson (including a sports coach) or an entertainer, and provided that the migrant's employment would not fill a permanent full time vacancy other than under the conditions of (7) above, or a vacancy on a recognised Foundation Programme or as a sabbatical officer.

(iv) no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor,

(2) until such time as a decision is received from the UK Border Agency on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant,

(3) supplementary study;

(v) no employment as a Doctor or Dentist in Training unless:

(1) the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme, or

(2) the migrant has made an application as a Tier 4 (General) Student which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor to sponsor the applicant to do a recognised Foundation Programme, and this study satisfies the requirements of (iv)(2) above, or

(3) the migrant has made an application as a Tier 2 (General) Migrant which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor to sponsor the applicant to work as a Doctor or Dentist in Training, and this employment satisfies the conditions of (iii)(7) above.

## Tier 4 (Child) Student

### 245ZZ. Purpose of route

This route is for children at least 4 years old and under the age of 18 who wish to be educated in the UK.

### 245ZZA. Entry clearance

All migrants arriving in the UK and wishing to enter as a Tier 4 (Child) Student must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry 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 30 points under paragraphs 121 to 126 of Appendix A.

(c) The applicant must have a minimum of 10 points under paragraphs 15 to 22 of Appendix C.

(d) The applicant must be at least 4 years old and under the age of 18.

(e) The applicant must have no children under the age of 18 who are either living with the applicant or for whom the applicant is financially responsible.

(f) If a foster carer or a relative (not a parent or guardian) of the applicant will be responsible for the care of the applicant:

(i) the arrangements for the care of the applicant by the foster carer or relative must meet the requirements in paragraph 245ZZE and the applicant must provide the specified documents in paragraph 245ZZE to show that this requirement has been met, and

(ii) the applicant must provide details of the care arrangements as specified in paragraph 245ZZE.

(g) The application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(h) The applicant's parents or legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

(i) If the applicant is currently being sponsored by a Government or international scholarship agency, or within the last 12 months has come to the end of such a period of sponsorship, the applicant must provide the written consent of the sponsoring Government or agency to the application and must provide the specified documents as set out in paragrapgh 245A above, to show that this requirement has been met

**245ZZB. Period and conditions of grant**

(a) Where the applicant is under the age of 16, entry clearance will be granted for:

(i) a period of no more than 1 month before the course starts, plus

(ii) a period:

(1) requested by the applicant,

(2) equal to the length of the programme the applicant is following, or

(3) of 6 years

whichever is the shorter, plus

(iii) 4 months.

(b) Where the applicant is aged 16 or over, entry clearance will be granted for:

(i) a period of no more than 1 month before the course starts, plus

(ii) a period:

(1) requested by the applicant,

(2) equal to the length of the programme the applicant is following, or

(3) of 3 years

whichever is the shorter, plus

(iii) 4 months.

(c) Entry clearance will be granted 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 whilst the migrant is aged under 16,

(iv) no employment whilst the migrant is aged 16 or over except:

(1) employment during term time of no more than 10 hours per week,

(2) employment (of any duration) during vacations,

(3) employment as part of a course-related work placement which forms an assessed part of the applicant's course and provided that any period that the applicant spend on that placement does not exceed half of the total length of the course undertaken in the UK except where it is a United Kingdom statutory requirement that the placement should exceed half the total length of the course

(4) employment as a Student Union Sabbatical Officer for up to 2 years provided the post is elective and is at the institution which is the applicant's Sponsor or they must be elected to a national National Union of Students (NUS) position,

provided that the migrant is not self employed, or employed as a Doctor in Training, a professional sportsperson (including a sports coach) or an entertainer, and provided that the migrant's employment would not fill a permanent full time vacancy other than a vacancy as a sabbatical officer.

(v) no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;

(2) until such time as a decision is received from the UK Border Agency on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study.

### 245ZZC. Requirements for leave to remain

To qualify for leave to remain as a Tier 4 (Child) Student 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, leave to remain 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, or have last been granted, entry clearance, leave to enter or leave to remain:

(i) as a Tier 4 Migrant,

(ii) as a Student, or

(iii) as a Prospective Student.

(c) The applicant must have a minimum of 30 points under paragraphs 121 to 126 of Appendix A.

(d) The applicant must have a minimum of 10 points under paragraphs 15 to 22 of Appendix C.

(e) The applicant must be under the age of 18.

(f) The applicant must have no children under the age of 18 who are either living with the applicant or for whom the applicant is financially responsible.

(g) If a foster carer or a relative (not a parent or guardian) of the applicant will be responsible for the care of the applicant:

(i) the arrangements for the care of the applicant by the foster carer or relative must meet the requirements in paragraph 245ZZE and the applicant must provide the specified documents in paragraph 245ZZE to show that this requirement has been met, and

(ii) the applicant must provide details of the care arrangements as specified in paragraph 245ZZE.

(h) The application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(i) The applicant's parents or legal guardian, or just 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.

(j) The applicant must be applying for leave to remain for the purpose of studies which commence within 28 days of the expiry of the applicant's current leave to enter or remain or, where the applicant has overstayed, within 28 days of when that period of overstaying began.

(k) If the applicant is currently being sponsored by a Government or international scholarship agency, or within the last 12 months has come to the end of such a period of sponsorship, the applicant must provide the written consent of the sponsoring Government or agency to the application and must provide the specified documents as specified in paragraph 245A above, to show that this requirement has been met.

(l) The applicant 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.

**245ZZD. Period and conditions of grant**

(a) Where the applicant is under the age of 16, leave to remain will be granted for:

(i) a period of no more than 1 month before the course starts, plus

(ii) a period:

(1) requested by the applicant,

(2) equal to the length of the programme the applicant is following, or

(3) of 6 years

whichever is the shorter, plus

(iii) 4 months.

(b) Where the applicant is aged 16 or over, leave to remain will be granted for:

(i) a period of no more than 1 month before the course starts, plus

(ii) a period:

(1) requested by the applicant,

(2) equal to the length of the programme the applicant is following, or

(3) of 3 years

whichever is the shorter, plus

(iii) 4 months.

(c) Leave to remain will be granted 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 whilst the migrant is aged under 16,

(iv) no employment whilst the migrant is aged 16 or over except:

(1) employment during term time of no more than 10 hours per week,

(2) employment (of any duration) during vacations,

(3) employment as part of a course-related work placement which forms an assessed part of the applicant's course, and provided that any period that the applicant spend on that placement does not exceed half of the total length of the course undertaken in the UK except where it is a United Kingdom statutory requirement that the placement should exceed half the total length of the course,

(4) employment as a Student Union Sabbatical Officer for up to 2 years provided the post is elective and is at the institution which is the applicant's Sponsor, or they must be elected to a National Union of Students (NUS) position

provided that the migrant is not self-employed, or employed as a Doctor in Training, a professional sportsperson (including a sports coach) or an entertainer, and provided that the migrant's employment would not fill a permanent full time vacancy other than a vacancy as a sabbatical officer.

(v) no study except:

(1) study at the institution that the Confirmation of Acceptance for Studies Checking Service records as the migrant's Sponsor, or where the migrant was awarded points for a visa letter, study at the institution which issued that visa letter unless the migrant is studying at an institution which is a partner institution of the migrant's Sponsor;

(2) until such time as a decision is received from the UK Border Agency on an application which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor and which is made while the applicant has extant leave, and any appeal against that decision has been determined, study at the Highly Trusted Sponsor institution which the Confirmation of Acceptance for Studies Checking Service records as having assigned a Confirmation of Acceptance for Studies to the Tier 4 migrant;

(3) supplementary study.

**245ZZE Specified documents, details and requirements of care arrangements**

The specified documents, details and requirements of care arrangements referred to in paragraph 245ZZA(f) and paragraph 245ZZC(g) are:

(i) The applicant must provide a written letter of undertaking from the intended carer confirming the care arrangement, which shows:

(1) the name, current address and contact details of the intended carer,
(2) the address where the carer and the Tier 4 (Child) student will be living in the UK if different from the intended carer's current address,
(3) confirmation that the accommodation offered to the Tier 4 (Child) student is a private address, and not operated as a commercial enterprise, such as a hotel or a youth hostel,

(4) the nature of the relationship between the Tier 4 (Child) student's parent(s) or legal guardian and the intended carer,
(5) that the intended carer agrees to the care arrangements for the Tier 4 (Child) student,
(6) that the intended carer has at least £500 per month (up to a maximum of nine months) available to look after and accommodate the Tier 4 (Child) student for the length of the course,
(7) a list of any other people that the intended carer has offered support to, and
(8) the signature and date of the undertaking.

(ii) The applicant must provide a letter from his parent(s) or legal guardian confirming the care arrangement, which shows:

(1) the nature of their relationship with the intended carer,
(2) the address in the UK where the Tier 4 (Child) student and the Tier 4 (Child) student's intended carer will be living,
(3) that the parent(s) or legal guardian support the application, and authorise the intended carer to take responsibility for the care of the Tier 4 (Child) student during his stay in the UK,
(4) the intended carer's current passport, travel document or certificate of naturalisation, confirming that they are lawfully allowed to be in the UK. The UK Border Agency will accept a notarised copy of the original passport or travel document, but reserves the right to request the original.

(iii) If the applicant will be staying in a private foster care arrangement, he must receive permission from the private foster carer's UK local authority, as set out in the Children (Private Arrangements for Fostering) Regulations 2005.

(iv) If the applicant will be staying in a private foster care arrangement and is under 16 years old, he must provide:

(1) a copy of the letter of notification from his parent(s), legal guardian or intended carer to the UK local authority, which confirms that the applicant will be in the care of a private foster carer while in the UK, and
(2) the UK local authority's confirmation of receipt, which confirms that the local authority has received notification of the foster care arrangement.

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## 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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 has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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.

### Requirements for leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child

257C. The requirements to be met by a person seeking leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child are that the applicant:

(i) is:

(a) the primary carer; or

(b) the parent; or

(c) the sibling,

of an EEA national under the age of 18 who has a right of residence in the United Kingdom under the 2006 EEA Regulations as a self-sufficient person; and

(ii) is living with the EEA national or is seeking entry to the United Kingdom in order to live with the EEA national; and

(iii) in the case of a sibling of the EEA national:

(a) is under the age of 18 or has current leave to enter or remain in this capacity; and

(b) is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and

(iv) can, and will, be maintained and accommodated without taking employment or having recourse to public funds; and

(v) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

In this paragraph, "sibling", includes a half-brother or half-sister and a stepbrother or stepsister.

**Leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child**

257D. Leave to enter or remain in the United Kingdom as the primary carer or relative of an EEA national self-sufficient child may be granted for a period not exceeding five years or the remaining period of validity of any residence permit held by the EEA national under the 2006 EEA Regulations, whichever is the shorter, provided that, in the case of an application for leave to enter, the applicant is able to produce to the Immigration Officer, on arrival a valid entry clearance for entry in this capacity or, in the case of an application for leave to remain, the applicant is able to satisfy the Secretary of State that each of the requirements of paragraph 257C (i) to (iv) is met. Leave to enter or remain is to be subject to a condition prohibiting employment and recourse to public funds.

**Refusal of leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child**

257E. Leave to enter or remain in the United Kingdom as the primary carer or relative of an EEA national self-sufficient child is to be refused if, in the case of an application for leave to enter, the applicant is unable to produce to the Immigration Officer on arrival a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for leave to remain, if the applicant is unable to satisfy the Secretary of State that each of the requirements of paragraph 257C (i) to (iv) is met.

**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 any period of overstaying for a period of 28 days or less 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, 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 any period of overstaying for a period of 28 days or less 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 original 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 where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of an application made within that 28 day period shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

### 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.

## Spouses or civil 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 spouse or civil 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 spouse or civil 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 married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; and

(ii) each of the parties intends to live with the other as his or her spouse or civil partners during the applicant's stay and the 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; and

(v) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his spouse or civil partner; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

### Leave to enter as the spouse or civil 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 spouse or civil 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, provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

### Refusal of leave to enter as the spouse or civil 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 spouse or civil 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 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**

273A. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the 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 are that the applicant:

(i) is married to or the civil partner of a person with limited leave to enter or remain in the United Kingdom as a retired person of independent means; or

(ii) is married to or the civil partner of a person who 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

(iii) is married to or the civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and

(iv) meets the requirements of paragraph 271 (ii) - (v); and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity; and

(vi) 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 the 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**

273B. An extension of stay in the United Kingdom as:

(i) the spouse or civil 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; or

(ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, 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 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**

273C. An extension of stay in the United Kingdom as the 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 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 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**

273D. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the 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 are that the applicant:

(i) is married to or the civil partner of a person who 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

(ii) is married to or the civil partner of a person who has indefinite leave to remain in the United Kingdom and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and

(iii) meets the requirements of paragraph 271 (ii) - (v); and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(v) was admitted with a valid United Kingdom entry clearance for entry in this capacity, 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 any period of overstaying for a period of 28 days or less will be disregarded.

#### Indefinite leave to remain as the 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

273E. Indefinite leave to remain in the United Kingdom for the 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 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 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

273F. Indefinite leave to remain in the United Kingdom for the 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 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; 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity.

(viii) if seeking leave to remain, 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.

### 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 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 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 provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid United Kingdom entry clearance for entry in this capacity and is able 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 may be granted provided the applicant was admitted to the United Kingdom with a valid United Kingdom entry clearance for entry in this capacity and is able to satisfy the Secretary of State that each of the requirements of paragraph 274 (i)-(vi) and (viii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means. Leave to enter or remain is to be subject to a condition prohibiting employment except in relation to the grant of indefinite leave to remain.

### 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, 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 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 274 (i)-(vi) and (viii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means.

## Long residence

### Long residence in the United Kingdom

276A. For the purposes of paragraphs 276B to 276D and 276ADE and 399A.

(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 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.

**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, 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

(v) the applicant 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.

**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. 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 1.2 to S-LTR 2.3. and S-LTR.3.1. in Appendix FM; and

(ii) DELETED.

(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) is aged 18 years or above, has lived continuously in the UK for less than 20 years (discounting any period of imprisonment) but has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the UK.

**Leave to remain on the grounds of private life in the UK**

276BE. 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 are met or, in respect of the requirements in paragraph 276ADE(iv) and (v), were met in a previous application which led to a grant of limited leave to remain under paragraph 276BE. Such leave shall be given subject to such conditions as the Secretary of State deems appropriate.

**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 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 period of overstaying between periods of leave on the grounds of private life where the application was made no later than 28 days after the expiry of the previous leave. Any period pending the determination of the application will also be disregarded;

(b) the applicant meets the requirements of paragraph 276ADE;

(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 sufficient knowledge of the English language and sufficient knowledge about life in the UK unless the applicant is under the age of 18 or aged 65 or over at the time the applicant makes the application; 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 met the requirements of paragraphs 33B to 33G of these Rules,

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 such conditions as the Secretary of State deems appropriate.

### 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

### 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

### 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### 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 any period of overstaying for a period of 28 days or less 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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 leavebto remain under paragraph 276QA; and

(iv) is not 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; 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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 any period of overstaying for a period of 28 days or less 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.

#### 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.

**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.

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## Part 8 - Family members

## Transitional provisions and interaction between Part 8 and Appendix FM

### 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 paragraph A280.

A277A. Where the Secretary of State is considering an application for 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), and where the applicant:

(a) does not meet the requirements of Part 8 for indefinite leave to remain, and

(b) continues to meet the requirements for limited leave to remain on which the applicant's last grant of limited leave to remain under Part 8 was based,
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 sub-paragraph 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 only because paragraph 322(1C)(iii) or 322(1C)(iv) of these rules applies, the applicant will 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 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) and where the application does not meet the requirements of Part 8 for indefinite leave to remain or limited leave to remain:

(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) and EX.1. 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 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 those provisions.

A277C. Subject to paragraphs A277 to A280 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) and EX.1. of Appendix FM (family life) and paragraph 276ADE (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. or D-LTRPT.1.2. of Appendix FM or under paragraph 276BE of these rules.

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 398-399A shall apply to all immigration decisions made further to applications under Part 8 and paragraphs 276A-276D where a decision is made on or after 9 July 2012, 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 | None |
| 304-309 | None |
| 309A-316F | Where the applicant:<br><br>falls under paragraph 314(i)(a); or<br>falls under paragraph 316A(i)(d) or (e); and<br>is applying on or after 9 July 2012<br><br>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. |
| | Where the applicant:<br><br>falls under paragraph 314(i)(d);<br>is applying on or after 9 July 2012; and<br>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<br><br>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. |
| 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 who have been granted entry clearance or limited leave to enter or remain under Part 8 before 9 July 2012 and 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) The following provisions of Part 8 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 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 |

(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.

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.

## Spouses and civil partners

### 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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 limited leave to enter or remain in the United Kingdom which was given in accordance with any of the provisions of these Rules, other than where 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 on this occasion in accordance with these Rules, unless:

(a) the leave in question is limited leave to enter as a fiancé or proposed civil partner; or

(b) the leave in question was granted to the applicant as the spouse, civil partner, unmarried or same-sex partner of a Relevant Points Based System Migrant and that spouse or partner is the same person in relation to whom the applicant is applying for an extension of stay under this rule; and

(ii) 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 has not remained in breach of the immigration laws; 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 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

(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 (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

(ix)(d) 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

(ix)(e) 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.

**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; and

__(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, 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 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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) 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 here; or;

(ii) 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 here; and

(iii) the relationship with their spouse or civil partner or unmarried partner or same-sex partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (I) or (ii) above; and

(iv) 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*; and*

(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

### 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 fiance(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 (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

(vii)(d) 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

(vii)(e) 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.

and

(viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

290A. For the purposes of paragraph 290 and paragraphs 291 - 295, an EEA national who holds a registration certificate or a document certifying permanent residence issued under the 2006 EEA Regulations (including an EEA national who holds a residence permit issued under the Immigration (European Economic Area) Regulations 2000 which is treated as if it were such a certificate or document by virtue of Schedule 4 to the 2006 EEA Regulations) is to be regarded as present and settled in the United Kingdom.

### 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

### 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 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 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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 limited leave to enter or remain in the United Kingdom which was given in accordance with any of the provisions of these Rules, other than where 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 on this occasion in accordance with these rules; 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 has not remained in breach of the immigration laws; 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 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

(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 (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

(xi)(d) 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

(xi)(e) 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.

#### 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, and then obtained an extension of stay under paragraphs 295AA to 295F of these Rules and has completed a period of 2 years as the unmarried or same-sex partners 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 sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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. The requirements to be met by a person seeking leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270; are that:

(i) the applicant is the unmarried or same-sex partner of a person who has limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270; 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) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and

(v) each of the parties intends to live with the other as his partner during the applicant's stay; and

(vi) 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

(vii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(viii) the applicant does not intend to stay in the United Kingdom beyond any period of leave granted to his partner; and

(ix) 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, was admitted with a valid United Kingdom entry clearance for entry in this capacity.

**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**

295K. Leave to enter 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; may be granted provided that a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner or same-sex of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270; may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 295J is met. If the applicant is seeking leave to enter or remain as the unmarried or same-sex partner of a Highly Skilled Migrant, any leave which is granted will be subject to a condition prohibiting 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, and provides evidence of this degree; or

(2) is applying for leave to remain and 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) is applying for leave to remain and 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.

### Refusal of 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

295L. Leave to enter 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; 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. Leave to 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; is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295J is met.

## 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

## 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.

(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 have fall for refusal under the general grounds for refusal.

**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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. 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 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 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 or, if seeking leave to remain, was admitted with 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 United Kingdom 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. 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 fiance(e) or proposed civil partner, 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 the United Kingdom as the child of a fiance(e) 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 fiance(e) or proposed civil partner are that:

(i) the applicant was admitted with a valid United Kingdom entry clearance as the child of a fiance(e) 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 fiance(e) 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 fiance(e) or proposed civil partner**

303E. An extension of stay as the child of a fiance(e) 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 fiance(e) or proposed civil partner**

303F. An extension of stay as the child of a fiance(e) 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 which are not a de facto adoption under paragraph 309A are subject to the Adoption and Children Act 2002 and the Adoptions with a Foreign Element Regulations 2005. As such all prospective adopters must be assessed as suitable to adopt by a competent authority in the UK, and obtain a Certificate of Eligibility from the Department for Education, before travelling abroad to identify a child for adoption. This Certificate of Eligibility must be provided with all entry clearance adoption applications under paragraphs 310-316F.

**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) was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B; 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 a valid United Kingdom entry clearance for entry in this capacity is 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 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.

**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 United Kingdom 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. 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 United Kingdom 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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 United Kingdom 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

## Parents, grandparents and other dependent relatives

### 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. 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 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 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

### Partners of relevant points-based system migrants

319AA. In paragraphs 319A to 319K and Appendix E, 'Relevant Points Based System Migrant' means a migrant granted to leave as a Tier 1 Migrant, a Tier 2 Migrant, a Tier 4 (General) Student or a Tier 5 (Temporary Worker) Migrant.

***319A. Purpose***

This route is for the spouse, civil partner, unmarried or same-sex partner of a Relevant Points Based System Migrant (Partner of a Relevant Points Based System Migrant). Paragraphs 277 to 280 of these Rules apply to spouses or civil partners of Relevant Points Based System Migrant; paragraph 277 of these Rules applies to civil partners of Relevant Points Based System Migrant; and paragraph 295AA of these Rules applies to unmarried and same-sex partners of Relevant Points Based System Migrant

***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, 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

(ii) is, at the same time, being granted entry clearance or leave to remain as a Relevant Points Based System Migrant, or

(iii) has indefinite leave to remain as a Relevant Points Based System Migrant, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, where the applicant is applying for further leave to remain and was last granted leave:

(1) as the partner of that same Relevant Points Based System Migrant: 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 and where the applicant is applying for further leave to remain and was last granted leave:

(1) as the partner of that same Relevant Points Based System Migrant, 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 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 with another person must have permanently broken down,

(ii) the applicant and the Relevant Points Based System Migrant 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 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 subsisting at the time the application is made.

(e) The applicant and the Relevant Points Based System Migrant 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 .

(g) Unless the Relevant Points Based System Migrant is a Tier 1 (Investor) Migrant or a Tier 1 (Exceptional Talent) 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 have, or have last been granted, leave:

(i) as the Partner of a Relevant Points Based System Migrant,

(ii) as the spouse or civil partner, unmarried or same-sex partner of a person with leave under another category of these Rules who has since been granted, or is, at the same time, being granted leave to remain as a Relevant Points Based System Migrant, or

(iii) in any other category of these Rules, provided the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii).

(i) If the Relevant Points Based System Migrant is a Tier 4 (General) Student,

(1) the Relevant Points Based System Migrant must be applying for a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or Student for a course of more than six months duration within the three months immediately preceding the date of the application; and

(2) the Partner must have or have last had entry clearance, leave to enter or leave to remain as the Partner of a Tier 4 (General) Student or Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and

(3) the Relevant Points Based System Migrant and Partner must be applying at the same time; or

(4) the Relevant Points Based System Migrant must be a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months; or

(5) the Relevant Points Based System Migrant must be undertaking a course which is 12 months or longer in duration, and is of post-graduate level study, sponsored by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council.

(j)The applicant must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days will be disregarded.

***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

(ii) If the Relevant Points-Based System Migrant has indefinite leave to remain as a Relevant Points Based System Migrant, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or where the Relevant Points-Based System Migrant 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) 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, and provides evidence of this degree; or

(2) is applying for leave to remain and 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) is applying for leave to remain and 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.

(iv) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Partner meets the requirements of paragraphs 319C(i)(1),(2) and (3) and:

(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than 12 months, no employment, or

(2) the Relevant Points Based System Migrant is a Tier 4 (General) Student who is following a course of below degree level study, no employment.

***319E. Requirements for indefinite leave to remain***

To qualify for indefinite leave to remain as the Partner of a Relevant Points Based System 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) 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

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(c) The applicant must have, or have last been granted, leave as the partner of the Relevant Points Based System Migrant who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(d) The applicant and the Relevant Points Based System Migrant 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 the period specified in (i) or (ii):

(i) If the applicant was granted leave as:

(a) the Partner of that Relevant Points Based System Migrant, or

(b) 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

under the Rules in place before 9 July 2012, and since then has had continuous leave as the Partner of that Relevant Points based System Migrant, the specified period is 2 years

(ii) If (i) does not apply, the specified period is 5 years, during which the applicant must:

(a) have been in a relationship with the same Relevant Points Based System Migrant 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, and during that part of the period have met all of the requirements of paragraph 319C(a) to (e), and

(c) have spent the remainder of the 5 year period, where applicable, 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.

(e) The marriage or civil partnership, or relationship similar to marriage or civil partnership, must be subsisting at the time the application is made.

(f) The applicant and the Relevant Points Based System Migrant must intend to live permanently with the other as their spouse or civil partner, unmarried or same-sex partner.

(g) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, with reference to paragraphs 33B to 33F of these Rules, unless the applicant is aged 65 or over at the time this application is made.

(h) DELETED

(i) The applicant must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days will be disregarded.

## Children of relevant points-based system migrants

***319F. Purpose***

This route is for the children of a Relevant Points Based System Migrant 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.

***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 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 child 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 a child is not a visa national,

(ii) the migrant wishing to enter as a child 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 Child meets the requirements of entry clearance in paragraph 319H.

***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 as:

(i) a Relevant Points Based System Migrant, or

(ii) the partner of a Relevant Points Based System Migrant.

(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 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.

(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.

(e) The applicant must not intend to stay in the UK beyond any period of leave granted to the Relevant Points Based System Migrant parent.

(f) Both of the applicant's parents must either be lawfully present in the UK, or being granted entry clearance or leave to remain at the same time as the applicant or one parent must be lawfully present in the UK and the other is being granted entry clearance or leave to remain at the same time as the applicant, unless:

(i) The Relevant Points Based System Migrant is the applicant's sole surviving parent, or

(ii) The Relevant Points Based System Migrant 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 Relevant Points Based System Migrant is a Tier 1 (Investor) Migrant or a Tier 1 (Exceptional Talent) 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 have, or have last been granted leave as the child of or have been born in the United Kingdom to, a parent who had leave under any category of these Rules.

(i) If the Relevant Points Based System Migrant is a Tier 4 (General) Student,

(1) the Relevant Points Based System Migrant must be applying for a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or Student for a course of more than six months duration within the three months immediately preceding the date of the application; and

(2) the Child must have or last have had entry clearance, leave to enter or leave to remain as the Child of a Tier 4 (General) Student or Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and

(3) the Relevant Points Based System Migrant and Child must be applying at the same time; or

(4) the Relevant Points Based System Migrant must be a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months; or

(5) the Relevant Points Based System Migrant must be undertaking a course which is 12 months or longer in duration, and is of post-graduate level study, sponsored by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council.

(j) A Child whose parent is a Relevant Points Based System Migrant, who is a Tier 4 (General) Student or Student, and who does not otherwise meet the requirements of paragraph 319H(i):

(1) must have been born during the Relevant Points Based System Migrant?s most recent grant of entry clearance, leave to enter or leave to remain as a Tier 4 (General) Student or Student with leave for a course of more than six months duration; or

(2) where the Relevant Points Based System Migrant?s most recent grant of entry clearance, leave to enter or leave to remain was to re-sit examinations or repeat a module of a course, must either have been born during a period of leave granted for the purposes of re-sitting examinations or repeating a module of a course or during the Relevant Points Based System Migrant?s grant of leave for a course of more than six months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module; or

(3) must have been born no more than three months after the expiry of that most recent grant of leave; and

(4) must be applying for entry clearance.

(k) If the applicant is a child born in the UK to a Relevant Points Based System migrant 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 that any period of overstaying for a period of 28 days will be disregarded.

***319I. Period and conditions of grant***

(a) Entry clearance and 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 parent or, where paragraph 319H (b) (ii) applies, for a period which expires on the same day as the leave granted to the parent who has valid leave to enter or remain as the partner of a person who has either limited leave to enter or remain as a Relevant Points Based System Migrant, indefinite leave to remain as a Relevant Points Based System Migrant, or who has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(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) if the Relevant Points Based System Migrant is a Tier 4 (General) Student and the Child meets the requirements of paragraphs 319H(i)(1), (2) and (3) or 319H(j) and:

(1) the Relevant Points Based System Migrant is a Tier 4 (General) Student applying for leave for less than 12 months, no employment, or

(2) the Relevant Points Based System Migrant is a Tier 4 (General) Student who is following a course of below degree level study, no employment.

***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

(ii) the partner of a Relevant Points Based System Migrant.

(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 Points Based System Migrant, or the partner of a Points Based System migrant 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.

(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 Points Based System Migrant is the applicant's sole surviving parent, or

(ii) The Points Based System Migrant 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, 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 must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, with reference to paragraphs 33B to 33F of these Rules, unless the applicant is under the age of 18 at the time this application is made.

(g) If the applicant is a child born in the UK to a Relevant Points Based System migrant 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 any period of overstaying for a period of 28 days 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

### 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; 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; 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 319l (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 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;

(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;

(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; 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 humanitatrian 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 humanitatrian 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

### 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. 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 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 a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. 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 a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. 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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# Part 9 - General grounds for the refusal of entry clearance, leave to enter or variation of leave to enter or remain in the United Kingdom

## Refusal of entry clearance or leave to enter the United Kingdom

A320. Paragraphs 320 (except subparagraph (3), (10) and (11)) and 322 do not apply to an application for entry clearance, leave to enter or leave to remain as a Family Member under Appendix FM, and Part 9 (except for paragraph 322(1)) does not apply to an application for leave to remain on the grounds of private life under paragraphs 276ADE-276DH.

320. In addition to the grounds of refusal of entry clearance or leave to enter set out in Parts 2-8 of these Rules, and subject to paragraph 321 below, the following grounds for the refusal of entry clearance or leave to enter apply:

**Grounds on which entry clearance or leave to enter the United Kingdom is to be refused**

(1) the fact that entry is being sought for a purpose not covered by these Rules;

(2) 320(2) the fact that the person seeking entry to the United Kingdom:

(a) is currently the subject of a deportation order; or

(b) has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or

(c) has 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

(d) has 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.

Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.

(3) failure by the person seeking entry to the United Kingdom to produce to the Immigration Officer a valid national passport or other document satisfactorily establishing his identity and nationality;

(4) failure to satisfy the Immigration Officer, in the case of a person arriving in the United Kingdom or seeking entry through the Channel Tunnel with the intention of entering any other part of the common travel area, that he is acceptable to the immigration authorities there;

(5) failure, in the case of a visa national, to produce to the Immigration Officer 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;

(6) where the Secretary of State has personally directed that the exclusion of a person from the United Kingdom is conducive to the public good;

(7) save in relation to a person settled in the United Kingdom or where the Immigration Officer is satisfied that there are strong compassionate reasons justifying admission, confirmation from the Medical Inspector that, for medical reasons, it is undesirable to admit a person seeking leave to enter the United Kingdom.

(7A) where false representations have been made or false documents or information have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application *or* in order to obtain documents from the Secretary of State or a third party required in support of the application.

(7B) where the applicant has previously breached the UK's immigration laws (and was over 18 at the time of his most recent breach)by:

(a) Overstaying;

(b) breaching a condition attached to his leave;

(c) being an Illegal Entrant;

(d) using Deception in an application for entry clearance, leave to enter or remain, or in order to obtain documents from the Secretary of State or a third party required in support of the application (whether successful or not);

unless the applicant:

(i) Overstayed for 90 days or less and left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State;

(ii) used Deception in an application for entry clearance more than 10 years ago;

(iii) left the UK voluntarily, not at the expense (directly or indirectly) of the Secretary of State, more than 12 months ago;

(iv) left the UK voluntarily, at the expense (directly or indirectly) of the Secretary of State, more than 2 years ago; and the date the person left the UK was no more than 6 months after the date on which the person was given

notice of the removal decision, or no more than 6 months after the date on which the person no longer had a pending appeal; whichever is the later;

(v) left the UK voluntarily, at the expense (directly or indirectly) of the Secretary of State, more than 5 years ago;

(vi) was removed or deported from the UK more than 10 years ago or;

(vii) left or was removed from the UK as a condition of a caution issued in accordance with s.134 Legal Aid, Sentencing and Punishment of Offenders Act 2012 more than 5 years ago.

Where more than one breach of the UK's immigration laws has occurred, only the breach which leads to the longest period of absence from the UK will be relevant under this paragraph.

(7D) failure, without providing a reasonable explanation, to comply with a request made on behalf of the Entry Clearance Officer to attend for interview.

**Grounds on which entry clearance or leave to enter the United Kingdom should normally be refused**

(8) failure by a person arriving in the United Kingdom to furnish the Immigration Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given;

(8A) where the person seeking leave is outside the United Kingdom, failure by him to supply any information, documents, copy documents or medical report requested by an Immigration Officer;

(9) failure by a person seeking leave to enter as a returning resident to satisfy the Immigration Officer that he meets the requirements of paragraph 18 of these Rules, or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted;

(10) production by the person seeking leave to enter the United Kingdom of a national passport or travel document 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 which does not accept valid United Kingdom passports for the purpose of its own immigration control; or a passport or travel document which does not comply with international passport practice;

(11) where the applicant has previously contrived in a significant way to frustrate the intentions of the Rules by:

(i) overstaying; or

(ii) breaching a condition attached to his leave; or

(iii) being an illegal entrant; or

(iv) using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from the Secretary of State or a third party required in support of the application (whether successful or not); and

there are other aggravating circumstances, such as absconding, not meeting temporary admission/reporting restrictions or bail conditions, using an assumed identity or multiple identities, switching nationality, making frivolous applications or not complying with the re-documentation process.

(12) DELETED

(13) failure, except by a person eligible for admission to the United Kingdom for settlement, to satisfy the Immigration Officer that he will be admitted to another country after a stay in the United Kingdom;

(14) refusal by a sponsor of a person seeking leave to enter the United Kingdom to give, if requested to do so, an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted;

(16) failure, in the case of a child under the age of 18 years seeking leave to enter the United Kingdom otherwise than in conjunction with an application made by his parent(s) or legal guardian to provide the Immigration Officer, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child seeking admission to the United Kingdom as an asylum seeker;

(17) save in relation to a person settled in the United Kingdom, refusal to undergo a medical examination when required to do so by the Immigration Officer;

(18) DELETED

(18A) within the 12 months preceding the date of the application, 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;

(18B) in the view of the Secretary of State:

(a) the person's offending has caused serious harm; or

(b) the person is a persistent offender who shows a particular disregard for the law.

(19) The immigration officer deems the exclusion of the person from the United Kingdom to be conducive to the public good. For example, because the person's conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter.

(20) failure by a person seeking entry into the United Kingdom to comply with a requirement relating to the provision of physical data to which he is subject by regulations made under section 126 of the Nationality, Immigration and Asylum Act 2002.

(21) DELETED

(22) where one or more relevant NHS body has notified the Secretary of State that the person seeking entry or leave to enter has failed to pay a charge or charges with a total value of at least £1000 in accordance with the relevant NHS regulations on charges to overseas visitors.

## Refusal of leave to enter in relation to a person in possession of an entry clearance

321. A person seeking leave to enter the United Kingdom who holds an entry clearance which was duly issued to him and is still current may be refused leave to enter only where the Immigration Officer is satisfied that:

(i) False representations were made or false documents or information were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts were not disclosed, in relation to the application for entry clearance; or in order to obtain documents from the Secretary of State or a third party required in support of the application.

(ii) a change of circumstances since it was issued has removed the basis of the holder's claim to admission, except where the change of circumstances amounts solely to the person becoming over age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or

(iii) on grounds which would have led to a refusal under paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19).

### Grounds on which leave to enter or remain which is in force is to be cancelled at port or while the holder is outside the United Kingdom

321A. The following grounds for the cancellation of a person's leave to enter or remain which is in force on his arrival in, or whilst he is outside, the United Kingdom apply;

(1) there has been such a change in the circumstances of that person's case since the leave was given, that it should be cancelled; or

(2) false representations were made or false documents were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts were not disclosed, in relation to the application for leave; or in order to obtain documents from the Secretary of State or a third party required in support of the application or,

(3) save in relation to a person settled in the United Kingdom or where the Immigration Officer or the Secretary of State is satisfied that there are strong compassionate reasons justifying admission, where it is apparent that, for medical reasons, it is undesirable to admit that person to the United Kingdom; or

(4) where the Secretary of State has personally directed that the exclusion of that person from the United Kingdom is conducive to the public good; or

(4A) Grounds which would have led to a refusal under paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19) if the person concerned were making a new application for leave to enter or remain; or

(5) The Immigration Officer or the Secretary of State deems the exclusion of the person from the United Kingdom to be conducive to the public good. For example, because the person's conduct (including convictions which do

not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter the United Kingdom; or

(6) where that person is outside the United Kingdom, failure by that person to supply any information, documents, copy documents or medical report requested by an Immigration Officer or the Secretary of State.

## Refusal of leave to remain, variation of leave to enter or remain or curtailment of leave

322. In addition to the grounds for refusal of extension of stay set out in Parts 2-8 of these Rules, the following provisions apply in relation to the refusal of an application for leave to remain, variation of leave to enter or remain or, where appropriate, the curtailment of leave:

### Grounds on which leave to remain and variation of leave to enter or remain in the United Kingdom are to be refused

(1) the fact that variation of leave to enter or remain is being sought for a purpose not covered by these Rules.

(1A) where false representations have been made or false documents or information have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application or in order to obtain documents from the Secretary of State or a third party required in support of the application.

(1B) the applicant is, at the date of application, the subject of a deportation order or a decision to make a deportation order;

(1C) where the person is seeking indefinite leave to enter or remain:

(i) they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or

(ii) they have 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

(iii) 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; or

(iv) they have, within the 24 months preceding the date of the application, 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.

(1D) failure, without providing a reasonable explanation, to comply with a request made by the UK Border Agency to attend for interview.

## Grounds on which leave to remain and variation of leave to enter or remain in the United Kingdom should normally be refused

(2) the making of false representations or the failure to disclose any material fact for the purpose of obtaining leave to enter or a previous variation of leave or in order to obtain documents from the Secretary of State or a third party required in support of the application for leave to enter or a previous variation of leave.

(3) failure to comply with any conditions attached to the grant of leave to enter or remain;

(4) failure by the person concerned to maintain or accommodate himself and any dependants without recourse to public funds;

(5) the undesirability of permitting the person concerned to remain in the United Kingdom in the light of his conduct (including convictions which do not fall within paragraph 322(1C), character or associations or the fact that he represents a threat to national security;

(5A) it is undesirable to permit the person concerned to enter or remain in the United Kingdom because, in the view of the Secretary of State:

(a) their offending has caused serious harm; or

(b) they are a persistent offender who shows a particular disregard for the law;

(6) refusal by a sponsor of the person concerned to give, if requested to do so, an undertaking in writing to be responsible for his maintenance and accommodation in the United Kingdom or failure to honour such an undertaking once given;

(7) failure by the person concerned to honour any declaration or undertaking given orally or in writing as to the intended duration and/or purpose of his stay;

(8) failure, except by a person who qualifies for settlement in the United Kingdom or by the spouse or civil partner of a person settled in the United Kingdom, to satisfy the Secretary of State that he will be returnable to another country if allowed to remain in the United Kingdom for a further period;

(9) failure by an applicant to produce within a reasonable time information, documents or other evidence required by the Secretary of State to establish his claim to remain under these Rules;

(10) failure, without providing a reasonable explanation, to comply with a request made on behalf of the Secretary of State to attend for interview;

(11) failure, in the case of a child under the age of 18 years seeking a variation of his leave to enter or remain in the United Kingdom otherwise than in conjunction with an application by his parent(s) or legal guardian, to provide the Secretary of State, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child who has been admitted to the United Kingdom as an asylum seeker.

(12) where one or more relevant NHS body has notified the Secretary of State that the person seeking leave to remain or a variation of leave to enter or remain has failed to pay a charge or charges with a total value of at least £1000 in accordance with the relevant NHS regulations on charges to overseas visitors.

### Grounds on which leave to enter or remain may be curtailed

323. A person's leave to enter or remain may be curtailed:

(i) on any of the grounds set out in paragraph 322(2)-(5) above; or

(ii) if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted; or

(iii) if he is the dependant, or is seeking leave to remain as the dependant, of an asylum applicant whose claim has been refused and whose leave has been curtailed under section 7 of the1993 Act, and he does not qualify for leave to remain in his own right, or

(iv) on any of the grounds set out in paragraph 339A (i)-(vi) and paragraph 339G (i)-(vi), or

(v) where a person has, within the first 6 months of being granted leave to enter, committed an offence for which they are subsequently sentenced to a period of imprisonment.

### Curtailment of leave or alteration of duration of leave in relation to a Tier 2 Migrant, a Tier 5 Migrant or a Tier 4 Migrant

323A. In addition to the grounds specified in paragraph 323, the leave to enter or remain of a Tier 2 Migrant, a Tier 4 Migrant or a Tier 5 Migrant:

(a) is to be curtailed, or its duration varied, if:

(i) in the case of a Tier 2 Migrant or a Tier 5 Migrant:

(1) the migrant fails to commence working for the Sponsor, or

(2) the migrant ceases to be employed by the Sponsor.

(ii) in the case of a Tier 4 Migrant:

(1) the migrant fails to commence studying with the Sponsor, or

(2) the migrant has been excluded or withdrawn from the course of studies.

(b) may be curtailed, or its duration varied, if:

(i) the migrant's Sponsor ceases to have a sponsor licence (for whatever reason); or

(ii) the migrant's Sponsor transfers the business for which the migrant works, or at which the migrant is studying, to another person; and

(1) that person does not have a sponsor licence; and

(2) fails to apply for a sponsor licence within 28 days of the date of the transfer of the business; or

(3) applies for a sponsor licence but is refused; or

(4) 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 to the migrant;

(iii) in the case of a Tier 2 Migrant or a Tier 5 Migrant, if the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do undergoes a prohibited change as specified in paragraph 323AA;

(iv) paragraph (a) above applies but:

(1) the migrant is under the age of 18;

(2) the migrant has a dependant child under the age of 18;

(3) leave is to be varied such that when the variation takes effect the migrant will have leave to enter or remain and the migrant has less than 60 days extant leave remaining;

(4) the migrant has been granted leave to enter or remain with another Sponsor or under another immigration category; or

(5) the migrant has a pending application for leave to remain, or variation of leave, with the UK Border Agency, or has a pending appeal under Section 82 of the Nationality, Immigration and Asylum Act 2002.

323AA Prohibited changes to employment for Tier 2 Migrants and Tier 5 Migrants

The following are prohibited changes, unless a further application for leave to remain is granted which expressly permits:

(a) The migrant continues to be employed by, but ceases working for and being remunerated by, the Sponsor for a period of one calendar month or more, unless the period is due solely to:

(i) maternity leave,

(ii) paternity leave,

(iii) adoption leave, or

(iv) sick leave.

(b) The employment changes such that the migrant is working for a different employer or Sponsor, unless:

(i) the migrant is a Tier 5 (Temporary Worker) Migrant in the Government Authorised Exchange sub-category and the change of employer is authorised by the Sponsor and under the terms of the work, volunteering or job shadowing that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, or

(ii) the migrant is working for a different Sponsor under arrangements covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 or similar protection to continue in the same job.

(c) The employment changes to a job in a different Standard Occupational Classification code to that recorded by the Certificate of Sponsorship Checking Service.

(d) If the migrant is a Tier 2 (Intra-Company Transfer) Migrant or a Tier 2 (General) Migrant, the employment changes to a different job in the same Standard Occupational Classification code to that recorded by the Certificate of Sponsorship Checking Service, and the gross annual salary (including such allowances as are specified as acceptable for this purpose in Appendix A) is:

(i) below the appropriate salary rate for that job as specified in the Codes of Practice in Appendix J, or

(ii) higher than the appropriate salary rate for that job as specified in the Codes of Practice in Appendix J, but lower than the rate recorded by the Certificate of Sponsorship Checking Service for the previous job.

(e) If the Standard Occupational Classification code recorded by the Certificate of Sponsorship Checking Service appears in Table 4 of the Codes of Practice in Appendix J, the employment changes from a job which is skilled to National Qualifications Framework level 3 or above to a job which is at a lower skill level.

(f) If the migrant is a Tier 2 (Intra-Company Transfer) Migrant or a Tier 2 (General) migrant and leave was first granted under the Rules in place on 6 April 2011 and the Standard Occupational Classification code recorded by the Certificate of Sponsorship Checking Service appears in Table 3 of the Codes of Practice in Appendix J, the employment changes from a job which is skilled to a lower skill level.

(g) If the migrant is a Tier 2 (Intra-Company Transfer) Migrant or a Tier 2 (General) migrant and leave was first granted under the Rules in place on 6 April 2012 and the Standard Occupational Classification code recorded by the Certificate of Sponsorship Checking Service appears in Table 2 of the Codes of Practice in Appendix J, the employment changes from a job which is skilled to a lower skill level.

(h) If the migrant is a Tier 2 (General) Migrant and scored points from the shortage occupation provisions of Appendix A, the employment changes to a job which does not appear in the Shortage Occupation List in Appendix K.

(i) The gross annual salary (including such allowances as are specified as acceptable for this purpose in Appendix A) reduces below that recorded by the Certificate of Sponsorship Checking Service unless the reduction coincides with a period of:

(i) maternity leave,

(ii) paternity leave,

(iii) adoption leave,

(iv) long term sick leave of one calendar month or more, or

(v) reduced working hours for a temporary period, where:

(1) the reduced working hours are part of a company-wide policy to avoid redundancies,

(2) under this policy, the Sponsor is not treating the migrant more, or less, favourably than settled workers,

(3) the migrant's pay and working hours do not reduce by more than 30%,

(4) the reduction in pay is proportionate to the reduction in working hours,

(5) the arrangements will not be in place for more than one year, and

(6) the migrant's pay will return to at least the level recorded by the Certificate of Sponsorship Checking Service immediately after that period ends.

**Curtailment of leave in relation to a Tier 1 (Exceptional Talent) Migrant**

323B. In addition to the grounds specified in paragraph 323, the leave to enter or remain of a Tier 1 (Exceptional Talent) Migrant may be curtailed if the Designated Competent Body that endorsed the application which led to the migrant's current grant of leave withdraws its endorsement of the migrant.

**Curtailment of leave in relation to a Tier 1 (Graduate Entrepreneur) Migrant**

323C. In addition to the grounds specified in paragraph 323, the leave to enter or remain of a Tier 1 (Graduate Entrepreneur) Migrant may be curtailed if the Higher Education Institution that endorsed the application which led to the migrant's current grant of leave:

(a) loses its status as an endorsing institution for Tier 1 (Graduate Entrepreneur) Migrants,

(b) loses its status as a Highly Trusted Sponsor under Tier 4 of the Points-Based System (for whatever reason),

(c) ceases to be an A-rated Sponsor under Tier 2 or Tier 5 of the Points-Based System because its Tier 2 or Tier 5 Sponsor licence is downgraded or revoked by the UK Border Agency, or

(d) withdraws its endorsement of the migrant.

### Crew members

324. A person who has been given leave to enter to join a ship, aircraft, hovercraft, hydrofoil or international train service as a member of its crew, or a crew member who has been given leave to enter for hospital treatment, repatriation or transfer to another ship, aircraft, hovercraft, hydrofoil or international train service in the United Kingdom, is to be refused leave to remain unless an extension of stay is necessary to fulfil the purpose for which he was given leave to enter or unless he meets the requirements for an extension of stay as a spouse or civil partner in paragraph 284.

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## 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 Sponsership Checking System refrence for which points were awarded records that the applicant is being sponsored as an overseas goverment 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 at school; 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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## Part 11 - Asylum

### 326A. Procedure

The procedures set out in these Rules shall apply to the consideration of 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) which are relevant to those elements and in line with paragraphs 276ADE to 276DH (private life) of these Rules.

### Definition of asylum applicant

327. Under the Rules an asylum applicant is a person who either;

(a) makes a request to be recognised as a refugee under the Geneva Convention on the basis that it would be contrary to the United Kingdom's obligations under the Geneva Convention for him 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 his own behalf.

### Applications for asylum

328. All asylum applications will be determined by the Secretary of State in accordance with the Geneva 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 his dependants from the United Kingdom.

330. If the Secretary of State decides to grant asylum 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 he is 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 he may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, he will then resume his 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 him.

332. If a person who has been refused leave to enter applies 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, he 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 he may reasonably be supposed to understand.

333A. The Secretary of State shall ensure that a decision is taken by him 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 his 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 Services Commission 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 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 his or her 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 asylum

334. An asylum applicant will be granted asylum in the United Kingdom if the Secretary of State is satisfied that:

(i) he is in the United Kingdom or has arrived at a port of entry in the United Kingdom;

(ii) he is 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 him as a danger to the security of the United Kingdom;

(iv) he does not, having been convicted by a final judgment of a particularly serious crime, he does not constitute danger to the community of the United Kingdom; and

(v) refusing his application would result in him being required to go (whether immediately or after the time limited by any existing leave to enter or remain) in breach of the Geneva Convention, to a country in which his life or freedom would threatened on account of his race, religion, nationality, political opinion or membership of a particular social group.

335. If the Secretary of State decides to grant asylum to a person who has 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. When a person in the United Kingdom is notified that asylum has been refused he may, if he is liable to removal as an illegal entrant , removal under section 10 of the Immigration and Asylum Act 1999 or to deportation, at the same time be notified of removal directions, served with a notice of intention to make a deportation order, or served with a deportation order, as appropriate.

339. DELETED

**Revocation or refusal to renew a grant of asylum**

339A. A person's grant of asylum under paragraph 334 will be revoked or not renewed if the Secretary of State is satisfied that:

(i) he has voluntarily re-availed himself of the protection of the country of nationality;

(ii) having lost his nationality, he has voluntarily re-acquired it; or

(iii) he has acquired a new nationality, and enjoys the protection of the country of his new nationality;

(iv) he has voluntarily re-established himself in the country which he left or outside which he remained owing to a fear of persecution;

(v) he can no longer, because the circumstances in connection with which he has 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, he is able, because the circumstances in connection with which he has been recognised a refugee have ceased to exist, to return to the country of former habitual residence;

(vii) he 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;

(viii) his misrepresentation or omission or facts, including the use of false documents, were decisive for the grant of asylum;

(ix) there are reasonable grounds for regarding him as a danger to the security of the United Kingdom; or

(x) having been convicted by a final judgment of a particularly serious crime he constitutes danger to the community of the United Kingdom.

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.

Where an application for asylum was made on or after the 21st October 2004, the Secretary of State will revoke or refuse to renew a person's grant of asylum where he is satisfied that at least one of the provisions in sub-paragraph (i)-(vi) apply.

339B. When a person's grant of asylum is revoked or not renewed any limited leave which they have may be curtailed.

339BA. Where the Secretary of State is considering revoking refugee status in accordance with these Rules, the person concerned shall be informed in writing that the Secretary of State is reconsidering his 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 his refugee status should not be revoked. If there is a personal interview, it shall be subject to the safeguards set out in these Rules. However, where a person acquires British citizenship status, his refugee status is automatically revoked in accordance with paragraph 339A (iii) upon acquisition of that status without the need to follow the procedure set out above.

**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) he is in the United Kingdom or has arrived at a port of entry in the United Kingdom;

(ii) he does 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 he 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 himself of the protection of that country; and

(iv) he is not excluded from a grant of humanitarian protection.

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 under paragraph 339C (iv) where the Secretary of State is satisfied that:

(i) there are serious reasons for considering that he 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;

(ii) there are serious reasons for considering that he 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 instigated such acts;

(iii) there are serious reasons for considering that he constitutes a danger to the community or to the security of the United Kingdom; or

(iv) prior to his admission to the United Kingdom the person committed a crime outside the scope of (i) and (ii) that would be punishable by imprisonment were it committed in the United Kingdom and the person left his 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 humanitarian protection**

339G. A person's humanitarian protection granted under paragraph 339C will be revoked or not renewed if the Secretary of State is satisfied that at least one of the following applies:

(i) 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;

(ii) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he 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) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he 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;

(iv) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he constitutes a danger to the community or to the security of the United Kingdom;

(v) the person granted humanitarian protection misrepresented or omitted facts, including the use of false documents, which were decisive to the grant of humanitarian protection; or

(vi) the person granted humanitarian protection should have been or is excluded from humanitarian protection because prior to his admission to the United Kingdom the person committed a crime outside the scope of (ii) and (iii) that would be punishable by imprisonment had it been committed in the United Kingdom and the person left his country of origin solely in order to avoid sanctions resulting from the crime.

In applying (i) 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;

339H. When a person's humanitarian protection is revoked or not renewed any limited leave which they have may be curtailed.

**Consideration of applications**

339HA. The Secretary of State shall ensure that the personnel examining applications for asylum and taking decisions on his 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 he is 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 his dependants, or the liberty and security of his 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 he is 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 he returned to that country; and

(v) whether the person could reasonably be expected to avail himself of the protection of another country where he 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 he is a person eligible humanitarian protection or substantiate his 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 he is a person eligible humanitarian protection or substantiate his 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 he is 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 his asylum claim or established that he is a person eligible for humanitarian protection or substantiated his human rights claim, and thereby reject his application for asylum, determine that he is not eligible for humanitarian protection or reject his human rights claim, if he fails, 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 his 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 him with completing his application and submitting the essential information regarding the application;

(iii) the applicant, in submitting his application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he is 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 his claim clearly unconvincing in relation to his 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 his particular circumstances or to the situation in his 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 his removal; and

(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 his control.

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 his 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.

**Internal relocation**

339O (i) The Secretary of State will not make:

(a) a grant of asylum 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 his 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 activates which have been engaged in by a person since he left he 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 asylum in the United Kingdom a United Kingdom Residence Permit (UKRP) as soon as possible after the grant of asylum. The UKRP will 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 UK or having been

convicted by a final judgment of a particularly serious crime, the applicant constitutes a danger to the community of the UK.

(ii) The Secretary of State will issue to a person granted humanitarian protection in the United Kingdom a UKRP as soon as possible after the grant of humanitarian protection. The UKRP will 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 UK or having been convicted by a final judgment of a serious crime, this person constitutes a danger to the community of the UK.

(iii) The Secretary of State will issue a UKRP to a family member of a person granted asylum or humanitarian protection where the family member does not qualify for such status. A UKRP will be granted for a period of five years. The UKRP 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 UKRP where their grant of asylum or humanitarian protection is revoked under the provisions in the immigration rules.

**Consideration of asylum applications and human rights claims**

340. DELETED

341. DELETED

342. The actions of anyone acting as an agent of the asylum applicant or human rights claimant may also be taken into account in regard to the matters set out in paragraphs 340 and 341.

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 asylum in the United Kingdom and their family members travel documents, in the form set out in the Schedule to the Geneva 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 travel documents to a person granted humanitarian protection in the United Kingdom where that person is unable to obtain a national passport or other identity documents which enable him 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 he can show that he has made

reasonable attempts to obtain a national passport or identity document and there are serious humanitarian reasons for travel.

### 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 asylum or humanitarian protection.

### Information

344C. A person who is granted asylum 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 asylum or humanitarian protection.

### Third country cases

345. (1) In a case where the Secretary of State is satisfied that the conditions set out in Paragraphs 4 and 5(1), 9 and 10(1), 14 and 15(1) or 17 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 are fulfilled, he will normally decline to examine the asylum application substantively and issue a certificate under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 as appropriate.

(2) The Secretary of State shall not issue a certificate under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 unless:

(i) the asylum applicant has not arrived in the United Kingdom directly from the country in which he claims to fear persecution and has had an opportunity at the border or within the third country or territory to make contact with the authorities of that third country or territory in order to seek their protection; or

(ii) there is other clear evidence of his admissibility to a third country or territory.

Provided that he is satisfied that a case meets these criteria, the Secretary of State is under no obligation to consult the authorities of the third country or territory before the removal of an asylum applicant to that country or territory.

345(2A) Where a certificate is issued under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 the asylum applicant shall:

(i) be informed in a language that he may reasonably be expected to understand regarding his removal to a safe third country;

(ii) be provided with a document informing the authorities of the safe third country, in the language of that country, that the asylum application has not been examined in substance by the authorities in the United Kingdom;

(iii) sub-paragraph 345(2A)(ii) shall not apply if removal takes place with reference to the arrangements set out in Regulation (EC) No. 343/2003 (the Dublin Regulation); and

iv) if an asylum applicant removed under this paragraph is not admitted to the safe third country (not being a country to which the Dublin Regulation applies as specified in paragraph 345(2A)(iii)), subject to determining and resolving the reasons for his nonadmission, the asylum applicant shall be admitted to the asylum procedure in the United Kingdom.

(3) Where a certificate is issued under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 in relation to the asylum claim and the person is seeking leave to enter the Immigration Officer will consider whether or not he is 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 he may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, he will then resume his 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 him.

(4) Where a certificate is issued under Part 2, 3, 4 or 5 of Schedule 3 to the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 the person may, if liable to removal as an illegal entrant, or removal under section 10 of the Immigration and Asylum Act 1999 or to deportation, at the same time be notified of removal directions, served with a notice of intention to make a deportation order, or served with a deportation order, as appropriate.

### Previously rejected applications

346. DELETED

347. DELETED

### Rights of appeal

348. DELETED

### Dependants

349. A spouse, civil partner, unmarried or same-sex partner, or minor child accompanying a principal applicant may be included in his application for asylum as his 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 or same-sex partner or minor child may also claim asylum in his own right. If the principal applicant is granted asylum or humanitarian protection and leave to enter or remain any spouse, civil partner, unmarried or same-sex 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 his 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 he makes a claim as a dependant or in his own right.

If the spouse, civil partner, unmarried or same-sex partner, or minor child in question has a claim in his 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 him, 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 or same sex 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 his situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand his 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 his own right shall be interviewed about the substance of his 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 himself in his own way and at his own speed. If he appears 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 himself 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.

352A. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse civil partner of a refugee are that:

(i) the applicant is married to or the civil partner of a person who is currently a refugee granted status as such under the immigration rules in the United Kingdom ; and

(ii) the marriage or civil partnership did not take place after the person granted asylum left the country of his former habitual residence in order to seek asylum; an

(iii) the applicant would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right; and

(iv) each of the parties intends to live permanently with the other as his or her spouse civil partner and the marriage is subsisting; and

(v) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352AA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the unmarried or the same-sex partner of a refugee are that:

(i) the applicant is the unmarried or same-sex partner of a person who is currently a refugee granted status as such under the immigration rules in the United Kingdom and was granted that status in the UK on or after 9th October 2006; and

(ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for two years or more; and

(iii) the relationship existed before the person granted asylum left the country of his 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

(v) of these Rules or article 1F of the Geneva Convention if he were to seek asylum in his own right; and

(vi) each of the parties intends to live permanently with the other as his or her unmarried or same-sex partner and the relationship is subsisting; and

(vii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

(viii) the parties are not involved in a consanguineous relationship with one another; and

352B. Limited leave to enter the United Kingdom as the spouse civil partner of a refugee may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the spouse of a refugee may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352A (i) - (v) are met.

352BA Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the unmarried or same sex partner of a refugee may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352AA (i) - (vii) are met.

352C. Limited leave to enter the United Kingdom as the spouse civil partner of a refugee 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. Limited leave to remain as the spouse civil partner of a refugee is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352A (i) - (v) are met.

352CA Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee 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. Limited leave to remain as the unmarried or same sex partner of a refugee is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352AA (i) - (vi) are met.

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 is currently a refugee granted status as such under the immigration rules in the United Kingdom are that the applicant:

(i) is the child of a parent who is currently a refugee granted status as such 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 his habitual residence in order to seek asylum; and

(v) would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right; and

(vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.

352E. Limited leave to enter the United Kingdom as the child of a refugee may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the child of a refugee may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 352D (i) - (v) are met.

352F. Limited leave to enter the United Kingdom as the child of a refugee 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. Limited leave to remain as the child of a refugee is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 352D (i) - (v) are met.

352FA. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the spouse or civil partner of a person who is currently a beneficiary of humanitarian protection granted under the immigration rules in the United Kingdom and was granted that status on or after 30 August 2005 are that:

(i) the applicant is married to or the civil partner of a person who is currently a beneficiary of humanitarian protection granted under the immigration rules 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 his former habitual residence in order to seek asylum in the UK; and

(iii) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph 339D; and

(iv) each of the parties intend to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(v) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352FB. Limited leave to enter the United Kingdom as the spouse or civil partner of a person granted humanitarian protection may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the spouse or civil partner of a person granted humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FA(i) - (iv) are met.

352FC. Limited leave to enter the United Kingdom as the spouse or civil partner of a person granted humanitarian protection 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. Limited leave to remain as the spouse or civil partner of a person granted humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FA (i) - (iv) are met.

352FD. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the unmarried or same-sex partner of a person who is currently a beneficiary of humanitarian protection granted under the immigration rules in the United Kingdom are that:

(i) the applicant is the unmarried or same-sex partner of a person who is currently a beneficiary of humanitarian protection granted under the immigration rules and was granted that status on or after 9th October 2006; and

(ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for two years or more; and

(iii) the relationship existed before the person granted humanitarian protection left the country of his 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 his or her unmarried or same-sex partner and the relationship is subsisting; and

(vi) the parties are not involved in a consanguineous relationship with one another; and

(vii) if seeking leave to enter, the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

352FE. Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person granted humanitarian protection may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the unmarried or same sex partner of a person granted humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in subparagraphs 352FD (i) - (vi) are met.

352FF. Limited leave to enter the United Kingdom as the unmarried or same-sex partner of a person granted humanitarian protection 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. Limited leave to remain as the unmarried or same sex partner of a person granted humanitarian protection is to be refused if the Secretary of State is not satisfied that each of the requirements in sub paragraphs 352FD(i) - (vi) are met.

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 is currently a beneficiary of humanitarian protection granted under the immigration rules in the United Kingdom and was granted that status on or after 30 August 2005 are that the applicant:

(i) is the child of a parent who is currently a beneficiary of humanitarian protection granted under the immigration rules in the United Kingdom and was granted that status on or after 30 August 2005; 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 his habitual residence in order to seek asylum in the UK; 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.

352FH. Limited leave to enter the United Kingdom as the child of a person granted humanitarian protection may be granted provided a valid United Kingdom entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the United Kingdom as the child of a person granted humanitarian protection may be granted provided the Secretary of State is satisfied that each of the requirements in sub paragraphs 352FG (i) -(v) are met.

352FI. Limited leave to enter the United Kingdom as the child of a person granted humanitarian protection 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. Limited leave to remain as the child of a person granted 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.

352FJ. Nothing in paragraphs 352A-352FI shall allow a person to be granted leave to enter or remain in the United Kingdom as the spouse or civil partner, unmarried or same sex partner or child of a refugee, or of a person granted humanitarian protection under the immigration rules in the United Kingdom on or after 30 August 2005, if the refugee or, as the case may be, person granted humanitarian protection, is a British Citizen.

### Interpretation

352G. For the purposes of this Part:

(a) "Geneva Convention" means the United Nations Convention and Protocol relating to the Status of Refugees;

(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.

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## 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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## 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 paragaph 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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## Part 12 - Procedure and rights of appeal

**Fresh Claims**

353. When a human rights or asylum 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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## 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 9 July 2012 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. These circumstances are listed in paragraph 394B below. 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 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 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. Where the Secretary of State decides that it would be appropriate to deport a member of a family as such, the decision, and the right of appeal, will be notified and it will at the same time be explained that it is open to the member of the family to leave the country voluntarily if he does not wish to appeal or if he appeals and his appeal is dismissed.

**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. A deportation order may not be made while it is still open to the person to appeal against the Secretary of State's decision, or while an appeal is pending except where the Secretary of State is required to make the deportation order in respect of a foreign criminal under section 32(5) of the UK Borders Act 2007. There is no appeal within the immigration appeal system against the making of a deportation order on the recommendation of a court; but there is a right of appeal to a higher court against the recommendation itself. A deportation order may not be made while it is still open to the person to appeal against the relevant conviction, sentence or recommendation, or while such an appeal is pending.

**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 and of his right of appeal.

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. If a notice of appeal is given within the period allowed, a summary of the facts of the case on the basis of which the decision was taken will be sent to the appropriate appellate authorities, who will notify the appellant of the arrangements for the appeal to be heard.

### 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. The person will not be removed as the subject of a deportation order while an appeal may be brought against the removal directions or such an appeal is pending.

### Supervised departure

387. DELETED

### Returned deportees

388. Where a person returns to this country 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, 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. There may be a right of appeal against refusal to revoke a deportation order. Where an appeal does lie the right of appeal will be notified at the same time as the decision to refuse to revoke the order.

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

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 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 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 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, it will only be in exceptional circumstances that the public interest in deportation will be outweighed by other factors.

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 not be reasonable to expect the child to leave the UK; and
(b) there is no other family member who is able to care for the child in the UK; or

(b) the person 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, and

(i) the person has lived in the UK with valid leave continuously for at least the 15 years immediately preceding the date of the immigration decision (discounting any period of imprisonment); and
(ii) there are insurmountable obstacles to family life with that partner continuing outside the UK.

399A. This paragraph applies where paragraph 398(b) or (c) applies if –

(a) the person has lived continuously in the UK for at least 20 years immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the UK; or
(b) the person is aged under 25 years, he has spent at least half of his life living continuously in the UK immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the UK.

399B. Where paragraph 399 or 399A applies limited leave may be granted for periods not exceeding 30 months. Such leave shall be given subject to such conditions as the Secretary of State deems appropriate. Where a person who has previously been granted a period of leave under paragraph 399B would not fall for refusal under paragraph 322(1C), indefinite leave to remain may be granted.

399C. DELETED

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 (private life) or Appendix FM (family life) 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 under paragraph 276ADE or Appendix FM and if appropriate the removal decision will be cancelled.

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## Appendix 1 - Visa requirements for the United Kingdom

1. Subject to paragraph 2 below, the following persons need a visa for the United Kingdom:

(a) Nationals or citizens of the following countries or territorial entities:

Afghanistan
Albania
Algeria
Angola
Armenia
Azerbaijan
Bahrain
Bangladesh
Belarus
Benin

Bhutan

Bolivia

Bosnia Herzegovina

Burkina Faso

Burma

Burundi

Cambodia

Cameroon

Cape Verde

Central African Republic

Chad

People's Republic of China (except those referred to in sub-paragraphs 2(d) and (e) of this Appendix)

Colombia

Comoros

Congo

Cuba

Democratic Republic of the Congo

Djibouti

Dominican Republic

Ecuador

Egypt

Equatorial Guinea

Eritrea

Ethiopia

Fiji

Gabon

Gambia

Georgia

Ghana

Guinea

Guinea Bissau

Guyana

Haiti

India

Indonesia

Iran

Iraq

Ivory Coast

Jamaica

Jordan

Kazakhstan

Kenya

Korea (North)

Kuwait

Kyrgyzstan

Laos

Lebanon

Lesotho

Liberia

Libya

Macedonia

Madagascar

Malawi

Mali

Mauritania

Moldova

Mongolia

Morocco

Mozambique

Nepal

Niger

Nigeria

Oman (except those referred to in sub-paragraph 2(j) of this Appendix)

Pakistan

Peru

Philippines

Qatar (except those referred to in sub-paragraph 2(k) of this Appendix)

Russia

Rwanda

Sao Tome e Principe

Saudi Arabia

Senegal

Serbia

Sierra Leone

Somalia

South Africa

South Sudan

Sri Lanka

Sudan

Surinam

Swaziland

Syria

Taiwan (except those referred to in sub-paragraph 2(h) of this Appendix)

Tajikistan

Tanzania

Thailand

Togo

Tunisia

Turkey (except those referred to in sub-paragraph 2(q) of this Appendix)

Turkmenistan

Uganda

Ukraine

United Arab Emirates (except those referred to in sub-paragraph 2(1) of this Appendix)

Uzbekistan

Venezuela (except those referred to in sub-paragraph 2(i) of this Appendix)

Vietnam

Yemen

Zambia

Zimbabwe

The territories formerly comprising the socialist Federal Republic of Yugoslavia

(b) Persons who hold passports or travel documents issued by the former Soviet Union or by the former Socialist Federal Republic of Yugoslavia.

(c) Stateless persons.

(d) Persons who hold non-national documents.

2. The following persons do not need a visa for the United Kingdom:

(a) those who qualify for admission to the United Kingdom as returning residents in accordance with paragraph 18;

(b) 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);

(c) DELETED

(d) those nationals or citizens of the People's Republic of China holding passports issued by Hong Kong Special Administrative Region;

(e) those nationals or citizens of the People's Republic of China holding passports issued by Macao Special Administrative Region;

(f) those who arrive in the United Kingdom with leave to enter which is in force but which was given before arrival, so long as those in question arrive within the period of their earlier leave and for the same purpose as that for which leave was granted, unless that leave -

(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);

(g) DELETED

(h) those nationals or citizens of Taiwan who hold a passport by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan in it.

(i) those nationals or citizens of Venezuela who hold a passport issued by the Republic of Venezuela that contains biometric information held in an electronic chip.

(j) those nationals or citizens of Oman, who hold diplomatic and special passports issued by oman when travelling to the UK for the purpose of a general visit in accordance with paragraph 41,

(k) those nationals or citizens of Qatar who hold diplomatic and special passports issued by Qatar when travelling to the UK for the purpose of a general visit in accordance with paragraph 41,

(l) those nationals or citizens of the United arab emirates who hold diplomatic and special passports issued by the United arab emirates when travelling to the UK for the purpose of a general visit in accordance with paragraph 41.

Paragraphs m) to p) ceased to have effect on 9 November 2012

m) During the period commencing on 30 March 2012 up to and including 12 August 2012 those nationals or citizens of all the countries or territorial entities listed in paragraph 1 of Appendix 1 who hold an Olympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited unless that card has the accreditation category code OCOG, S or X;

n) During the period commencing on 13 August 2012 up to and including 8 November 2012 those nationals or citizens of all the countries or territorial entities listed in paragraph 1 of Appendix 1 who hold an Olympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited unless (i) that card has the accreditation category code OCOG, S or X; or (ii) the holder had not held leave to enter, leave to remain or entry clearance at any time during the period commencing on 30 March 2012 and ending on 12 August 2012;

o) During the period commencing on 30 March 2012 up to and including 9 September 2012 those nationals or citizens of all the countries or territorial entities listed in paragraph 1 of Appendix 1 who hold an Paralympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited unless that card has the accreditation category code OCOG, S or X;

p) During the period commencing on 10 September 2012 up to and including the 8 November 2012 those nationals or citizens of all the countries or territorial entities listed in paragraph 1 of Appendix 1 who hold the Paralympic Identity and Accreditation Card issued by the London Organising Committee of the Olympic Games and Paralympic Games Limited unless (i) that card has the accreditation category code OCOG, S or X; or (ii) the holder had not held leave to enter, leave to remain or entry clearance at any time during the period commencing on 30 March 2012 and ending on 9 September 2012.

(q) those nationals or citizens of Turkey, who hold diplomatic passports issued by Turkey when travelling to the UK for the purpose of a general visit in accordance with paragraph 41.

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## 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

| | |
|---|---|
| Appendix 3: DELETED | |
| Appendix 4: DELETED | |
| Appendix 5: DELETED | |

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# Appendix 6 - Disciplines for which an Academic Technology Approval Scheme certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office is required for the purposes of paragraphs 245ZV and 245ZX of these Rules

**1. Doctorate or Masters by research:**

***Subjects allied to Medicine:***

JACs codes beginning

B1 - Anatomy, Physiology and Pathology

B2 - Pharmacology, Toxicology and Pharmacy

B9 - Others in subjects allied to Medicine

***Biological Sciences:***

JACs codes beginning

C1 - Biology

C2 - Botany

C4 - Genetics

C5 - Microbiology

C7 - Molecular Biology, Biophysics and Biochemistry

C9 - Others in Biological Sciences

***Veterinary Sciences, Agriculture and related subjects:***

JACs codes beginning

D3 - Animal Science

D9 - Others in Veterinary Sciences, Agriculture and related subjects

***Physical Sciences:***

JACs codes beginning

F1 - Chemistry

F2 - Materials Science

F3 - Physics

F5 - Astronomy

F8 - Physical and Terrestrial Geographical and Environmental Sciences

F9 - Others in Physical Sciences

***Mathematical and Computer Sciences:***

JACs codes beginning

G1 - Mathematics

G2 - Operational Research

G4 - Computer Science

G7 - Artificial Intelligence

G9 - Others in Mathematical and Computing Sciences

***Engineering:***

JACs codes beginning

H1 - General Engineering

H2 - Civil Engineering

H3 - Mechanical Engineering

H4 - Aerospace Engineering

H5 - Naval Architecture

H6 - Electronic and Electrical Engineering

H7 - Production and Manufacturing Engineering

H8 - Chemical, Process and Energy Engineering

H9 - Others in Engineering

***Technologies:***

JACs codes beginning

J2 - Metallurgy

J4 - Polymers and Textiles

J5 - Materials Technology not otherwise specified

J7 - Industrial Biotechnology

J9 - Others in Technology

**2. Taught Masters:**

F2 - Materials Science

F3 - Physics (including Nuclear Physics)

H3 - Mechanical Engineering

H4 - Aerospace Engineering

J5 - Materials Technology/Materials Science not otherwise specified

## For courses commencing on or after 1 January 2012

**1. Doctorate or Masters by Research:**

JACs codes beginning:

G0 - Mathematical and Computer Sciences

I1 - Computer Science

I4 - Artificial Intelligence

I9 - Others in Computer Science

**2. Taught Masters:**

H8 - Chemical, Process and Energy Engineering

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## Appendix 7 – Statement of Written Terms and Conditions of employment required in paragraphs 159A(v), 159D(iv) and 159EA(iii)

### Statement of the terms and conditions of employment of an overseas domestic worker in a private household in the United Kingdom

This form must be completed and signed by the employer, signed by the overseas domestic worker and submitted with the entry clearance application or with the leave to remain application as required by paragraphs 159A(v), 159D(iv) and 159EA(iii) of the Immigration Rules.

Please complete this form in capitals

Name of employee:

Name of employer:

1. Job Title:

2. Duties/Responsibilities:

3. Date of start of employment in the UK:

4. Employer's address in the UK:

5. Employee's address in the UK (if different from 4 please explain):

6. Employee's place of work in the UK (if different from 4 please explain):

7. Rate of Pay per week/month:

Note: By signing this document, the employer is declaring that the employee will be paid in accordance with the National Minimum Wage Act 1998 and any Regulations made under it for the duration of the employment.

8. Hours of work per day/week:

Free periods per day:

Free periods per week:

9. Details of sleeping accommodation:

10. Details of Holiday entitlement:

11. Ending the employment:

Employee must give ..... weeks notice if he/she decides to leave his/her job.

Employee is entitled to ..... weeks notice if the employer decides to dismiss him/her.

Employee is employed on a fixed-term contract until (date) [if applicable].

Signed ..... Date ..... (Employer)

I confirm that the above reflects my conditions of employment:

Signed ..... Date ..... (Employee)

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# Appendix A - Attributes

## Attributes for Tier 1 (Exceptional Talent) Migrants

1. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Exceptional Talent) Migrant must score 75 points for attributes.

2. Available points are shown in Table 1.

3. Notes to accompany the table are shown below the table.

### Table 1

### All applications for entry clearance and applications for leave to remain where the applicant has, or last had leave that was not leave as a Tier 1 Exceptional Talent) Migrant

| Criterion | Points |
|---|---|
| Endorsed by Designated Competent Body according to that Body's criteria as set out in Appendix L. | 75 |

### All other applications for leave to remain and applications for indefinite leave to remain

| Criterion | Points |
|---|---|
| (i) During his most recent period of leave as a Tier 1 (Exceptional Talent) Migrant, the applicant has earned money in the UK as a result of employment or self-employment in his expert field as previously endorsed by a Designated Competent Body; and (ii) That Designated Competent Body has not withdrawn its endorsement of the applicant. | 75 |

### Notes

### Tier 1 (Exceptional Talent) Limit

4. (a) The Secretary of State shall be entitled to limit the total number of Tier 1 (Exceptional Talent) endorsements Designated Competent Bodies may make in support of successful applications in a particular period, to be referred to as the Tier 1 (Exceptional Talent) Limit.

(b) The Tier 1 (Exceptional Talent) Limit for each of the periods 6 April 2012 to 5 April 2013 and 6 April 2013 to 5 April 2014 is 1,000 endorsements in total, which will be allocated to the Designated Competent Bodies as follows:

(i) 300 endorsements to The Arts Council for the purpose of endorsing applicants with exceptional talent in the fields of arts and culture;

(ii) 300 endorsements to The Royal Society for the purpose of endorsing applicants with exceptional talent in the fields of natural sciences and medical science research;

(iii) 200 endorsements to The Royal Academy of Engineering for the purpose of en-dorsing applicants with exceptional talent in the field of engineering; and

(iv) 200 endorsements to The British Academy for the purpose of endorsing applicants with exceptional talent in the fields of humanities and social sciences.

(c) The Tier 1 (Exceptional Talent) Limit will be operated according to the practice set out in paragraph 5 below.

(d) If a Designated Competent Body chooses to transfer part of its unused allocation of endorsements to another Designated Competent Body by mutual agreement of both bod-ies and the Secretary of State, the allocations of both bodies will be adjusted accordingly and the adjusted allocations will be published on the UK Border Agency website.

5. (a) An applicant must state which Designated Competent Body he wishes to endorse his application.

(b) A number of endorsements will be made available for each Designated Competent Body, as follows:

(i) From 6 April to 30 September each year, half that body's allocated endorsements under paragraph 4 above.

(ii) From 1 October to 5 April each year, that body's remaining unused allocated endorsements under paragraph 4 above.

(c) Unused endorsements will not be carried over from one year to the next.

(d) If a Designated Competent Body endorses an application, that application is refused, and that refusal is not subsequently overturned, the used endorsement will be returned to the number of endorsements available for the relevant Designated Competent Body.

(e) No points will be awarded for an endorsement if the Designated Competent Body has exceeded the number of endorsements available to it.

**Endorsement by the relevant Designated Competent Body**

6. Points will only be awarded for an endorsement from the relevant Designated Competent Body if the endorsement has not been withdrawn by the relevant Designated Competent Body at the time the application for Entry Clearance is considered by the UK Border Agency.

**Money earned in the UK**

6A. Points will only be awarded for money earned in the UK if the applicant provides the following specified documents:

(a) If the applicant is a salaried employee, the specified documents are at least one of the following:

(i) payslips confirming his earnings, which must be either:

(1) original payslips on company-headed paper,

(2) stamped and signed by the applicant's employer, or

(3) accompanied by a letter from the applicant's employer, on company headed paper and signed by a senior official, confirming the payslips are authentic;

or

(ii) personal bank statements on official bank stationery, showing the payments made to the applicant; or

(iii) electronic bank statements from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically), which either:

(1) are accompanied by a supporting letter from the bank on company headed paper confirming that the documents are authentic, or

(2) bear the official stamp of the issuing bank on every page of the document;

or

(iv) an official tax document produced by HM Revenue & Customs or the applicant's employer, which shows earnings on which tax has been paid or will be paid in a tax year, and is either:

(1) a document produced by HM Revenue & Customs that shows details of declarable taxable income on which tax has been paid or will be paid in a tax year, such as a tax refund letter or tax demand,

(2) a P60 document produced by an employer as an official return to HM Revenue & Customs, showing details of earnings on which tax has been paid in a tax year, or

(3) a document produced by a person, business, or company as an official return to HM Revenue & Customs, showing details of earnings on which tax has been paid or will be paid in a tax year, and which has been approved, registered, or stamped by HM Revenue & Customs;

or

(v) Dividend vouchers, confirming the gross and net dividend paid by a company to the applicant, normally from its profits. The applicant must provide a separate dividend voucher or payment advice slip for each dividend payment.

(b) If the applicant has worked in a self-employed capacity, the specified documents are at least one of the following:

(i) A letter from the applicant's accountant (who must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered
body in the UK), on headed paper, which shows a breakdown of the gross and net earnings. The letter should give a breakdown of salary, dividends, profits, tax
credits and dates of net payments earned. If the applicant's earnings are a share of the net profit of the company, the letter should also explain this; or

(ii) Company or business accounts that meet statutory requirements and clearly show:

(1) the net profit of the company or business made over the earnings period to be assessed,

(2) both a profit and loss account (or income and expenditure account if the organisation is not trading for profit), and

(3) a balance sheet signed by a director;

or

(iii) If the applicant has worked as a sponsored researcher, a letter on official headed paper to the applicant from the institution providing the funding, which confirms:

(1) the applicant's name,

(2) the name of the sponsoring institution providing the funding,

(3) the name of the host institution where the applicant's sponsored research is based,

(4) the title of the post, and

(5) details of the funding provided.

(c) All applicants must also provide at least one of the following specified documents:

(i) A contract of service or work between the applicant and a UK employer or UK institution which indicates the field of work he has undertaken; or

(ii) A letter from a UK employer or UK institution on its official headed paper, confirming that the applicant has earned money in his expert field.

## Attributes for Tier 1 (General) Migrants

7. An applicant applying for leave to remain or indefinite leave to remain as a Tier 1 (General) Migrant must score 75 points for attributes, if the applicant has, or has had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-employed Lawyer, or as a Tier 1 (General) Migrant under the rules in place before 19 July 2010, and has not been granted leave in any categories other than these under the rules in place since 19 July 2010.

8. An applicant applying for leave to remain or indefinite leave to remain as a Tier 1 (General) Migrant who does not fall within the scope of paragraph 7 above or paragraph 9 below must score 80 points for attributes.

9. An applicant applying for indefinite leave to remain as a Tier 1 (General) Migrant whose application is being made under terms set out in Appendix S is not required to score points for attributes.

10. Available points are shown in Table 2 and Table 3 below. only one set of points will be awarded per column in each table. For example, points will only be awarded for one qualification.

11. Notes to accompany Table 2 and Table 3 appear below Table 3.

### Table 2 - Applications for leave to remain and indefinite leave to remain where the applicant has, or has had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-employed Lawyer, or as a Tier 1 (General) Migrant under the rules in place before 6 April 2010, and has not been granted leave in any categories other than these since 6 April 2010

| Qualification | Points | Previous earnings | Points | UK Experience | Points | Age (at date of application for first grant) | Points |
|---|---|---|---|---|---|---|---|
| Bachelor's degree (see paragraph 13 below) | 30 | £16,000-£17,999.99 (see paragraph 18 below) | 5 | If £16,000 or more of the previous earnings for which points are claimed were earned in the UK | 5 | Under 28 years of age | 20 |
| Master's degree | 35 | £18,000-£19,999.99 (see paragraph 18 below) | 10 | If £16,000 or more of the previous earnings for which points are claimed were earned in the UK | | 28 or 29 years of age | 10 |
| PhD | 50 | £20,000-£22,999.99 | 15 | | | 30 or 31 years of age | 5 |
| | | £23,000-£25,999.99 | 20 | | | | |
| | | £26,000-£28,999.99 | 25 | | | | |
| | | £29,000-£31,999.99 | 30 | | | | |
| | | £32,000-£34,999.99 | 35 | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | £35,000-£39,999.99 | 40 | | | | |
| | | £40,000 or more | 45 | | | | |

### Table 3 - All other applications for leave to remain and indefinite leave to remain

| Qualification | Points | Previous earnings | Points | UK Experience | Points | Age (at date of application for first grant) | Points |
|---|---|---|---|---|---|---|---|
| Bachelor's degree | 30 | £25,000-£29,999.99 | 5 | If £25,000 or more of the previous earnings for which points are claimed were earned in the UK | 5 | Under 30 years of age | 20 |
| Master's degree | 35 | £30,000-£34,999.99 | 15 | | | 30 to 34 years of age | 10 |
| PhD | 45 | £35,000-£39,999.99 | 20 | | | 35 to 39 years of age | 5 |
| | | £40,000-£49,999.99 | 25 | | | | |
| | | £50,000-£54,999.99 | 30 | | | | |
| | | £55,000-£64,999.99 | 35 | | | | |
| | | £65,000-£74,999.99 | 40 | | | | |
| | | £75,000-£149,999.99 | 45 | | | | |
| | | £150,000 or more | 80 | | | | |

### Notes

12. Qualifications and/or earnings will not be taken into account if the applicant was in breach of the UK's immigration laws at the time those qualifications were studied for or those earnings were made.

### Qualifications: notes

13. An applicant will be awarded no points for a Bachelor's degree if:

(a) his last grant of entry clearance was as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, or

(b) (i) he has had leave to remain as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, and

(ii) his previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly skilled Migrant, as a Writer, Composer or artist, as a self-employed lawyer, or as a Tier 1 (General) Migrant.

14. The specified documents in paragraph 14-SD must be provided as evidence of the qualification, unless the applicant has, or was last granted, leave as a Highly skilled Migrant or a Tier 1 (General) Migrant and previously scored points for the same qualification in respect of which points are being claimed in this application.

14-SD. (a) The specified documents in paragraph 14 are:

(i) The original certificate of award of the qualification, which clearly shows the:

(1) applicant's name,
(2) title of the award,
(3) date of the award, and
(4) name of the awarding institution,

or

(ii) if:

(1) the applicant is awaiting graduation having successfully completed his degree, or
(2) the applicant no longer has the certificate and the institution who issued the certificate is unable to produce a replacement,

an original academic reference from the institution that is awarding the degree together with an original academic transcript, unless (d) applies.

(b) The academic reference referred to in (a)(ii) must be on the official headed paper of the institution and clearly show the:

(1) applicant's name,
(2) title of award,
(3) date of award, confirming that it has been or will be awarded, and
(4) either the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to re-issue the original certificate or award.

(c) The academic transcript referred to in (a)(ii) must be on the institution's official paper and must show the:

(1) applicant's name,
(2) name of the academic institution,
(3) course title, and
(4) confirmation of the award.

(d) If the applicant cannot provide his original certificate for one of the reasons given in (a)(ii) and is claiming points for a qualification with a significant research bias, such as a doctorates, an academic transcript is not required, providing the applicant provides an academic reference which includes all the information detailed in (b) above.

(e) Where an applicant cannot find details of his academic qualification on the points based calculator on the UK Border Agency website, he must, in addition to the document or documents in (a), provide an original letter or certificate from UK NARIC confirming the equivalency of the level of his qualification.

(f) Where an applicant cannot find details of his professional or vocational qualification on the points based calculator, he must, in addition to the document or documents in (a), provide an original letter from the appropriate UK professional body confirming the equivalence to UK academic levels of his qualification, which clearly shows:

(1) the name of the qualification, including the country and awarding body, and

(2) confirmation of which UK academic level this qualification is equivalent to.

15. Points will only be awarded for an academic qualification if an applicant's qualification is deemed by the national academic recognition information Centre for the United Kingdom (UK NARIC) to meet or exceed the recognised standard of a Bachelor?s or Master's degree or a PhD, as appropriate, in the UK.

16. Points will also be awarded for vocational and professional qualifications that are deemed by UK NARIC or the appropriate UK professional body to be equivalent to a Bachelor's or Master's degree or a PhD in the UK.

17. If the applicant has, or was last granted, leave as a Tier 1 (General) Migrant or a Highly skilled Migrant and the qualification for which points are now claimed was, in the applicant's last successful application for leave or for a Highly Skilled Migrant Programme approval letter, assessed to be of a higher level than now indicated by UK NARIC, the higher score of points will be awarded in this application too.

**Previous earnings: notes**

18. An applicant will be awarded no points for previous earnings of less than £20,000 if:

(a) his last grant of entry clearance was as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, or

(b) (i) he has had leave to remain as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, and

(ii) his previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly Skilled Migrant, as a Writer, Composer or artist, as a self-employed lawyer, or as a Tier 1 (General) Migrant.

19. (a) In all cases, the applicant must provide at least two different types of the specified documents in paragraph 19-SD(a) from two or more separate sources as evidence for each source of previous earnings.

(b) If the applicant is claiming points for self-employed earnings made in the UK, he must also provide the specified documents in paragraph 19-SD(b) to show that:

(i) he is registered as self-employed,

(ii) he was registered as self-employed during the period(s) of self-employment used to claim points, and

(iii) he was paying Class 2 National Insurance contributions during the period(s) of self-employment used to claim points.

(c) Each piece of supporting evidence must support all the other evidence and, where appropriate, be accompanied by any information or explanation of the documents submitted, including further documents such as a letter of explanation from the applicant's accountant, so that together the documents clearly prove the earnings claimed.

(d) Full contact details must be provided for each supporting document for verification purposes.

(e) Where an applicant is providing bank statements as evidence, the bank statements provided must:

(i) be on official bank stationery, and must show each of the payments that the applicant is claiming, or

(ii) electronic bank statements from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically), which either:

(1) are accompanied by a supporting letter from the bank on company headed paper confirming that the documents are authentic, or

(2) bear the official stamp of the issuing bank on every page of the statement.

(f) Where an applicant is providing official tax documents as evidence, the documents must be:

(i) a document produced by a tax authority that shows details of declarable taxable income on which tax has been paid or will be paid in a tax year (for example a tax refund letter or tax demand),

(ii) a document produced by an employer as an official return to a tax authority, showing details of earnings on which tax has been paid in a tax year (for example a P60 in the United Kingdom), or

(iii) a document produced by a person, business, or company as an official return to a tax authority, showing details of earnings on which tax has been paid or will be paid in a tax year, and which has been approved, registered, or stamped by the tax authority.

(g) (i) Where an applicant is providing evidence from an accountant or accountancy firm, the accountant must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body.

(ii) If the earnings were for work done while the applicant was in the UK, such evidence must come from an accountant or accountancy firm in the UK who is a member of one of the following recognised supervisory bodies:

(1) The Institute of Chartered Accountants in England and Wales (ICAEW),
(2) The Institute of Chartered Accountants in Scotland (ICAS),
(3) The Institute of Chartered Accountants in Ireland (ICAI),
(4) The Association of Chartered Certified Accountants (ACCA),
(5) The Chartered Institute of Public Finance and Accountancy (CIPFA),
(6) The Institute of Financial Accountants (IFA), or
(7) The Chartered Institute of Management Accountants (CIMA).

(iii) If the earnings were made while the applicant was not in the UK, the evidence must come from an accountant or accountancy firm which meets the requirements in (ii) or appears on the list of full members given on the website of the International Federation of Accountants.

19-SD. (a) The specified documents in paragraph 19(a) are:

(i) Formal payslips covering the whole period claimed, whivh must be on company headed paper or stamped and signed as authentic by the employer;

(ii) Personal bank statements showing the payments made to the applicant;

(iii) A letter from the applicant's employer(s) during the period claimed (or in the case of winnings, the relevant awarding body), on company headed paper, which:

(1) is dated after the period for which earnings are being claimed, and

(2) clearly confirms the applicant's gross and net earnings during the period claimed, and the date and amount of each payment;

(iv) Official tax document produced by the relevant tax authority or employer, showing earnings on which tax has been paid or will be paid in a tax year;

(v) Dividend vouchers which show the amount of money paid by the company to the applicant, normally from its profits, and which confirm both the gross and net dividend paid. The applicant must provide a separate dividend voucher or payment advice slip for each dividend payment, to cover the whole period claimed;

(vi) If the applicant is claiming points for self-employed earnings, a letter from his accountant on headed paper, confirming that the applicant received the exact amount he is claiming, or the net profit to which he is entitled. This is a letter from the applicant's accountant on headed paper confirming the gross and net pay for the period claimed. The letter should give a breakdown of salary, dividends, profits, tax credits and dates of net payments earned. If the applicant's earnings are a share of the net profit of the company, the letter should also explain this;

(vii) Invoice explanations or payment summaries from the applicant's accountant, which include a breakdown of the gross salary, tax deductions and dividend payments made to the applicant, and which enable the UK Border Agency to check that the total gross salary and dividend payments correspond with the net payments into the applicant's personal bank account.

(viii) Company or business accounts that meet statutory requirements and clearly show:

(1) the net profit of the company or business made over the earnings period to be assessed,

(2) both a profit and loss account (or income and expenditure account if the organisation is not trading for profit), and

(3) a balance sheet signed by a director;

(ix) Business bank statements showing the payments made to the applicant;

(x) If the applicant provides a combination of bank statements and a letter or invoice summary from his accountant, he must also provide any invoices generated during the period for which earnings are being claimed.

(b) The specified documents in paragraph 19(b) are:

(i) If the applicant's National Insurance is paid by bill, the original bill from the billing period immediately before the application.

(ii) If the applicant's National Insurance is paid by direct debit, the most recent bank statement issued before the application, showing the direct debit payment of National Insurance to HM Revenue & Customs.

(iii) If the applicant has low earnings, an original small earnings exception certificate issued by HM Revenue & Customs for the most recent return date.

(iv) If the applicant has not yet received the documents in (i) to (iii), the original, dated welcome letter from HM Revenue & Customs containing the applicant's unique taxpayer reference number.

**Period for assessment**

20. Applicants should indicate in the application form for which 12-month period their earnings should be assessed.

21. (a) for all applicants the period for assessment of earnings must:

(i) consist of no more than 12 months which must run consecutively, and

(ii) fall within the 15 months immediately preceding the application.

(b) if the applicant:

(i) has been on maternity or adoption leave at some point within the 12 months preceding the application, and

(ii) has provided the specified documents, or where due to exceptional circumstances the specified documents in paragraph 21-SD are not available, has provided alternative documents which show that the circumstances provided for in (i) apply,

the applicant may choose for a period of no more than 12 months spent on maternity or adoption leave to be disregarded when calculating both the 12-month and 15-month period.

21-SD. (a) Where paragraph 21(b)(ii) states that specified documents must be provided, the applicant must provide:

(i) The document in (b) below, if it has been issued, and

(ii) If the document in (b) has been issued and is provided, the documents in either (c)(i) or (c)(ii) below, or

(iii) If the document in (b) has not been issued, the documents in both (c)(i) and (ii) below, or

(iv) If the applicant is unable to satisfy (ii) or (iii) above:

(1) the documents in either (b) or (c)(i) or (c)(ii),

(2) a satisfactory explanation as to why the other types of document cannot be provided, and

(3) one of the types of documents in (d) below.

The specified documents are:

(b) The original full birth certificate or original full certificate of adoption (as appropriate), containing the names of parents or adoptive parents of the child for whom the period of maternity or adoption-related absence was taken;

(c) (i) An original letter from the applicant's employer, on the company headed paper, which confirms the start and end dates of the period of maternity or adoption-related absence;

(ii) Original payslips or other payment or remittance documents, on the official letter-headed paper of the issuing authority, and covering the entire period for which the maternity or adoption-related absence is being claimed and showing the statutory maternity or adoption payments to the applicant;

(d) One of the following documents, from an official source and which is independently verifiable:

(i) official adoption papers issued by the relevant authority;

(ii) any relevant medical documents

(iii) a relevant extract from a register of birth accompanied by an original letter from the issuing authority.

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.

**Earnings**

23. Earnings include, but are not limited to:

(a) salaries (includes full-time, part-time and bonuses),

(b) earnings derived through self-employment,

(c) earnings derived through business activities,

(d) statutory and contractual maternity pay, statutory and contractual adoption pay,

(e) allowances (such as accommodation, schooling or car allowances) which form part of an applicant's remuneration package and are specified in the applicant's payslips,

(f) dividends paid by a company in which the applicant is active in the day-to-day management, or where the applicant receives the dividend as part or all of their remuneration package,

(g) property rental income, where this constitutes part of the applicant's business, and

(h) payments in lieu of notice.

24. Where the earnings take the form of a salary or wages, they will be assessed before tax (i.e. gross salary).

25. Where the earnings are the profits of a business derived through self-employment or other business activities:

(a) the earnings that will be assessed are the profits of the business before tax. Where the applicant only has a share of the business, the earnings that will be assessed are the profits of the business before tax to which the applicant is entitled, and

(b) the applicant must be registered as self-employed in the UK, and must provide the specified evidence.

26. Earnings do not include unearned sources of income, such as:

(a) allowances (such as accommodation, schooling or car allowances) which are paid as reimbursement for monies the applicant has previously paid,

(b) any other allowances, unless part of the applicant's remuneration package and specified in the applicant's payslips,

(c) dividends, unless paid by a company in which the applicant is active in the day-to-day management, or unless the applicant receives the dividend as part or all of their remuneration package,

(d) property rental income, unless this constitutes part of the applicant's business,

(e) interest on savings and investments,

(f) funds received through inheritance,

(g) employer pension contributions or monies paid to the applicant as a pension,

(h) expenses where the payment constitutes a reimbursement for monies the applicant has previously outlaid,

(i) redundancy payment,

(j) sponsorship for periods of study,

(k) state benefits, or

(l) prize money or competition winnings, other than where they are directly related to the applicant's main profession or occupation.

### Converting foreign currencies

27. Earnings in a foreign currency will be converted to pound sterling (£) using the closing spot exchange rate for the last day of the period for which the applicant has claimed earnings in that currency.

28. If the applicant's earnings fall either side of a period of maternity or adoption leave, earnings in a foreign currency will be converted to pounds sterling (£) using the closing spot exchange rate which exists:

(a) for the earnings earned before maternity or adoption leave, on the last day of the period before maternity leave, and

(b) for the earnings earned after maternity or adoption leave, on the last day of the period after maternity leave.

29. The spot exchange rate which will be used is that which appears on www.oanda.com*

30. Where the previous earnings claimed are in different currencies, any foreign currencies will be converted before being added together, and then added to any UK earnings, to give a total amount.

**UK experience: notes**

31. Previous earnings will not be taken into account for the purpose of awarding points for UK experience if the applicant was not physically present in the UK at the time those earnings were made.

32. Previous earnings will not be taken into account for the purpose of awarding points for UK experience if the applicant was physically present in the Isle of Man or the Channel Islands at the time those earnings were made.

**Age: notes**

33. if the applicant was first granted leave in the categories of Highly Skilled Migrant, Writer, Composer or Artist, Self-employed Lawyer or Tier 1 (General) Migrant and has not been granted leave in any category other than those listed here since the first grant of leave, points will be awarded based on the applicant's age at the date of the application for that first grant of leave. if the applicant has been granted leave since his first grant of leave in a category not listed in this paragraph, points will be awarded based on his age at the date of application for a grant of leave in a category listed in this paragraph where leave has not been granted in any category not listed in this paragraph between that grant of leave and the current application.

34. The specified documents in paragraph 34-SD must be provided as evidence of age.

34-SD. The specified documents in paragraph 34 are:

(i) The applicant's Biometric Residence Permit, which contains the date of approval of the last grant of leave and the age of the applicant; or

(ii) The applicant's current valid original passport or travel document containing the last entry clearance granted to the applicant.

## 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. Subject to paragraph 37, available points for applications for entry clearance or leave to remain are shown in Table 4.

36A. An applicant who is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as:

(i) a Tier 4 Migrant,
(ii) a Student,
(iii) a Student Nurse,
(iv) a Student Re-sitting an Examination, or
(v) a Student Writing Up a Thesis,

will only be awarded points under the provisions in (b) in Table 4.

37. Available points are shown in Table 5 for an applicant who:

(a) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator in the 12 months immediately before the date of application, or

(b) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator.

38. Available points for applications for indefinite leave to remain are shown in Table 6.

39. (a) Notes to accompany Table 4 appear below Table 4.

(b) Notes to accompany Tables 4, 5 and 6 appear below Table 6.

### Table 4: Applications for entry clearance or leave to remain referred to in paragraph 36

| Investment and business activity | Points |
|---|---|
| (a) The applicant has access to not less than £200,000, or<br><br>(b) The applicant has access to not less than £50,000 from:<br><br>(i) one or more registered venture capitalist firms regulated by the Financial Services Authority,<br><br>(ii) one or more UK Entrepreneurial seed funding competitions which is listed as endorsed on the UK Trade & Investment website, or<br><br>(iii) one or more UK Government Departments, or Devolved Government Departments in Scotland, Wales or Northern Ireland, and made available by the Department(s) for the specific purpose of establishing or expanding a UK business, or<br><br>(c) The applicant:<br><br>(i) is applying for leave to remain,<br><br>(ii) has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant, and<br><br>(iii) has access to not less than £50,000, or | 25 |

| | |
|---|---|
| (d) The applicant:<br><br>(i) is applying for leave to remain,<br><br>(ii) has, or was lasted granted, leave as a Tier 1 (Post-Study Work) Migrant,<br><br>(iii) was, on a date falling within the three months immediately prior to the date of application,<br><br>(1) registered with HM Revenue and Customs as self-employed, or<br><br>(2) registered as a new business in which he is a director, or<br><br>(3) registered as a director of an existing business,<br><br>(iv) is working in an occupation which appears on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J, and provides the specified evidence in paragraph 41-SD. "Working" in this context means that the core service his business provides to its customers or clients involves the business delivering a service in an occupation at this level. It excludes any work involved in administration, marketing or website functions for the business, and<br><br>(v) has access to not less than £50,000. | |
| The money is held in one or more regulated financial institutions | 25 |
| The money is disposable in the UK | 25 |

### Investment: notes

40.DELETED.

41. An applicant will only be considered to have access to funds if:

(a) The specified documents in paragraph 41-SD are provided to show cash money to the amount required (this must not be in the form of assets);

(b) The specified documents in paragraph 41-SD are provided to show that the applicant has permission to use the money to invest in a business in the UK;

(c) The money is either held in a UK regulated financial institution or is transferable to the UK; and

(d) The money will remain available to the applicant until such time as it is spent in the establishment or running of the applicant's business or businesses. 'Spent' excludes spending on the applicant's own remuneration. The UK Border Agency 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 it is unable to satisfactorily verify. 'Available to him' means that the funds are:

(1) in his own possession,

(2) in the financial accounts of a UK incorporated business of which he is the director, 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-SD(b) of Appendix A.

41-SD. The specified documents in Table 4 and paragraph 41 are as follows:

(a) The specified documents to show evidence of the money available to invest are one or more of the following specified documents:

(i) A letter from each financial institution holding the funds, to confirm the amount of money available to the applicant (or the entrepreneurial team if applying under the provisions in paragraph 52 of this Appendix). Each letter must:

(1) be an original document and not a copy,

(2) be on the institution's official headed paper,

(3) have been issued by an authorised official of that institution,

(4) have been produced within the three months immediately before the date of your application,

(5) confirm that the institution is regulated by the appropriate body,

(6) state the applicant's name, and his team partner's name if the applicant is applying under the provisions in paragraph 52 of this Appendix,

(7) state the date of the document,

(8) confirm the amount of money available from the applicant's own funds (if applicable) that are held in that institution,

(9) confirm the amount of money provided to the applicant from any third party (if applicable) that is held in that institution,

(10) confirm the name of each third party and their contact details, including their full address including postal code, landline phone number and any email address, and

(11) confirm that if the money is not in an institution regulated by the FSA, the money can be transferred into the UK;

or

(ii) For money held in the UK only, a recent personal bank or building society statement from each UK financial institution holding the funds, which confirms the amount of money available to the applicant (or the entrepreneurial team if applying under the provisions in paragraph 52 of this Appendix). The statements must satisfy the following requirements:

(1) The statements must be original documents and not copies;
(2) The bank or building society holding the money must be based in the UK and regulated by the Financial Services Authority;
(3) The money must be in cash in the account, not Individual Savings Accounts or assets such as stocks and shares;
(4) The account must be in the applicant's own name only (or both names for an entrepreneurial team), not in the name of a business or third party;
(5) Each bank or building society statement must be on the institution's official stationary and confirm the applicant's name and, where relevant, the applicant's entrepreneurial team partner's name, the account number, the date of the statement, and the financial institution's name and logo;
(6) The bank or building society statement must have been issued by an authorised official of that institution and produced within the three months immediately before the date of the application; and
(7) If the statements are printouts of electronic statements from an online account, they must either be accompanied by a supporting letter from the bank, on company headed paper, confirming the authenticity of the statements, or bear the official stamp of the bank in question on each page of the statement;

or

(iii) For £50,000 from a Venture Capital firm, Seed Funding Competition or UK Government Department only, a recent letter from an accountant, who is a member of a recognised UK supervisory body, confirming the amount of money made available to the applicant (or the entrepreneurial team if applying under the provisions in paragraph 52 of this Appendix). Each letter must:

(1) be an original document and not a copy,
(2) be on the institution's official headed paper,
(3) have been issued by an accountant engaged by the Venture Capital firm, Seed funding competition or UK Government Department to provide the information,
(4) have been produced within the three months immediately before the date of the application,
(5) state the applicant's name, and his team partner's name if the applicant is applying under the provisions in paragraph 52 of this Appendix,
(6) state the date of the document,
(7) confirm the amount of money available to the applicant or the applicant's business from the Venture Capital firm, Seed funding competition or UK Government Department, and
(8) confirm the name of the Venture Capital firm, Seed funding competition or UK Government Department and

the contact details of an official of that organisation, including their full address, postal code, landline phone number and any email address,

(b) If the applicant is applying using money from a third party, he must provide all of the following specified documents:

(i) An original declaration from every third party that they have made the money available for the applicant to invest in a business in the United Kingdom, containing:

(1) the names of the third party and the applicant (and his team partner's name if the applicant is applying under the provisions in paragraph 52 of this Appendix),
(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 team partner if the applicant is applying under the provisions in paragraph 52 of this Appendix),
(4) the amount of money available to the applicant from the third party in pounds sterling,
(5) the relationship(s) of the third party to the applicant,
(6) if the third party is a venture capitalist firm, confirmation of whether this body is an Financial Services Authority-registered venture capital firm, in the form of a document confirming the award and the amount of money, and including the Financial Services Authority registration number that the firm's permission to operate as a Venture Capital firm is listed as permitted under,
(7) if the third party is a UK entrepreneurial seed funding competition, a document confirming that the applicant has been awarded money and that the competition is listed as endorsed on the UK Trade & Investment website, together with the amount of the award and naming the applicant as a winner,
(8) if the third party is a UK Government Department, a document confirming that it has made money available to the applicant for the specific purpose of establishing or expanding a UK business, and the amount, and
(9) confirmation that the money will remain available to the applicant until such time as it is transferred to the applicant or the applicant's business.

and

(ii) A letter from a legal representative confirming the validity of signatures on each third-party declaration provided, which confirms that the declaration(s) from the third party/parties contains the signatures of the people stated. It can be a single letter covering all third-party permissions, or several letters from several legal representatives. It must be an original letter and not a copy, and it must be from a legal representative permitted to practise in the country where the third party or the money is. The letter must clearly show the following:

(1) the name of the legal representative confirming the details,
(2) the registration or authority of the legal representative to practise legally in the country in which the permission or permissions was/were given,
(3) the date of the confirmation letter,
(4) the applicant's name (and the name of the applicant's team partner if the applicant is applying under the provisions in paragraph 52 of this Appendix),

(5) the third party's name,
(6) that the declaration from the third party is signed and valid, and
(7) if the third party is not a venture capitalist firm, seed funding competition or UK Government Department, the number of the third party's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry.

(c) If the applicant is applying under the provisions in (d) in Table 4, he must provide:

(i) his job title,

(ii) the Standard Occupational Classification (SOC) code of the occupation that the applicant is working in, which must appear on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J,

(iii) one or more of the following specified documents:

(1) Advertising or marketing material, including printouts of online advertising, that has been published locally or nationally, showing the applicant's name (and the name of the business if applicable) together with the business activity,
(2) Article(s) or online links to article(s) in a newspaper or other publication showing the applicant's name (and the name of the business if applicable) together with the business activity,
(3) Information from a trade fair(s), at which the applicant has had a stand or given a presentation to market his business, showing the applicant's name (and the name of the business if applicable) together with the business activity, or
(4) Personal registration with a trade's body linked to the applicant's occupation.

and

(iv) one or more contracts showing trading. If a contract is not an original the applicant must sign each page of the contract. The contract must show:

(1) the applicant's name and the name of the business,
(2) the service provided by the applicant's business; and
(3) the name of the other party or parties involved in the contract and their contact details, including their full address, postal code, landline phone number and any email address.

42. Points will only be awarded to an applicant to whom Table 4, paragraph (b) applies if the total sum of those funds derives from one or more of the sources listed in (b)(i) to (iii) in Table 4.

43. A regulated financial institution is one, which is regulated by the appropriate regulatory body for the country in which the financial institution operates.

44. 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* on the date on which the application was made.

45. If the applicant has invested the money referred to in Table 4 in the UK before the date of the application, points will be awarded for funds available as if the applicant had not yet invested the funds, providing the investment was made no more than 12 months before the date of the application and the specified documents in paragraph 46-SD are provided.

45A. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.

### Table 5: Applications for entry clearance or leave to remain referred to in paragraph 37

| Investment and business activity | Points |
|---|---|
| The applicant has invested, or had invested on his behalf, not less than £200,000 (or £50,000 if, in his last grant of leave, he was awarded points for funds of £50,000 as set out in Table 4 above in cash directly into one or more businesses in the UK. | 20 |
| The applicant has:<br><br>(a) registered with HM revenue and Customs as self-employed, or<br><br>(b) registered a new business in which he is a director, or<br><br>(c) registered as a director of an existing business.<br><br>Where the applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) Migrant, the above condition must have been met within 6 months of his entry to the UK (if he was granted entry clearance as a Tier 1 (Entrepreneur) Migrant and there is evidence to establish his date of arrival to the UK), or, in any other case, the date of the grant of leave to remain. | 20 |
| On a date no earlier than three months prior to the date of application, the applicant was:<br><br>(a) registered with HM revenue and Customs as self-employed, or<br><br>(b) registered a new business in which he is a director, or<br><br>(c) registered as a director of an existing business. | 15 |
| The applicant has:<br><br>(a) established a new business or businesses that has or have created the equivalent of at least two new full time jobs for persons settled in the UK, or | 20 |

| | | |
|---|---|---|
| | (b) taken over or invested in an existing business or businesses and his services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the UK by creating the equivalent of at least two new full time jobs.<br><br>Where the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) Migrant, the jobs must have existed for at least 12 months of the period for which the previous leave was granted. | |

### Table 6: Applications for indefinite leave to remain as referred to in paragraph 38

| Row | **Investment and business activity** | **Points** |
|---|---|---|
| 1. | On a date no earlier than three months prior to the date of application, the applicant was:<br><br>(a) registered with HM Revenue and Customs as self-employed, or<br><br>(b) registered a new business in which he is a director, or<br><br>(c) registered as a director of an existing business. | 20 |
| 2. | The applicant has:<br><br>(a) established a new UK business or businesses that has or have created the equivalent of X new full time jobs for persons settled in the UK, or<br><br>(b) taken over or invested in an existing UK business or businesses and his services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the UK by creating the equivalent of X new full time jobs where X is at least 2.<br><br>Where the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) Migrant, the jobs must have existed for at least 12 months of the period for which the previous leave was granted. | 20 |
| 3. | 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.<br><br>The specified period must have been spent with leave as a Tier 1 (Entrepreneur) Migrant, as a Businessperson and/or as an Innovator, of which the most recent period must have been spent with leave as a Tier (1) (Entrepreneur) Migrant.<br><br>The specified continuous period is:<br><br>(a) 3 years if the number of new full time jobs, X, referred to in row 2 above is at least 10,<br><br>(b) 3 years if the applicant has:<br><br>(i) established a new UK business that has had an income from business activity of at least £5 million during a 3 year period | 35 |

| | | |
|---|---|---|
| | in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, or<br><br>(ii) taken over or invested in an existing UK business and his services or investment have resulted in a net increase in income from business activity to that business of £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, when compared to the immediately preceding 3 year period,<br><br>or<br><br>(c) 5 years in all other cases. | |

### Investment and business activity: notes

46.Documentary evidence must be provided in all cases. The specified documents in paragraph 46-SD must be provided as evidence of any investment and business activity that took place when the applicant had leave as a Tier 1 (Entrepreneur) Migrant or a Tier 1 (Post-Study Work) Migrant, and any investment made no more than 12 months before the date of the application for which the applicant is claiming points.

46-SD. The specified documents in paragraphs 45 and 46 are as follows:

(a) The applicant must provide all the appropriate specified documents needed to establish the amount of money he has invested from the following list:

(i) If the applicant's business is a registered company that is required to produce audited accounts, the audited accounts must be provided;

(ii) If the applicant's business is not required to produce audited accounts, unaudited accounts 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), must be provided;

(iii) If the applicant has made the investment in the form of a director's loan, it must be shown in the relevant set of accounts provided, and the applicant must also provide a legal agreement, between the applicant (in the name that appears on his application) and the company, 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 in favour of third-party creditors.

(b) Audited or unaudited accounts must show the investment in money made directly by the applicant, in his own name or on his behalf (and showing his name). If he has invested by way of share capital the business 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 his application. If the value of the applicant's share capital is not shown in the accounts, then share certificates must be submitted as documentary evidence. 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.

(c) The applicant must provide the following specified documents to show that he has established a UK business:

(i) Evidence that the business has business premises in the United Kingdom:

(1) If the applicant is self employed, his registration with HM Revenue and Customs to show that the business is based in the UK, or

(2) If the applicant is a director, printout of a Companies House document showing the address of the registered office in the UK, or head office in the UK if it has no registered office, and the applicant's name, as it appears on the application form, as a director,

and

(ii) Evidence that the business has a UK bank account:

(1) If the applicant is self employed, a personal bank statement showing transactions for his business, or a business bank statement, or a letter from a UK bank confirming that he has a business and acts through that bank, or

(2) If the applicant is a director, a company bank statement showing that the company has a UK account, or a letter from a UK bank confirming that the company has a bank account,

and

(iii) Evidence that the business is subject to UK taxation:

(1) If the applicant is self-employed, he must be registered as self-employed for National Insurance assessment and provide either the welcome letter from HM Revenue & Customs, the Small Earnings Exception certificate, a copy of the National Insurance bill from HM Revenue & Customs, or
the applicant's bank statement showing that National Insurance is taken by HM Revenue & Customs by direct debit, or

(2) If the applicant is a director of a business, the business must be registered for corporation tax and the applicant must provide either a copy of form CT41G from HM Revenue & Customs, which is completed and shows the date of registration of the company with HM Revenue & Customs and the HM Revenue & Customs unique reference number, or a completed HM Revenue & Customs tax return document showing the tax reference number for the company.

(d) If the applicant has bought property that includes residential accommodation the value of this part of the property will not be counted towards the amount of the business investment. The applicant must provide an estimate of the value of the living accommodation if it is part of the premises also used for the business, from a surveyor who is a member of the Royal Institution of Chartered Surveyors. This valuation must be produced in the three months prior to the date of application.

(e) If some of the money has been invested into a business in the UK, the balance of funds must be held in a regulated financial institution and disposable in the UK, and the applicant must provide the specified documents required in paragraph 41-SD for the previous investment of money together with the specified documents required in paragraph 41-SD required for his access to the balance of sufficient funds.

(f) Where Table 5 applies and the applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) Migrant or where (d) in Table 4 applies, he must provide the following specified documents as evidence of his registration as self-employed or as a director within the 6 months after the specified date in the relevant table:

(i) If the applicant was self-employed, he must provide one of the following:

(1) an original, dated welcome letter from HM Revenue & Customs containing the applicant's unique taxpayer reference number, dated no more than 8 months from the specified date in the relevant table,

(2) an original Exception Certificate from HM Revenue & Customs, dated no more than 8 months from the specified date in the relevant table,

(3) an original National Insurance bill from the HM Revenue & Customs dated during the 6 months after the specified date in the relevant table, or

(4) a bank statement dated in the 6 months after the specified date in the relevant table, showing the direct debit payment of National Insurance to HM Revenue & Customs.

(ii) If the applicant was a director of a new or existing company, he must provide a Current Appointment Report from Companies House, listing the applicant as the Director of the company and the date of his appointment, which must be no more than 8 months after the specified date in the relevant table.

(g) The applicant must provide the following specified documents as evidence of his current registration as self-employed or as a director:

(i) If the applicant is claiming points for being currently self-employed, he must provide the following specified documents to show that he is paying Class 2 National Insurance contributions:

(1) the original bill from the billing period immediately before the application, if his Class 2 National Insurance is paid by quarterly bill,

(2) the most recent bank statement issued before the application, showing the direct debit payment of National Insurance to HM Revenue & Customs, if his National Insurance is paid by direct debit,

(3) an original small earnings exception certificate issued by HM Revenue & Customs for the most recent return date, if he has low earnings, or

(4) the original, dated welcome letter from HM Revenue & Customs containing the applicant's unique taxpayer reference number, if he has not yet received the documents in (1) to (3).

(ii) If the applicant is claiming points for currently being a director of a UK company, he must provide a printout of a Current Appointment Report from Companies House, dated no earlier than three months before the date of the application, listing the applicant as a director of the company, and confirming the date of his appointment. The company must be actively trading and not struck-off, or dissolved or in liquidation on the date that the printout was produced. Directors who are on the list of disqualified Directors provided by Companies House will not be awarded points.

(h) If the applicant is required to score points for creating the net increase in employment in Table 5 or Table 6, he must provide the following information and specified documents:

(i) A HM Revenue & Customs P11 form (also called the Employee Payment Record), showing details of the earnings for the settled worker for each week that he worked for the applicant, and signed and dated by the applicant;

(ii) If the date of the start of the employment is not shown in the form P11, an original HM Revenue & Customs form P45 or form P46 (also called a Full Payment Submission) for the settled worker, showing the starting date of the employment;

(iii) If the employer is taking part in the Real Time Initiative pilot, printouts of the Full Payment Submission, sent to HM Revenue & Customs, which include the start date of the settled worker and are initialled by the applicant;

(iv) Duplicate payslips or wage slips for each settled worker for whom points are being claimed, covering the full period of the employment for which points are being claimed;

(v) Confirmation of the hourly rate for each settled worker used to claim points, including any changes in the hourly rate and the dates of the changes, enabling calculation of the hours of work created for each settled worker;

(vi) Documents which show that the employment was created for settled workers, such as the passport pages from a UK passport that contain the employee's personal details, and the page containing the UK Government stamp or endorsement, if appropriate, or the worker's full birth certificate, showing the name of at least one parent;

(vii) If the applicant was a director of a company, the information from the Companies House Current Appointment Report to confirm that he was a Director of the company that employed the settled worker at the time that he was employed;

(viii) If the applicant was self-employed, the specified documents in (c) above showing the dates that the applicant became self-employed, the names on the P11 and bank account, and the address of the business;

(ix) If the applicant took over or joined a business that employed workers before he joined it, he must also provide one of the following types of payroll documentation:

(1) a duplicate HM Revenue & Customs form P35 for the year before the jobs were created and the year that the jobs were created, showing the net increase in employment, and signed and dated by the applicant (If the posts were created too recently for a P35 to have been produced, the applicant must provide a draft copy), or

(2) a printout of the information sent to HM Revenue & Customs, initialled by the applicant, if the employer is taking part in the Real Time Initiative pilot;

(x) If the applicant took over or joined a business that employed workers before he joined it, he must also provide an original accountant's letter verifying the net increase in employment and confirming the number of posts. The accountant 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, or the Association of Authorised Public Accountants. The letter must contain:

(1) the name and contact details of the business,
(2) the applicant's status in the business,
(3) the number of posts created in the business and the hours worked,
(4) the dates of the employment created,
(5) the registration or permission of the accountant to operate in the United Kingdom,
(6) the date that the accountant created the letter on the applicant's behalf, and
(7) that the accountant will confirm the content of the letter to the UK Border Agency on request.

47. For the purposes of tables 4, 5 and 6, "investment" does not include the value of any residential accommodation, property development or property management and must not be in the form of a director's loan, unless it is unsecured and subordinated in favour of the business.

48. Points will only be awarded in respect of a UK business or businesses. a business will be considered to be in the UK if:

(i) it is trading within the UK economy, and

(ii) it has a registered office in the UK, except where the applicant is registered with HM revenue & Customs as self-employed and does not have a business office, and

(iii) it has a UK bank account, and

(iv) it is subject to UK taxation.

Multinational companies that are registered as UK companies with either a registered office or head office in the UK are considered to be UK businesses for the purposes of tables 4, 5 and 6.

49. A full time job is one involving at least 30 hours of work a week. Two or more part time jobs that add up to 30 hours a week will count as one full time job but one full time job of more than 30 hours work a week will not count as more than one full time job.

50. Where the applicant's last grant of entry clearance or leave was as a Tier (Entrepreneur) Migrant, the jobs must have existed for a total of at least 12 months during the period in which the migrant had leave in that category. This need not consist of 12 consecutive months and the jobs need not exist at the date of application, provided they existed for at least 12 months during the period in which the migrant had leave as a Tier 1 (Entrepreneur) Migrant.

51. The jobs must comply with all relevant UK legislation including, but not limited to, the national Minimum Wage and the Working Time Directive.

#### Entrepreneurial teams: Notes

52. Two applicants may claim points for the same investment and business activity in Tables 4, 5 or 6 providing the following requirements are met.

Requirements:

(a) The applicants have equal level of control over the funds and/or the business or businesses in question;

(b) The applicants are both shown by name in each other's applications and in the specified evidence required in the relevant table; and

(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 are being relied on as in a previous application.

53. No points will be awarded for funds that are made available to any individual other than the applicant, except under the terms of paragraph 52 above.

### 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. Subject to paragraph 56, available points for applications for entry clearance or leave to remain are shown in Table 7.

56. Available points are shown in Table 8 for an applicant who:

(a) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant or an Investor in the 12 months immediately before the date of application, or

(b) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant or an Investor.

57. Available points for applications for indefinite leave to remain are shown in Table 9.

58. Notes to accompany Table 7, Table 8 and Table 9 appear below Table 9.

#### Table 7: applications for entry clearance or leave to remain referred to in paragraph 55

| Assets | Points |
|---|---|
| The applicant:<br><br>(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 £1 million; or<br><br>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million, and<br><br>(ii) has money under his control held in a regulated financial institution and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution. | 75 |

### Table 8: Applications for entry clearance or leave to remain referred to in paragraph 56

| Assests and investment | Points |
|---|---|
| The applicant:<br><br>(a) has money of his own under his control in the UK amounting to not less than £1 million, or<br><br>(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<br><br>(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. | 30 |
| 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. | 30 |
| The investment referred to above was made within 3 months of his entry to the UK (if he was granted entry clearance as a as a Tier 1 (Investor) Migrant and there is evidence to establish his date of arrival to the UK), or the date of the grant of entry clearance as a Tier 1 (Investor) Migrant (if there is no evidence to establish his date of arrival to the UK), or, in any other case, the date of the grant of leave to remain as a Tier 1 (Investor) Migrant and in each case the investment has been maintained for the whole of the remaining period of that leave;<br><br>or<br><br>The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor. | 15 |

### Table 9: applications for indefinite leave to remain

| Row | **Assests and investment** | **Points** |
|---|---|---|
| 1. | The applicant:<br><br>(a) (i) has money of his own under his control in the UK amounting to not less than £10 million, or<br><br>(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, and<br><br>(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,<br><br>or<br><br>(b) (i) has money of his own under his control in the UK amounting to not less than £5 million, or<br><br>(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<br><br>(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,<br><br>or<br><br>(c) (i) has money of his own under his control in the UK amounting to not less than £1 million, or<br><br>(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<br><br>(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, | 20 |
| 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 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.<br><br>The specified invested amount is:<br><br>(a) £10,000,000 if the applicant scores points from row 1(a) above,<br><br>(b) £5,000,000 if the applicant scores points from row 1(b) above, or<br><br>(c) £1,000,000 if the applicant scores points from row 1(c) above. | 20 |
| 3. | 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. | 20 |

| | | |
|---|---|---|
| | The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant and/or as an Investor, of which the most recent period must have been spent with leave as a Tier 1 (Investor) Migrant.<br><br>The specified continuous period is:<br><br>(a) 2 years if the applicant scores points from row 1(a) above,<br><br>(b) 3 years if the applicant scores points from row 1(b) above, or<br><br>(c) 5 years if the applicant scores points from row 1(c) above. | |
| 4. | The applicant has maintained the full specified invested amount referred to in the relevant part of row 2 throughout the relevant specified continuous period referred to in row 3, other than in the first 3 months of that period and, in relation to time spent with leave as a Tier 1 (Investor) Migrant, has provided specified documents to show that this requirement has been met.<br><br>When calculating the specified continuous period, the first day of that period will be taken to be the later of:<br><br>(a) the date the applicant first entered the UK as a Tier 1 (Investor) Migrant (or the date entry clearance was granted, if this was within three months of the date of entry), or<br><br>(b) the date 3 months before the full specified amount was invested. | 15 |

### Assets and investment: notes

59. DELETED.

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* 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, 8 and 9, "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 is undecided or which led to a grant of entry clearance or leave to remain as an Investor or 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), and
(iii) the money is under the applicant's control, except for the fact that the loan referred to in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9
has been secured against it.

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 original 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 an original 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. "Regulated financial institution" is defined in paragraph 43, Appendix A.

62A. "Active and trading UK registered companies" means companies which:

(a) have a registered office or head office in the UK;

(b) have a UK bank account showing current business transactions; and

(c) are subject to UK taxation.

63. In the case of an application where Table 7 applies, where the money or assets referred to in Table 7 have already been invested in the UK before the date of application, points will only be awarded if they were invested in the UK no more than 12 months before the date of application.

64. In the case of an application where Table 7 applies, points will only be awarded if the applicant:

(a) has had the money or assets referred to in Table 7 for a consecutive 90-day 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 or assets.

64-SD. The specified document requirements in paragraph 64(a), as evidence of having held the money or assets for the specified 90-day period, are as follows:

(a) If the applicant is claiming points from (a) in the first row of Table 7, he must provide:

(i) A portfolio report produced by a UK regulated financial institution, or a breakdown of investments in an original 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 the three consecutive months before the date of application. The report must be no more than one calendar month old at the time 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 UK Government bonds, 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 Services Authority, he must provide one or more of the documents from the list below, as relevant to their type of investments, covering the three consecutive months in the period immediately 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) original 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) Original 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 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 the three full consecutive months 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 from an online account 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, an original 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, on the institution's official headed paper, issued by an authorised official of that institution, stating that the account has held the required amount of money on the day the letter was produced and for the three full consecutive months immediately before the date of the letter. The letter must be 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) that the bank is regulated by the official regulatory body for the country in which the institution operates and the funds are located,

(3) 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
(4) the balance of the account to cover the amount claimed as a credit balance on the date of the letter and the three full consecutive months before the date of the letter;

(v) If the funds are not held in the UK, the applicant must provide an original 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 date of the letter,
(3) the amount of money to be transferred,
(4) that the money can be transferred to the UK if the application is successful, and
(5) that the institution will confirm the content of the letter to the UK Border Agency on request.

(b) If the applicant is claiming points from (b) in the first row of Table 7, he must provide an original letter of confirmation produced by a UK regulated financial institution, on the official letter-headed paper of the institution, issued by an authorised official of that institution, which confirms:

(1) that not less than £1 million are available for the applicant to borrow,
(2) that the money is available on the date that the letter is issued,
(3) that the institution is a UK regulated financial institution,
(4) that the applicant's personal net worth is at least £2 million, and
(5) that the institution will confirm the content of the letter to the UK Border Agency on request.

(c) If specified documents are provided from accountants, the accountant 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, or the Association of Authorised Public 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 or assets are under the applicant's control and that he is free to invest them, the applicant must provide all the specified documents from the following list, with contact details that enable verification:

(a) Original 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 three months 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 amount of money being given,
(5) a statement that the legal ownership of the gift is transferred and that the document is the memorandum of transfer,
(6) a clear description of the gift, and
(7) a statement that the gift is irrevocable;

(ii) If a memorandum of gift in (i) is provided, it must be accompanied by an original 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 amount of money given,
(6) 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,
(7) that the memorandum is signed and valid,
(8) that the gift is irrevocable, and
(9) 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 three months 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 an original 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 an original 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 three months 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 an original 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) confirmation of the amount of money received by the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner).
(7) that the will is signed and valid, and
(8) 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 three months 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 an original 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 applicant and/or husband, wife, civil partner, or unmarried or same-sex partner,
(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 an original 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 an original 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 original 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.

64B-SD. In the case of an application where Table 9, row 1 (a) or (b) applies, points will only be awarded if the applicant:

(a) (i) has had the additional money or assets that he was not awarded points for in his previous grant of leave for a consecutive 90-day period of time, ending no earlier than one calendar month before the date(s) this additional capital was invested (as set out in Table 9, row 2), and

(ii) provides the specified documents in paragraph 64-SD (with the difference that references to "date of application" in that paragraph are taken to read "date of investment"); or

(b) provides the additional specified documents in paragraph 64A-SD of the source of the additional money or assets (with the difference that references to "date of application" in that paragraph are taken to read "date of investment").

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 shall not be excluded where the applicant made an application before 13 December 2012 which is undecided or which led to a grant of entry clearance or leave to remain as an Investor or a Tier 1 (Investor) migrant and has not since been granted entry clearance, leave to enter or leave to remain in any other category,

(b) Open-ended investment companies, investment trust companies or pooled investment vehicles,

(c) Companies mainly engaged in property investment, property management or property development,

(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 the National Savings and Investment Agency (NS&I), for an applicant who has, or last had leave as a Tier 1 (Investor) Migrant, or

(f) Leveraged investment funds, except where the leverage in question is the security against the loan referred to in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9 (as appropriate), and paragraph 61A(i)-(iii) apply.

65A. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.

65-SD. The following specified documents must be provided as evidence of investment:

(a) The applicant must provide a portfolio of investments 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 third row of Table 8;

(ii) Continue to the last reporting date of the most recent billing period of the year directly before the date of the application;

(iii) Include the value of the investments;

(iv) Show that any shortfall in investments below the specified investment amount was made up by the next reporting period;

(v) Show the dates that the investments were made;

(vi) Show the destination of the investments;

(vii) Include, for investments made as loan funds to companies, audited accounts or unaudited accounts with an accountant's certificate for the investments made, giving the full details of the applicant's investment. The accountant 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, or the Association of Authorised Public Accountants;

(viii) Show the name and contact details of the financial institution that has certified the portfolio as correct, and confirmation that this institution is regulated by the Financial Services Authority;

(ix) Show 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; and

(xi) state that the institution will confirm the content of the letter to the UK Border Agency on request.

(b) Where the applicant previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or has a portfolio manager who does not operate in the UK and is therefore not regulated by the Financial Services Authority, the applicant must provide the following specified documents showing his holdings used to claim points, as relevant to the type of investment:

(i) Certified copies of bond documents showing the value of the bonds, the date of purchase and the owner;

(ii) Share documents showing the value of the shares, the date of purchase and the owner;

(iii) The latest audited annual accounts of the organisation in which the investment has been made, which clearly show:

(1) the amount of money held in the investments,
(2) the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner), and
(3) the date of investment.

(iv) If the organisation in (iii) is not required to produce accounts, the applicant must provide a certificate showing the amount of money held in the investments, from an accountant who is 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, or the Association of Authorised Public Accountants.

(c) Where the applicant 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 home can be considered and the valuation must be provided on a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors) in the six months prior to the date of application;

(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 UK Border Agency on request;

(iii) An original 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 UK Border Agency on request.

(d) If the applicant wishes the start of the 3 month timescale specified in the third row of Table 8 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 provided in (a).

## Attributes for Tier 1 (Graduate Entrepreneur) Migrants

66. An applicant applying for leave to remain as a Tier 1 (Graduate Entrepreneur) 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

| Criterion | Points |
|---|---|
| The applicant has been endorsed by a UK Higher Education Institution which:<br><br>(a) has Highly Trusted Sponsor status under Tier 4 of the Points-Based System,<br><br>(b) is an A-rated Sponsor under Tier 2 of the Points-Based System if a Tier 2 licence is held,<br><br>(c) is an A-rated Sponsor under Tier 5 of the Points-Based System if a Tier 5 licence is held, and<br><br>(d) has established processes and competence for identifying, nurturing and developing entrepreneurs among its undergraduate and postgraduate population. | 25 |
| (a) If the applicant's previous grant of leave was not as a Tier 1 (Graduate Entrepreneur) Migrant, the endorsement confirms that, within the 12 months immediately before the date of the endorsement, the institution has awarded the applicant a UK recognised Bachelor degree, Masters degree or PhD (not a qualification of equivalent level which is not a degree),<br><br>or<br><br>(b) If the applicant's previous grant of leave was as a Tier 1 (Graduate Entrepreneur) Migrant, the endorsement is from the | 25 |

| | |
|---|---|
| same institution which provided the endorsement for that previous grant of leave. | |
| The endorsement must confirm that the institution has assessed the applicant and considers that:<br><br>(a) the applicant has a genuine, credible and innovative business idea, and<br><br>(b) the applicant will spend the majority of his working time on developing business ventures, and<br><br>(c) if the applicant's previous grant of leave was as a Tier 1 (Graduate Entrepreneur), he has made satisfactory progress in developing his business since that leave was granted and will, on the balance of probabilities, qualify for leave to remain as a Tier 1 (Entrepreneur) Migrant within the next 12 months. | 25 |

### Notes Tier 1 (Graduate Entrepreneur) Limit

69. (a) The Secretary of State shall be entitled to limit the total number of Tier 1 (Graduate Entrepreneur) endorsements qualifying Higher Education Institutions may make in support of successful applications in a particular period, to be referred to as the Tier 1 (Graduate Entrepreneur) Limit.

(b) The Tier 1 (Graduate Entrepreneur) Limit for each of the periods 6 April 2012 to 5 April 2013 and 6 April 2013 to 5 April 2014 is 1,000 endorsements, which will be allocated to qualifying Higher Education Institutions as follows:

(i) The UK Border Agency will invite all UK Higher Education Institutions which meet the requirements in (a) to (c) in the first row of Table 10 above to take part as endorsing institutions, with responses required by 4 May 2012 for the period 6 April 2012 to 5 April 2013, and by 5 April 2013 for the period 6 April 2013 to 5 April 2014;

(ii) Subject to the limit, the endorsements will be divided equally between all invited institutions who confirm that:

(1) they wish to take part, and

(2) they meet the requirement in (c) in the first row of Table 10 above,

up to a maximum of 10 endorsements per institution;

(iii) Where the resulting allocation for each institution is not an integer, the allocations will be rounded down to the next lowest integer;

(iv) If the result of (ii) or (iii) above is that the total number of allocated endorsements is less than 1,000, the remaining places in the Tier 1 (Graduate Entrepreneur) Limit will not be allocated.

(c) If:

(i) an applicant does not make a valid application within 3 months of the date of his endorsement, or

(ii) an application is refused, and that refusal is not subsequently overturned,

the endorsement used in that application will be cancelled and the relevant institution's unused allocation of endorsements will be increased by one.

(d) The Tier 1 (Graduate Entrepreneur) limit will not apply to applications for leave to remain where the applicant has, or last had, leave to remain as a Tier 1 (Graduate Entrepreneur).

**Endorsement**

70. Points will only be awarded for an endorsement if:

(a) the endorsement was issued to the applicant no more than 3 months before the date of application,

(b) the endorsement has not been withdrawn by the relevant Higher Education Institution at the time the application is considered by the UK Border Agency, and

(c) the applicant provides an original endorsement from the relevant UK Higher Education Institution, which shows:

(i) the endorsement reference number,
(ii) the date of issue (including a statement on how long the letter is valid for),
(iii) the applicant's name,
(iv) the applicant's date of birth,
(v) the applicant's nationality,
(vi) the applicant's current passport number,
(vii) details of any dependants of the applicant who are already in the UK or who the applicant intends to bring to the UK,
(viii) the name of the endorsing UK Higher Education Institution,
(ix) the name and contact details of the authorising official of the endorsing UK Higher Education Institution,
(x) the name, level and date of award of the applicant's qualification, unless the applicant was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant,
(xi) the applicant's intended business sector or business intention,
(xii) what has led the UK Higher Education Institution to endorse the application, and
(xiii) if the applicant was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant, confirmation that the UK Higher Education Institution is satisfied that he has made satisfactory progress and on the balance of probabilities will qualify for a Tier 1 (Entrepreneur) visa within the next 12 months.

**Qualifications**

71. Points will only be awarded for a qualification awarded by the endorsing Higher Education Institution if the endorsement in paragraph 70(c) contains the specified details of the qualification, as set out in paragraph 70(c).

## Attributes for Tier 2 (Intra-Company Transfer) Migrants

73. An applicant applying for entry or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant must score 50 points for attributes.

73A. Available points for entry clearance or leave to remain are shown in Table 11.

73B. Notes to accompany Table 11 appear below the table.

### Table 11

| Criterion | Points |
|---|---|
| Certificate of Sponsorship | 30 |
| Appropriate salary | 20 |

### Notes

### Certificate of Sponsorship

74. In order to obtain points for a Certificate of Sponsorship, the applicant must provide a valid Certificate of Sponsorship reference number.

74A. A Certificate of Sponsorship reference number will only be considered to be valid if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the migrant and confirms that the Sponsor is Sponsoring him as a Tier 2 (Intra-Company Transfer) Migrant and specifies the sub-category of Tier 2 (Intra-Company Transfer) under which he is applying,

(b) the Sponsor assigned the Certificate of Sponsorship reference number to the migrant no more than 3 months before the application for entry clearance or leave to remain is made,

(c) the application for entry clearance or leave to remain is made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship,

(d) The migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application declared void or withdrawn),

(e) that reference number must not have been withdrawn or cancelled by the Sponsor or by the UK Border Agency since it was assigned, including where it has been cancelled by the UK Border Agency due to having been used in a previous application, and

(f) the Sponsor is an A-rated Sponsor, unless the application is for leave to remain and the applicant has, or was last granted, leave as a Tier 2 (Intra-Company) Migrant or a Qualifying Work Permit Holder.

74B. No points will be awarded for a Certificate of Sponsorship unless:

(a) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on:

(i) the list of occupations skilled to National Qualifications Framework level 6 or above, as stated in the codes of practice in Appendix J, or

(ii) one of the following creative sector occupations skilled to National Qualifications Framework level 4 or above:

(1) 3411 Artists,
(2) 3412 Authors, writers,
(3) 3413 Actors, entertainers,
(4) 3414 Dancers and choreographers, or
(5) 3422 Designers, product, clothing-related,

or

(b) (i) the applicant is applying for leave to remain,

(ii) the applicant previously had leave as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place between 6 April 2011 and 13 June 2012, and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and

(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the codes of practice in Appendix J, or

(c) (i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category,

(ii) the applicant previously had leave as:

(1) a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 6 April 2011, or

(2) a Qualifying Work Permit Holder,

and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and

(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 3 or above, as stated in the codes of practice in Appendix J, or the applicant is a Senior Care Worker or an Established Entertainer as defined in paragraph 6 of these Rules.

74C. (a) if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either the Short Term Staff or Long Term Staff sub-categories, no points will be awarded for a Certificate of Sponsorship unless:

(i) the applicant has been working for the Sponsor for the specified period in paragraph (b) below,

(ii) the applicant has been working for the Sponsor outside the UK and/or in the UK, provided he had leave to work for the Sponsor as:

(1) a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Long Term Staff sub-categories,

(2) a Tier 2 (Intra-Company Transfer) Migrant in the established staff sub-category under the rules in place before 6 April 2011,

(3) a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 6 April 2010,

(4) a Qualifying Work Permit Holder (provided that the work permit was granted because the holder was the subject of an Intra-Company Transfer), and/or

(5) as a representative of an Overseas Business, and

(iii) the applicant provides the specified documents as set out in paragraph 74C-SD(a) below, unless he was last granted leave in the same sub-category as he is currently applying under.

(b) The specified period referred to in paragraph (a)(i) above is:

(i) a continuous period of 12 months immediately prior to the date of application, or

(ii) if at some point within the 12 months preceding the date of application, the applicant has been:

(1) on maternity, paternity or adoption leave,

(2) on long-term sick leave lasting one month or longer, or

(3) working for the Sponsor in the UK as a Tier 2 (Intra-Company Transfer) Migrant in either of the Graduate Trainee or Skills Transfer sub-categories,

and provides the specified documents as set out in paragraph 74C-SD(c) below, an aggregated period of at least 12 months within the 24 month period immediately prior to the date of application.

74C-SD(a) The specified documents in paragraph 74C(a) are:

(i) Formal payslips on company-headed paper covering the full specified period (The most recent payslip must be dated no earlier than 31 days before the date of the application);

(ii) Payslips that are on un-headed paper or are printouts of online payslips covering the full specified period (The most recent payslip must be dated no earlier than 31 days before the date of the application), accompanied by a letter from the Sponsor, on company headed paper and signed by a senior official, confirming the authenticity of the payslips;

(iii) Personal bank or building society statements covering the full specified period, which clearly show:

(1) the applicant's name,
(2) the account number,
(3) the date of the statement (The most recent statement must be dated no earlier than 31 days before the date of the application),
(4) the financial institution's name and logo, and
(5) transactions by the Sponsor covering the full specified period;

(iv) A building society pass book, which clearly shows:

(1) the applicant's name,
(2) the account number,
(3) the financial institution's name and logo, and
(4) transactions by the Sponsor covering the full specified period.

(b) If the applicant provides the bank or building society statements in (a)(iii):

(i) The statements must:

(1) be printed on paper bearing the bank or building society's letterhead,
(2) bear the official stamp of the bank on every page, or
(3) be accompanied by a supporting letter from the issuing bank or building society, on company headed paper, confirming the authenticity of the statements provided;

(ii) The statements must not be mini-statements obtained from an Automated Teller Machine.

(c) The specified documents as evidence of periods of maternity, paternity or adoption leave, as required in paragraph 74C(b), are:

(i) The original full birth certificate or original full certificate of adoption (as appropriate) containing the names of the parents or adoptive parents of the child for whom the leave was taken, if this is available; and

(ii) At least one (or both, if the document in (i) is unavailable) of the following, if they are available:

(1) An original letter from the applicant and his sponsor, on company headed paper, confirming the start and end dates of the applicant's leave,

(2) One of the types of documents set out in (a) above, covering the entire period of leave, and showing the maternity, paternity or adoption payments.

and

(iii) If the applicant cannot provide two of the types of specified document in (i) and (ii), at least one of the types of specified documents in either (i) or (ii), a full explanation of why the other documents cannot be provided, and at least one of the following specified documents, from an official source and which is independently verifiable:

(1) official adoption papers issued by the relevant authority,
(2) any relevant medical documents, or
(3) a relevant extract from a register of birth which is accompanied by an original letter from the issuing authority.

(d) The specified documents as evidence of periods of long term sick leave, as required in paragraph 74C(b), are:

(i) An original letter from the applicant's Sponsor, on company headed paper, confirming the start and end dates of the applicant's leave, if this is available;

(ii) One of the types of documents set out in (a) above, covering the entire period of leave, and showing the statutory sick pay and/or sick pay from health insurance, if these documents are available; and

(iii) If the applicant cannot provide the specified documents in both (i) and (ii), the specified documents in either (i) or (ii), a full explanation of why the other documents cannot be provided, and any relevant medical documents, from an official source and which are independently verifiable.

74D. if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category, no points will be awarded for a Certificate of Sponsorship unless:

(a) the job that the Certificate of Sponsorship Checking Service entry records that the person is being Sponsored to do is part of a structured graduate training programme, with clearly defined progression towards a managerial or specialist role within the organisation,

(b) the Sponsor has assigned Certificates of Sponsorship to 5 applicants or fewer, including the applicant in question, under the Graduate Trainee sub-category in the current year, beginning 6 April and ending 5 April each year, and

(c) the applicant has been working for the Sponsor outside the UK for a continuous period of 3 months immediately prior to the date of application, and must provide the specified documents in paragraph 74C-SD(a) above to prove this,

74E. If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer subcategory, no points will be awarded for a Certificate of Sponsorship unless the job that the Certificate of Sponsorship Checking Service entry records that the person is being Sponsored to do is for the sole purpose of transferring skills to or from the Sponsor's UK work environment. The appointment must be additional to staffing requirements that is the role in the UK would not exist but for the need for skills transfer.

74F. An applicant cannot score points for a Certificate of Sponsorship from Table 11 if the job that the Certificate of Sponsorship Checking Service entry records that he is being Sponsored to do is as a sports person or a Minister of Religion.

**Appropriate salary**

75. The points awarded for appropriate salary will be based on the applicant's gross annual salary to be paid by the Sponsor, subject to the following conditions:

(i) Points will be awarded based on basic pay (excluding overtime);

(ii) Allowances will be included in the salary for the awarding of points where they are part of the guaranteed salary package and:

(1) would be paid to a local settled worker in similar circumstances, or

(2) are paid to cover the additional cost of living in the UK;

(iii) Where allowances are made available solely for the purpose of accommodation, they will only be included up to a value of:

(1) 40% of the total salary package for which points are being awarded, if the applicant is applying in either the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories, or

(2) 30% of the total salary package for which points are being awarded, if the applicant is applying in the Long Term Staff sub-category;

(iv) Other allowances and benefits, such as bonus or incentive pay, employer pension contributions, and allowances to cover business expenses, including (but not limited to) travel to and from the sending country, will not be included.

75A. No points will be awarded if the salary referred to in paragraph 75 above is less than £40,000 per year where the applicant is applying in the Long Term Staff sub-category, unless the applicant is applying for leave to remain and previously had leave as:

(i) a Qualifying Work Permit Holder, or

(ii) a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 6 April 2011,

and has not been granted entry clearance in this or any other route since that grant of leave.

75B. No points will be awarded if the salary referred to in paragraph 75 above is less than £24,000 per year where the applicant is applying in the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories, unless the applicant is applying for leave to remain and has, or last had entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 6 April 2011.

75C. No points will be awarded if the salary referred to in paragraph 75 above is less than the appropriate rate for the job as stated in the codes of practice in Appendix J, unless the applicant is an established entertainer as defined in paragraph 6 of these Rules.

75D. Where the applicant is paid hourly, the appropriate salary consideration will be based on earnings up to a maximum of 48 hours a week, even if the applicant works for longer than this. For example, an applicant who works 60 hours a week for £8 per hour be considered to have a salary of £19,968 (8x48x52) and not £25,960 (8x60x52), and will therefore not be awarded points for appropriate salary.

75E. No points will be awarded for appropriate salary if the applicant does not provide a valid Certificate of Sponsorship reference number with his application.

## Attributes for Tier 2 (General) Migrants

76. An applicant applying for entry or leave to remain as a Tier 2 (General) Migrant must score 50 points for attributes.

76A. Available points for entry clearance or leave to remain are shown in Table 11A.

76B. Notes to accompany Table 11A appear below the table.

### Table 11A

| Certificate of Sponsorship | Points | Appropriate salary | Points |
|---|---|---|---|
| Shortage occupation | 30 | Appropriate salary | 20 |
| Job offer with a salary of £150,000 or more | 30 | | |
| Job offer passes resident labour Market Test or an exemption applies | 30 | | |
| Post-Study Work | 30 | | |
| Continuing to work in the same job for the same Sponsor | 30 | | |

### Notes

### Certificate of Sponsorship

77. Points may only be scored for one entry in the Certificate of Sponsorship column.

77A. In order to obtain points for a Certificate of Sponsorship, the applicant must provide a valid Certificate of Sponsorship reference number.

77B. The only Certificates of Sponsorship to be allocated to Sponsors for applicants to be Sponsored as Tier 2 (General) Migrants during the period 6 April 2012 to 5 April 2014 are:

(a) Certificates of Sponsorship to be assigned to applicants as a Tier 2 (General) Migrant, as allocated to Sponsors under the Tier 2 (General) limit, which is set out in paragraphs 80 to 84A below.

(b) Certificates of Sponsorship to be assigned to specified applicants for leave to remain as a Tier 2 (General) Migrant, as set out in paragraph 77D of Appendix A,

(c) Certificates of Sponsorship to be assigned to an applicant to do a job for which the gross annual salary (including such allowances as are specified as acceptable for this purpose in guidance issued by the UK Border Agency) is £150,000 or higher,

and

77C. A Certificate of Sponsorship reference number will only be considered to be valid if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the migrant and confirms that the Sponsor is Sponsoring him as a Tier 2 (General) Migrant,

(b) the Sponsor assigned that reference number to the migrant no more than 3 months after the Sponsor was allocated the Certificate of Sponsorship, if the Certificate of Sponsorship was allocated to the Sponsor under the Tier 2 (General) limit,

(c) the Sponsor assigned that reference number to the migrant no more than 3 months before the application for entry clearance or leave to remain is made,

(d) the application for entry clearance or leave to remain is made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship,

(e) The migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application, declared void or withdrawn),

(f) that reference number must not have been withdrawn or cancelled by the Sponsor or by the UK Border Agency since it was assigned, including where it has been cancelled by the UK Border Agency due to having been used in a previous application, and

(g) the Sponsor is an A-rated Sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (General) Migrant, a Jewish Agency Employee, a Member of the Operational Ground Staff of an Overseas-owned Airline, a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation, or a Qualifying Work Permit Holder, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship or Work Permit document which led to his last grant of leave or, in the case of an applicant whose last grant of leave was as a Jewish Agency Employee, a Member of the Operational Ground Staff of an Overseas-owned Airline, a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation, the same employer for whom the applicant was working or stated he was intending to work when last granted leave.

77D. No points will be awarded for a Certificate of Sponsorship unless:

(a) in the case of a Certificate of Sponsorship which was allocated to the Sponsor under the Tier 2 (General) limit, the number supplied links to a Certificate of Sponsorship Checking Service entry which contains the same job and at least the same salary details as stated in the Sponsor's application for that Certificate of Sponsorship,

(b) in the case of a Certificate of Sponsorship which was not allocated to the Sponsor under the Tier 2 (General) limit:

(i) the applicant is applying for leave to remain unless the applicant has, or was last granted entry clearance, leave to enter or leave to remain as the partner of a Relevant Points Based System Migrant, or

(ii) the number supplied links to a Certificate of Sponsorship Checking Service entry which shows that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this appendix) to be paid by the Sponsor is £150,000 or higher.

77E. No points will be awarded for a Certificate of Sponsorship unless:

(a) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on:

(i) the list of occupations skilled to National Qualifications Framework level 6 or above, as stated in the codes of practice in Appendix J, or

(ii) one of the following creative sector occupations skilled to National Qualifications Framework level 4 or above:

(1) 3411 Artists,
(2) 3412 Authors, writers,
(3) 3413 Actors, entertainers,
(4) 3414 Dancers and choreographers, or
(5) 3422 Designers, product, clothing-related,

or

(b) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do is skilled to National Qualifications Framework level 4 or above, and appears on the shortage occupation list in Appendix K,

or

(c) (i) the applicant is applying for leave to remain,

(ii) the applicant previously had leave as a Tier 2 (General) Migrant or a Qualifying Work Permit Holder, and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route,

(iii) at the time a Certificate of Sponsorship or Work Permit which led to a grant of leave in (ii) was issued, the job referred to in that Certificate of Sponsorship or Work Permit appeared on the shortage occupation list in Appendix K, and

(iv) the job that the Certificate of Sponsorship Checking service entry records that the person is being sponsored to do in his current application is the same as the job referred to in (iii), for either the same or a different employer,

or

(d) (i) the applicant is applying for leave to remain,

(ii) the applicant previously had leave as a Tier 2 (General) Migrant under the Rules in place between 6 April 2011 and 13 June 2012, and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and

(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the codes of practice in Appendix J,
or

(e) (i) the applicant is applying for leave to remain, or

(ii) the applicant previously had leave as:

(1) a Tier 2 (General) Migrant under the rules in place before 6 April 2011,

(2) a Qualifying Work Permit Holder,

(3) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,

(4) a Member of the Operational Ground Staff of an Overseas-owned Airline

(5) a Jewish Agency Employee,

and has not since been granted leave to remain in any other route, or entry clearance or leave to enter in any route, and

(iii) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 3 or above, as stated in the codes of practice in Appendix J, or the applicant is a Senior Care Worker or an Established Entertainer as defined in paragraph 6 of these Rules.

77F. An applicant cannot score points for a Certificate of Sponsorship from Table 11A if the job that the Certificate of Sponsorship Checking Service entry records that he is being sponsored to do is as a sports person or a Minister of Religion.

**Shortage occupation**

78. In order for the applicant to be awarded points for a job offer in a shortage occupation:

(a) the job must, at the time the Certificate of Sponsorship was assigned to the applicant, have appeared on the shortage occupation list in Appendix K,

(b) in all cases, contracted working hours must be for at least 30 hours a week, and

(c) in all cases, if the UK Border Agency list of shortage occupations indicates that the job appears on the 'Scotland only' shortage occupation list, the job offer must be for employment in which the applicant will be working at a location in Scotland.

**Job offer with a salary of £150,000 or more**

78A. In order for the applicant to be awarded points for a job offer with a salary of £150,000 or more, the Certificate of Sponsorship Checking Service entry must show that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this appendix) to be paid by the Sponsor is £150,000 or higher.

**Job offer passes Resident Labour Market Test or an exemption applies**

78B. (a) In order for the applicant to be awarded points for a job offer that passes the resident labour market test, the Certificate of Sponsorship Checking Service entry must:

(i) indicate that the Sponsor has met the requirements of that test, as set out in (c) below, in respect of the job, and

(ii) contain full details of when and where the job was advertised, and any advertisement reference numbers, including the Jobcentre Plus or JobCentre online vacancy reference number, if paragraph 2 of Appendix J specify that the job must have been advertised in Jobcentre Plus or JobCentre online.

(b) In order for the applicant to be awarded points for a job offer where an exemption from the resident labour market test applies:

(i) the appropriate salary, as determined by paragraphs 79 to 79D of this Appendix, must be at least £150,000 per year,

(ii) the job offer is to continue working as a Doctor or Dentist in training, under the same NHS Training Number which was assigned to the applicant for previous lawful employment as a Doctor or Dentist in Training in the UK, or

(iii) the job offer is as a Doctor in Speciality Training where the applicant's salary and the costs of his training are being met by the government of another country under an agreement with that country and the United Kingdom Government,

and the Certificate of Sponsorship Checking Service entry must provide full details of why an exemption applies.

(c) The requirements of the Resident Labour Market Test are:

(i) The Sponsor must have advertised the post in the specified media for the job, as set out in paragraph 2 of Appendix J.

(ii) If the job and the Resident Labour Market Test satisfy the milkround provisions set out in the Codes of Practice in Appendix J, the advertisements must have run for at least 28 days during the 48 month period immediately before the date the Sponsor assigned the Certificate of Sponsorship to the applicant.

(iia) If the post is a pupilage position for a barrister, the advertisements must have run for at least 28 days during the 24 month period immediately before the date that the Sponsor assigned the Certificate of Sponsorship to the applicant.

(iii) If the job appears on the list of PhD-level occupation codes, as stated in the Codes of Practice in Appendix J, and (ii) does not apply, the advertisements must have run for at least 28 days during the 12 month period immediately before the date that the Sponsor assigned the Certificate of Sponsorship to the applicant.

(iv) If (ii), (iia) and (iii) do not apply, the advertisements must have run for at least 28 days during the 6 month period immediately before the date the Sponsor assigned the Certificate of Sponsorship to the applicant.

(v) The advertisements must have stated:

(1) the job title,
(2) the main duties and responsibilities of the job (job description),
(3) the location of the job,
(4) an indication of the salary package or salary range or terms on offer,
(5) the skills, qualifications and experience required for the job, and
(6) the closing date for applications, unless it is part of the Sponsor's rolling recruitment programme, in which case the advertisement should show the period of the recruitment programme.

(vi) The Sponsor must be able to show that no suitable settled worker is available to fill the job unless the job appears on the list of PhD-level occupation codes, as stated in the Codes of Practice in Appendix J.

(vii) Settled workers will not be considered unsuitable on the basis that they lack qualifications, experience or skills (including language skills) that were not specifically requested in the job advertisement.

**Post-Study Work**

78C. In order for the applicant to be awarded points for post-study work:

(a) the applicant must be applying for leave to remain,

(b) the applicant must:

(i) have current entry clearance, leave to enter or leave to remain which has not expired, as:

(1) a Tier 1 (Post-Study Work) Migrant,
(2) a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
(3) a Participant in the Fresh Talent: Working in Scotland Scheme,

or

(ii) The applicant must meet the requirements of paragraphs 245HD(b)(ii) and 245HD(d) of these Rules.

**Continuing to work in the same job for the same Sponsor**

78D. In order for the applicant to be awarded points for continuing to work in the same job for the same Sponsor:

(a) the applicant must be applying for leave to remain,

(b) the applicant must have entry clearance or leave to remain as:

(i) a Tier 2 (General) Migrant,

(ii) a Qualifying Work Permit Holder,

(iii) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,

(iv) a Member of the Operational Ground Staff of an Overseas-owned Airline or

(v) a Jewish Agency Employee,

(b) the Sponsor must be the same employer:

(i) as the Sponsor on the previous application that was granted, in the case of an applicant whose last grant of leave was as a Tier 2 (General) Migrant,

(ii) that the work permit was issued to, in the case of an applicant whose last grant of leave was as a Qualifying Work Permit Holder,

(iii) for whom the applicant was working or stated he was intending to work when last granted leave, in the case of an applicant whose last grant of leave was a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation, a Member of the Operational Ground Staff of an Overseas-owned Airline, or a Jewish Agency Employee.

(c) the job that the Certificate of Sponsorship Checking Service entry records the applicant as having been engaged to do must be the same job:

(i) in respect of which the Certificate of Sponsorship that led to the previous grant was issued, in the case of an applicant whose last grant of leave was as a Tier 2 (General) Migrant,

(ii) in respect of which the previous work permit was issued, in the case of an applicant whose last grant of leave was as a Qualifying Permit Holder, or

(iii) that the applicant was doing, or intended to do, when he received his last grant of leave, in the case of an applicant whose last grant of leave was a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation, a Member of the Operational Ground Staff of an Overseas-owned Airline, or a Jewish Agency Employee.

### Appropriate salary

79. The points awarded for appropriate salary will be based on the applicant's gross annual salary to be paid by the Sponsor, subject to the following conditions:

(i) Points will be awarded based on basic pay (excluding overtime);

(ii) Allowances, such as London weighting, will be included in the salary for the awarding of points where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;

(iii) 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), will not be included.

79A. No points will be awarded if the salary referred to in paragraph 79 above is less than £20,000 per year, unless the applicant is applying for leave to remain and has, or last had entry clearance, leave to enter or leave to remain as:

(i) a Qualifying Work Permit Holder,

(ii) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,

(iii) a Member of the operational Ground Staff of an Overseas-owned Airline

(iv) a Jewish Agency Employee, or

(v) a Tier 2 (General) Migrant under the Rules in place before 6 April 2011.

79B. No points will be awarded for appropriate salary if the salary referred to in paragraph 79 above is less than the appropriate rate for the job as stated in the codes of practice in Appendix J, unless the applicant is an established entertainer as defined in paragraph 6 of these Rules.

79C. Where the applicant is paid hourly, the appropriate salary consideration will be based on earnings up to a maximum of 48 hours a week, even if the applicant works for longer than this. for example, an applicant who works 60 hours a week for £8 per hour be considered to have a salary of £19,968 (8x48x52) and not £25,960 (8x60x52), and will therefore not be awarded points for appropriate salary.

79D. No points will be awarded for appropriate salary if the applicant does not provide a valid Certificate of Sponsorship reference number with his application.

## Tier 2 (General) limit

### Overview

80. The Secretary of State shall be entitled to limit the number of Certificates of Sponsorship available to be allocated to Sponsors in any specific period under the Tier 2 (General) limit referred to in paragraph 77B(a) above;

80A. The Tier 2 (General) limit for the specific periods 6 April 2012 to 5 April 2013 and 6 April 2013 to 5 April 2014 is 20,700 Certificates of Sponsorship in each year.

80B. The process by which Certificates of Sponsorship shall be allocated to Sponsors under the Tier 2 (General) limit is set out in paragraphs 80C to 84a and Tables 11B and 11C below.

80C. A Sponsor must apply to the Secretary of State for a Certificate of Sponsorship.

80D. Available points for an application for a Certificate of Sponsorship are shown in Table 11B. No application will be

granted unless it scores a minimum of 30 points under the heading "Type of Job" and a minimum of 2 points under the heading "Salary on Offer".

80E. Notes to accompany Table 11B appear below the table.

### Table 11B

### Applications for Certificates of Sponsorship under the Tier 2 (General) limit

| Type of job | Points | Salary on offer | Points |
|---|---|---|---|
| Shortage Occupation | 75 | £20,000 -£20,999.99 | 2 |
| PhD-level occupation code and job passes resident labour Market Test | 50 | £21,000 - £21,999.99 | 3 |
| Job passes resident labour Market Test or an exemption applies as set out in paragraph 78B | 30 | £22,000 - £22,999.99 | 4 |
| | | £23,000 - £23,999.99 | 5 |
| | | £24,000 - £24,999.99 | 6 |
| | | £25,000 - £25,999.99 | 7 |
| | | £26,000 - £26,999.99 | 8 |
| | | £27,000 - £27,999.99 | 9 |
| | | £28,000 - £31,999.99 | 10 |
| | | £32,000 - £45,999.99 | 15 |
| | | £46,000 - £74,999.99 | 20 |
| | | £75,000 - £99,999.99 | 25 |
| | | £100,000 - £149,999.99 | 30 |

### Notes

81.Points may only be scored for one entry in each column.

81A. No points will be awarded under the heading "Type of Job" unless the job described in the Sponsor's application for a Certificate of Sponsorship:

(a) appears on:

(i) the list of occupations skilled to National Qualifications Framework level 6 or above, as stated in the codes of practice in Appendix J, or

(ii) one of the following creative sector occupations skilled to National Qualifications Framework level 4 or above:

(1) 3411 Artists,
(2) 3412 Authors, writers,
(3) 3413 Actors, entertainers,
(4) 3414 Dancers and choreographers, or
(5) 3422 Designers, product, clothing-related,

or

(b) is skilled to National Qualifications Framework level 4 or above, and appears on the shortage occupation list in Appendix K.

81B. In order for the Sponsor's application to be awarded points for a job in a shortage occupation, the job must, at the time the application for a Certificate of Sponsorship is decided, appear on the the shortage occupation list

in Appendix K, and contracted working hours must be for at least 30 hours a week. Furthermore, if the shortage occupation list in Appendix K,indicates that the job appears on the 'Scotland only' shortage occupation list, the job must be for employment in Scotland.

81C. In order for the Sponsor's application to be awarded points for a job in a PhD-level occupation code, the job must be in an occupation code which appears on the list of PhD-level occupation codes as stated in the codes of practice in Appendix J. The Sponsor's application must also meet the requirements of paragraph 81D.

81D. In order for the Sponsor's application to be awarded points for a job that passes the resident labour market test or an exemption applies, the Sponsor must certify that it has met the requirements of that test, as defined in guidance published by the UK Border Agency, in respect of the job, or that one of the exemptions set out in paragraph 78B of this Appendix applies.

81E. The points awarded under the heading "Salary on Offer" will be based on the gross annual salary on offer to be paid by the Sponsor, as stated in the Sponsor's application, subject to the following conditions:

(i) Points will be awarded based on basic pay (excluding overtime);

(ii) Allowances, such as London weighting, will be included in the salary for the awarding of points where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;

(iii) Other allowances and benefits, such as bonus or incentive pay, travel and subsistence (including travel to and from the applicant's home country), will not be included.

81F. No points will be awarded for the salary on offer if the salary referred to in paragraph 81e above is less than the appropriate rate for the job as stated in the codes of practice for Tier 2 Sponsors published by the UK Border Agency.

81G. Where the salary on offer will be paid hourly, the salary on offer will be calculated on the basis of earnings up to a maximum of 48 hours a week, even if the jobholder works for longer than this.

**Monthly allocations**

82. The Tier 2 (General) limit will be divided into monthly allocations.

82A. There will be a monthly allocation specifying the number of Certificates of Sponsorship available to be allocated in respect of applications for Certificates of Sponsorship received during each application period. The provisional monthly allocation, subject to the processes set out in paragraphs 83 to 84a below, in respect of each application period is set out in table 11C below.

82B. Applications by Sponsors for Certificates of Sponsorship will be accepted for consideration against each monthly allocation in the relevant application period as set out in table 11C below.

82C. An application that would fall to be considered as having been received in a particular application period may be deferred for consideration as if it had been received in the following application period if the Secretary of State considers that the information stated in the application requires verification checks, and may be refused if

the information cannot be verified or is confirmed as false. If the verification checks are prolonged due to the failure of the Sponsor to co-operate with the verification process such that the application cannot be considered as if it had been received in the next monthly allocation period, the application will be refused.

82D. These provisional monthly allocations may be adjusted according to the processes set out in paragraphs 83 to 84a in the notes below the table.

### Table 11C

### Certificates of Sponsorship under the Tier 2 (General) limit available to be allocated each month (subject to the processes set out at paragraphs 83 to 84A)

**Tier 2 (General) limit for the year 6 April 2012 to 5 April 2013**

| Application Period | Provisional monthly allocation |
|---|---|
| 6 March 2012 - 5 April 2012 | 1,725 |
| 6 April 2012 - 5 May 2012 | 1,725 |
| 6 May 2012 - 5 June 2012 | 1,725 |
| 6 June 2012 - 5 July 2012 | 1,725 |
| 6 July 2012 - 5 August 2012 | 1,725 |
| 6 August 2012 - 5 September 2012 | 1,725 |
| 6 September 2012 - 5 October 2012 | 1,725 |
| 6 October 2012 - 5 November 2012 | 1,725 |
| 6 November 2012 - 5 December 2012 | 1,725 |
| 6 December 2012 - 5 January 2013 | 1,725 |
| 6 January 2013 - 5 February 2013 | 1,725 |
| 6 February 2013 - 5 March 2013 | 1,725 |

### Notes

83. In paragraphs 83A to 84a below:

(a) "number of applications" means the number of applications by Sponsors for a Certificate of Sponsorship under the Tier 2 (General) limit in one of the monthly periods set out in Table 11C above.

**Tier 2 (General) limit for the year 6 April 2013 to 5 April 2014**

| Application Period | Provisional monthly allocation |
|---|---|
| 6 March 2013 - 5 April 2013 | 1,725 |
| 6 April 2013 - 5 May 2013 | 1,725 |
| 6 May 2013 - 5 June 2013 | 1,725 |
| 6 June 2013 - 5 July 2013 | 1,725 |
| 6 July 2013 - 5 August 2013 | 1,725 |
| 6 August 2013 - 5 September 2013 | 1,725 |

| | |
|---|---|
| 6 September 2013 - 5 October 2013 | 1,725 |
| 6 October 2013 - 5 November 2013 | 1,725 |
| 6 November 2013 - 5 December 2013 | 1,725 |
| 6 December 2013 - 5 January 2014 | 1,725 |
| 6 January 2014 - 5 February 2014 | 1,725 |
| 6 February 2014 - 5 March 2014 | 1,725 |

(b) "monthly allocation" means the monthly allocation for that period as set out in Table 11C above, including if applicable any adjustment according to the processes set out in these paragraphs following the assigning of Certificates of Sponsorship under the Tier 2 (General) limit in the previous monthly period.

83A. Subject to paragraph 83e below, if the number of applications is equal to or less than the monthly allocation:

(a) All applications by Sponsors which score 32 points or more from the points available in Table 11B above will be granted, and

(b) If the number of applications granted under (a) above is less than the monthly allocation, the next monthly allocation will be increased by a number equivalent to the Certificates of Sponsorship remaining for allocation in the undersubscribed current month.

83B. Subject to paragraph 83e below, if the number of applications is greater than the monthly allocation:

(a) The minimum points level at which applications for Certificates of Sponsorship will be granted will be calculated as follows:

(i) if the number of applications scoring 32 points or more is no more than 100 greater than the monthly allocation, all applications which score 32 points or more will be granted.

(ii) if the number of applications scoring 32 points or more is more than 100 greater than the monthly allocation, X (being both the number of points scored in Table 11B above and the minimum number of points required for an application to be granted) will be increased by 1 point incrementally until the number of applications scoring X points is:

(1) less than or equal to the monthly allocation; or

(2) no more than 100 greater than the monthly allocation;

whichever results in the higher value of X, at which stage all applications which score X points or more will be granted.

(b) if the number of applications granted under (a) above is less than the monthly allocation, the number remaining under the monthly allocation will be added to the next monthly allocation.

(c) if the number of applications granted under (a) above is more than the monthly allocation, the number by which the monthly allocation is exceeded will be subtracted from the next monthly allocation.

83C. If a Sponsor is allocated one or more Certificates of Sponsorship under the Tier 2 (General) limit which it then elects not to assign to a migrant it may return them to the Secretary of State and the Secretary of State will subsequently add such Certificates of Sponsorship to the following monthly allocation.

83D. If:

(i) a Sponsor is allocated one or more Certificates of Sponsorship under the Tier 2 (General) limit; and

(ii) the application(s) by the Sponsor scored points from Table 11C for a job in a shortage occupation; and

(iii) the Sponsor has not assigned the Certificate(s) of Sponsorship to a migrant(s); and

(iv) the job(s) in question no longer appear on the list of shortage occupations published by the UK Border Agency,

the Certificate(s) of Sponsorship in question will be cancelled and the Secretary of State will subsequently add such Certificates of Sponsorship to the following monthly allocation.

83E. With regard to the final monthly allocation under the Tier 2 (General) limit for 6 April to 5 April each year, to which the application period of 6 February to 5 March relates:

(i) Paragraphs 83a(b), 83B(b) and 83B(c) do not apply to this monthly allocation, such that no adjustments will be made to the next monthly allocation, and

(ii) References to 'more than 100 greater than the monthly allocation' in paragraphs 83B(a)(ii) to (iii) are amended to 'greater than the monthly allocation', such that the total Tier 2 (General) limit in the period 6 April to 5 April each year will not be exceeded.

84. The Secretary of State is entitled (but not required) to grant an application for a Certificate of Sponsorship under the

Tier 2 (General) limit exceptionally outside of the processes set out in paragraphs 82a to 83B above if:

(a) the application is considered by the Secretary of State to require urgent treatment when considered in line with the Tier 2 (Sponsor) guidance published on the UK Border Agency website , and

(b) the application scores enough points from Table 11B above that it would have met the requirements to be granted under the previous monthly allocation.

84A. For each Certificate of Sponsorship application granted under the urgent treatment process set out in paragraph 84 above:

(i) the current monthly allocation for granting Certificates of Sponsorship further to requests for urgent treatment will be reduced by one, if the current monthly allocation has not yet been reached; or

(ii) In all other cases, the subsequent monthly allocation for granting Certificates of Sponsorship further to requests for urgent treatment will be reduced by one.

## Attributes for Tier 2 (Ministers of Religion) Migrants

85. An applicant applying for entry clearance or leave to remain as a Tier 2(Ministers of Religion) Migrant must score 50 points for attributes.

86. Available points are shown in Table 12 below.

87. Notes to accompany Table 12 appear below that table.

**Table 12**

| Criterion | Points |
|---|---|
| Certificate of Sponsorship | 50 |

### Notes

88. In order to obtain points for sponsorship. the applicant will need to provide a valid Certificate of Sponsorship reference number in this category.

89. A Certificate of Sponsorship reference number will only be considered to be valid for the purposes of this sub-category if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the Migrant and confirms that the sponsor is sponsoring him as a Tier 2 (Minister of Religion) Migrant, and

(b) the Sponsor is an A-rated Sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (Minister of Religion) Migrant, a Minister of Religion, Missionary or Member of a Religious Order, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship which led to his last grant of leave or, in the case of an applicant whose last grant of leave was as a Minister of Religion, Missionary or Member of a Religious Order, the same employer for whom the applicant was working or stated he was intending to work when last granted leave.

90. The sponsor must have assigned the Certificate of Sponsorship reference number to the migrant no more than 3 months before the application is made and the reference number must not have been cancelled by the Sponsor or by the United Kingdom Border Agency since then.

91. The migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application, declared void or withdrawn).

92. in addition, the Certificate of Sponsorship Checking Service entry must:

(a) confirm that the applicant is being sponsored to perform religious duties, which:

(i) must be work which is within the Sponsor's organisation, or directed by the Sponsor's organisation,
(ii) may include preaching, pastoral work and non pastoral work,
(iii) must not involve mainly non-pastoral duties, such as school teaching, media production, domestic work, or administrative or clerical work, unless the role is a senior position in the Sponsor's organisation, and

(b) provide an outline of the duties in (a),

(c) if the Sponsor's organisation is a religious order, confirm that the applicant is a member of that order,

(d) confirm that the applicant will receive pay and conditions at least equal to those given to settled workers in the same role, that the remuneration complies with or is exempt from National Minimum Wage regulations, and provide details of the remuneration,

(e) confirm that the requirements of the resident labour market test, as set out in paragraph 92A below, in respect of the job, have been complied with, unless the applicant is applying for leave to remain and the Sponsor is the same Sponsor as in his last grant of leave,

(f) confirm that the migrant:

(i) is qualified to do the job in respect of which he is seeking leave as a Tier 2 (Minister of Religion) Migrant,
(ii) intends to base himself in the UK, and
(iii) will comply with the conditions of his leave, if his application is successful, and

(g) confirm that the Sponsor will maintain or accommodate the migrant.

92A. To confirm that the Resident Labour Market Test has been passed and for points to be awarded, the Certificate of Sponsorship Checking Service entry must confirm:

(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 Sponsor holds national records of all available individuals, details of those records and confirmation that the records show that no suitable settled worker is available to fill the role; or

(c) That a national recruitment search was undertaken, including the following details:

(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,

(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, JobCentre 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;

(ii) any reference numbers of the advertisements;

(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.

## Attributes for Tier 2 (Sportsperson) Migrants

93. An applicant applying for entry clearance or leave to remain as a Tier 2 (Sportsperson) Migrant must score 50 points for attributes.

94. Available points are shown in Table 13 below

95. Notes to accompany Table 13 appear below that table.

| Criterion | Points |
|---|---|
| Certificate of Sponsorship | 50 |

### Notes

96. In order to obtain points for sponsorship, the applicant will need to provide a valid Certificate of Sponsorship reference number for sponsorship in this subcategory.

97. A Certificate of Sponsorship reference number will only be considered to be valid for the purposes of this sub-category if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the Migrant and confirms that the sponsor is sponsoring him as a Tier 2 (Sportsperson) Migrant, and

(b) the Sponsor is an A-rated Sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (Sportsperson) Migrant or a Qualifying Work Permit Holder, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship or Work Permit document which led to his last grant of leave.

98. The Sponsor must have assigned the Certificate of Sponsorship reference number to the migrant no more than 3 months before the application is made and the reference number must not have been cancelled by the Sponsor or by the United Kingdom Border Agency since then.

99. The migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application, declared void or withdrawn).

100. in addition the Certificate of Sponsorship Checking Service entry must confirm that the migrant:

(a) is qualified to do the job in question

(b) has been endorsed by the Governing Body for his Sport (that is, the organisation which is specified in Appendix M as being the Governing Body for the sport in question),

(c) The endorsement referred to in (b) above must confirm that the player or coach is internationally established at the highest level whose employment will make a significant contribution to the development of his sport at the highest level in the UK, and that the post could not be filled by a suitable settled worker,

(d) intends to base himself in the UK, and

(e) will comply with the conditions of his leave, if his application is successful.

## Attributes for Tier 5 (Youth Mobility Scheme) Temporary Migrants

101. An applicant applying for entry clearance as a Tier 5 (Youth Mobility Scheme) Temporary Migrant must score 40 points for attributes

102. Available points are shown in Table 14 below.

103. Notes to accompany Table 14 below.

**Table 14**

| Criterion | Points |
|---|---|
| Citizen of a country or rightful holder of a passport issued by a territory listed in Appendix G<br><br>or<br><br>Is a British Overseas Citizen, British Territories Overseas Citizen or British National (Overseas.) | 30 |
| Will be 18 or over when his entry clearance becomes valid for use and was under the age of 31 on the date his application was made. | 10 |

### Notes

104. The applicant must provide a valid passport as evidence of all of the above.

## Attributes for Tier 5 (Temporary Worker) Migrants

105. An applicant applying for entry clearance or leave enter or remain as a Tier 5 (Temporary Worker) Migrant must score 30 points for attributes.

106. Available points are shown in Table 15 below.

107. Notes to accompany Table 15 appear below in that table.

**Table 15**

| Criterion | Points awarded |
|---|---|
| Holds a Tier 5 (Temporary Worker) Certificate of Sponsorship | 30 |

**Notes**

108. In order to meet the 'holds a Certificate of Sponsorship' requirement, the applicant will provide a valid Certificate of Sponsorship reference number for sponsorship in this category.

109. A Certificate of Sponsorship reference number will only be considered to be valid if the number supplied links to a Certificate of Sponsorship Checking Service reference that names the applicant as the migrant and confirms that the Sponsor is sponsoring him as a Tier 5( Temporary Worker) Migrant in the subcategory indicated by the migrant in his application for entry clearance or leave.

109A. A Certificate of Sponsorship reference number will only be considered to be valid if:

(a) the Sponsor assigned the reference number to the migrant no more than 3 months before the application for entry clearance or leave to remain is made, unless the migrant is applying for leave to enter and has previously been granted leave to enter using the same Certificate of Sponsorship reference number,

(b) the application for entry clearance or leave to remain is made no more than 3 months before the start date of the employment as stated on the Certificate of Sponsorship,

(c) that reference number must not have been cancelled by the Sponsor or by the United Kingdom Border Agency since it was assigned, and

(d) the Sponsor is an A-rated sponsor, unless the application is for leave to remain and the applicant has, or was last granted, leave as a Tier 5 Migrant, an Overseas Government Employee or a Qualifying Work Permit Holder.

110. The migrant must not previously have applied for entry clearance or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application, declared void or withdrawn).

111. In addition, a Certificate of Sponsorship reference number will only be considered to be valid:

(a) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Creative and Sporting subcategory to enable the applicant to work as a sportsperson, if:

(i) The Certificate of Sponsorship Checking Service entry shows that the applicant has been endorsed by the Governing Body for his sport (that is, the organisation which is specified in Appendix M as being the Governing Body for the sport in question), and

(ii) The endorsement referred to in (i) above confirms that the player or coach is internationally established at the highest level and/or will make a significant contribution to the development of his sport at the highest level in the UK, and that the post could not be filled by a suitable settled worker.

(b) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Creative and Sporting subcategory to enable the applicant to work as a creative worker, if the entry confirms that the Sponsor has taken into account the needs of the resident labour market in that field, as

set out in the creative sector Codes of Practice in Appendix J, and that the work could not be carried out by a suitable settled worker.

(c) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Charity Workers subcategory, if the work the applicant is being sponsored to do is:

(i) voluntary fieldwork directly related to the purpose of the charity which is sponsoring him,

(ii) not paid (except reasonable expenses outlined in section 44 of the National Minimum Wage Act), and

(iii) not a permanent position.

(d) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Religious Workers subcategory, if the entry confirms:

(i) that the applicant is being sponsored to perform religious duties, which:

(1) must be work which is within the Sponsor's organisation, or directed by the Sponsor's organisation,
(2) may include preaching, pastoral work and non pastoral work, and

(ii) an outline of the duties in (i),

(iii) if the Sponsor's organisation is a religious order, that the applicant is a member of that order;

(iv) that the applicant will receive pay and conditions at least equal to those given to settled workers in the same role,

(v) that the remuneration complies with or is exempt from National Minimum Wage regulations, and provides details of the remuneration,

(vi) that the requirements of the resident labour market test, as set out in paragraph 92A of this Appendix, in respect of the job, have been complied with, unless the applicant is applying for leave to remain and the Sponsor is the same Sponsor as in his last grant of leave.

(e) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Government Authorised Exchange subcategory, if the entry confirms that the work, volunteering or job shadowing the applicant is being sponsored to do:

(i) meets the requirements of the individual exchange scheme, as set out in Appendix N,

(ii) does not fill a vacancy in the workforce,

(iii) is skilled to National Qualifications Framework level 3, as stated in the codes of practice in Appendix J, unless the applicant is being sponsored under an individual exchange scheme set up as part of the European Commission's Lifelong Learning Programme,

(iv) conforms with all relevant UK and EU legislation, such as the National Minimum Wage Act and the Working Time Directive.

(f) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the International Agreement subcategory and the applicant is applying for entry clearance or leave to enter or remain for the purpose of work as a Contractual Service Supplier, if either:

(i) the work is pursuant to a contract to supply services to the sponsor in the United Kingdom by an overseas undertaking established on the territory of a party to the General Agreement on Trade in Services or a similar trade agreement which has been concluded between the EU and another party or parties and which is in force, and which has no commercial presence in the European Union; and

(ii) the service which that undertaking is contracted to supply to the sponsor in the United Kingdom is a service falling 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 (i) above; and

(iii) the sponsor has, through an open tendering procedure or other procedure which guarantees the bona fide character of the contract, awarded a services contract for a period not exceeding 12 months to the applicant's employer; and

(iv) the sponsor will be the final consumer of the services provided under that contract; and

(v) the applicant is a national of the country in which the overseas undertaking is established; and

(vi) the applicant possesses:

(1) a university degree or a technical qualification demonstrating knowledge of an equivalent level, and provides the original certificate of his qualification;

(2) where they are required by any relevant law, regulations or requirements in force in the United Kingdom in order to exercise the activity in question, professional qualifications; and

(3) 3 years' professional experience in the sector concerned,
except:

(_a) in the case of advertising and translation services, in which case the applicant must possess relevant qualifications and 3 years' professional experience;

(_b) in the case of management consulting services and services related to management consulting (managers and senior consultants), in which case the applicant must possess a university degree and 3 years' professional experience;

(_c) in the case of technical testing and analysis services, in which case the applicant must possess a university degree or technical qualifications demonstrating technical knowledge and 3 years' professional experience; and

(vii) the applicant has been employed, and provides the specified documents in paragraph 111-SD to show that he has been employed, by the service supplier for a period of at least one year immediately prior to the date of application.

(viii) the applicant is applying for leave to remain and holds a Certificate of Sponsorship issued in the International Agreement sub-category by the same sponsor, and for the purpose of the same contract to supply services, as was the case when the applicant was last granted entry clearance, leave to enter or remain.

(g) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the International Agreement subcategory and the applicant is coming for a purpose other than work as a Contractual Service Supplier, if the entry confirms that applicant is being sponsored:

(i) as an employee of an overseas government, or

(ii) as an employee of an international organisation established by international treaty signed by the UK or European Union, or

(iii) as a private servant in a diplomatic household under the provisions of the Vienna Convention on Diplomatic Relations, 1961, or in the household of an employee of an international organisation recognised by Her Majesty's Government, who enjoys certain privileges or immunity under UK or international law, and confirms the name of the individual who is employing them.

111-SD (a) Where paragraph 111(f)(vii) refers to specified documents, those specified documents are:

(i) Formal payslips on company-headed paper covering the full specified period (The most recent payslip must be dated no earlier than 31 days before the date of the application); or

(ii) Payslips that are on un-headed paper or are printouts of online payslips covering the full specified period (The most recent payslip must be dated no earlier than 31 days before the date of the application), accompanied by a letter from the service supplier, on company headed paper and signed by a senior official, confirming the authenticity of the payslips; or

(iii) Personal bank or building society statements covering the full specified period, which clearly show:

(1) the applicant's name,
(2) the account number,
(3) the date of the statement (The most recent statement must be dated no earlier than 31 days before the date of the application),
(4) the financial institution's name and logo, and
(5) transactions by the service supplier covering the full specified period;

or

(iv) A building society pass book, which clearly shows:

(1) the applicant's name,
(2) the account number,
(3) the financial institution's name and logo, and
(4) transactions by the service supplier covering the full specified period.

(b) If the applicant provides the bank or building society statements in (a)(iii):

(i) The statements must:

(1) be printed on paper bearing the bank or building society's letterhead,
(2) bear the official stamp of the bank on every page, or
(3) be accompanied by a supporting letter from the issuing bank or building society, on company headed paper, confirming the authenticity of the statements provided;

(ii) The statements must not be mini-statements obtained from an Automated Teller Machine.

112. Points will not be awarded for a Tier 5 (Temporary Worker) Certificate of Sponsorship where the claimed basis for its issuance are the provisions under Mode 4 of the General Agreement on Trade in Services relating to intra-corporate transfers.

## Attributes for Tier 4 (General) Students

113. An applicant applying for entry clearance or leave to remain as a Tier 4 (General) Student must score 30 points for attributes.

114. Available points are shown in Table 16 below.

115. Notes to accompany Table 16 appear below that table.

**Table 16**

| Criterion | Points awarded |
|---|---|
| Confirmation of Acceptance for Studies | 30 |

### Notes

115A. In order to obtain points for a Confirmation of Acceptance for Studies, the applicant must provide a valid Confirmation of Acceptance for Studies reference number.

### Tier 4 Interim Limit

115B. The Secretary of State shall be entitled to limit the number of Confirmations of Acceptance for Studies allocated to any specific Sponsor in any one period.

115C. The limit on the number of Confirmations of Acceptance for Studies allocated to specific Sponsors shall be known as the Tier 4 Interim Limit.

115CA. The interim limit implemented by HC1888 and effective in relation to Tier 4 between 6 April 2012 and 31 December 2012 shall be known as the Former Interim Limit.

115D. The Tier 4 Interim Limit will apply from 1 January 2013 to 30 June 2013 (inclusive) (the "Tier 4 Interim Limit Period").

115E. The Tier 4 Interim Limit will be applied to any Tier 4 Sponsor who

(i) is still subject to the former interim limit on 31 December 2012 and has applied for but not yet achieved HTS status and a valid and satisfactory full institutional inspection, review or audit from one of the following bodies:

(a) the Bridge Schools Inspectorate; or
(b) the Education and Training Inspectorate; or
(c) Estyn; or
(d) Education Scotland; or
(e) the Independent Schools Inspectorate; or
(f) Ofsted; or
(g) the Quality Assurance Agency for Higher Education; or
(h) The Schools Inspection Service; or is not:

(ii) the Foundation Programme Office;(iii) the Yorkshire and Humber Strategic Health Authority;
(iv) an overseas higher education institution which has Highly Trusted Sponsor Status.

115F. A Tier 4 Sponsor who does not satisfy the requirements of paragraph 115E and is therefore subject to the Tier 4 Interim Limit is known as a Limited Sponsor.

115FA. No Confirmations of Acceptance for Studies will be allocated to a Limited Sponsor where:

(i) The Limited Sponsor did not apply for inspection, review or audit by the appropriate specified body by the relevant deadline, as listed below:

| **Specified body** | **Deadline** |
|---|---|
| Quality Assurance Agency | 9 September 2011 |
| Independent Schools Inspectorate | 9 September 2011 |
| Bridge Schools Inspectorate | 7 October 2011 |
| School Inspection Service | 7 October 2011 |
| Education Scotland | 11 November 2011 |
| Education and Training Inspectorate N.I. | 30 April 2012 |

or
(ii) The Limited Sponsor applied by the deadline specified in (i) above, and failed to meet the required standard to obtain a full institutional audit, inspection or review, except for where The Limited Sponsor requires a second institutional audit, inspection or review within 6 months of the initial audit, inspection or review as determined by the relevant body listed above; or
(iii) The Limited Sponsor applied for Highly Trusted Sponsor status on two occasions and has not been granted Highly Trusted Sponsor status.

115FB. A Limited Sponsor that is allocated no Confirmations of Acceptance for Studies further to paragraph 115FA is known as a Legacy Sponsor

115G. All Confirmations of Acceptance for Studies allocated by the Secretary of State to Limited Sponsors prior to 1 January 2013 and which have not been assigned to an applicant for entry clearance, leave to enter or leave to remain under Tier 4 prior to 1 January 2013 are withdrawn and the only Confirmations of Acceptance for Studies
allocated to a Limited Sponsor are the Confirmations of Acceptance for Studies allocated in accordance with paragraph 115H below.

115H. The Tier 4 Interim Limit will be calculated as follows:

(i) A Limited Sponsor who has that status as at 1 January 2013 will be allocated:

(a) where the Limited Sponsor was subject to the Former Tier 4 Interim Limit for the entirety of the period 6 April 2012 to 31 December 2012, a number of Confirmations of Acceptance for Studies equal to two thirds of the number of Confirmations of Acceptance for Studies allocated to that Limited Sponsor for the period 6 April 2012 to 31 December 2012;
(b) where the Limited Sponsor had a Tier 4 Sponsor Licence for only part of the period 6 April 2012 to 31 December 2012, and was subject to the Former Tier 4 Interim Limit from the date on which it was granted a sponsor licence, a number of Confirmations of Acceptance for Studies equal to:

(i) the number of Confirmations of Acceptance for Studies allocated to that Limited Sponsor for the period it was licenced between 6 April 2012 to 31 December 2012;
(ii) multiplied by the appropriate factor such that the figure in (i) is equal to the number of Confirmations of Acceptance for Studies that would have been granted to that Limited Sponsor for a period of 6 months;

(c) where the Limited Sponsor had a Tier 4 Sponsor Licence for the entirety of the period 6 April 2012 to 31 December 2012 and was subject to the Former Tier 4 Interim Limit for only part of that period, a number of Confirmations of Acceptance for Studies equal to:

(i) the number of Confirmations of Acceptance for Studies allocated to that Limited Sponsor under the Tier 4 Interim Limit;
(ii) multiplied by the appropriate factor such that the figure in (i) is equal to the number of Confirmations of Acceptance for Studies that would have been granted to that Limited Sponsor for a period of 6 months;

(d) where the calculation in paragraphs (a) to (c) results in 0 or a negative number, the Limited Sponsor will be allocated 0 Confirmations of Acceptance for Studies under the Tier 4 Interim Limit;
(e) where the calculation in paragraphs (a) to (c) does not result in a whole number, the Limited Sponsor will be allocated a number of Confirmations of Acceptance for Studies equal to the nearest whole number (fractions will be rounded up to the nearest whole number).

115I. A Limited Sponsor will, on provision to the UK Border Agency of evidence that it meets the criteria set out in paragraph 115E above, be exempt from the Tier 4 Interim Limit from the date the UK Border Agency provides written confirmation that it is so exempt.

116. A Confirmation of Acceptance for Studies will only be considered to be valid if:

(a) it was issued no more than 6 months before the application is made,

(b) the application for entry clearance or leave to remain is made no more than 3 months before the start date of the course of study as stated on the Confirmation of Acceptance for Studies,

(c) the Sponsor has not withdrawn the offer since the Confirmation of Acceptance for Studies was issued,

(d) it was issued by an institution with a Tier 4 (General) Student Sponsor Licence,

(da) where the application for entry clearance or leave to remain is for the applicant to commence a new course of study, not for completion of a course already commenced by way of re-sitting examinations or repeating a module of a course, the Sponsor must hold an A-rated or Highly Trusted Sponsor Licence and must not be a Legacy Sponsor,

116(db) where the Confirmation of Acceptance for Studies is issued by a Legacy Sponsor or a B-rated sponsor, the Confirmation of Acceptance for Studies will only be valid if it is issued for completion of a course already commenced by way of re-sitting examinations or repeating a module of a course and the Confirmation of Acceptance for Studies must be for the same course as the course for which the last period of leave was granted to study with that same sponsor,

(e) the institution must still hold such a licence at the time the application for entry clearance or leave to remain is determined

(ea) the migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Confirmation of Acceptance for Studies reference number where that application was either approved or refused (not rejected as an invalid application declared void or withdrawn),

(f) it contains the following mandatory information:

(i) the applicant's:

(1) name,
(2) date of birth,
(3) gender,
(4) nationality, and
(5) passport number;

(ii) the course:

(1) title,

(2) level,

(3) start and end dates, and

(4) hours per week, including confirmation that the course is full-time;

(iii) confirmation if the course is one in which the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office;

(iv) confirmation if the course is a recognised Foundation Programme for postgraduate doctors or dentists, and requires a certificate from the Postgraduate Dean;

(v) the main study address;

(vi) details of how the Tier 4 Sponsor has assessed the applicant's English language ability including, where relevant, the applicant's English language test scores in all four components (reading, writing, speaking and listening);

(vii) details of any work placements relating to the course;

(viii) accommodation, fees and boarding costs;

(ix) details of any partner institution, if the course will be provided by an education provider that is not the Tier 4 Sponsor; and

(x) the name and address of the overseas higher education institution, if the course is part of a study abroad programme.

(g) if it was not issued for a course of studies, it was issued for a full-time, salaried, elected executive position as a student union sabbatical officer to an applicant who is part-way through their studies or who is being sponsored to fill the position in the academic year immediately after their graduation.

117. A Confirmation of Acceptance for Studies reference number will only be considered to be valid if:

(a) the number supplied links to a Confirmation of Acceptance for Studies Checking Service entry that names the applicant as the migrant and confirms that the Sponsor is sponsoring him in the Tier 4 category indicated by the migrant in his application for leave to remain (that is, as a Tier 4 (General) Student or a Tier 4 (Child) Student), and

(b) that reference number must not have been withdrawn or cancelled by the Sponsor or the UK Border Agency since it was assigned.

118. No points will be awarded for a Confirmation of Acceptance for Studies unless:

(a) the applicant supplies, as evidence of previous qualifications, the specified documents, as set out in paragraph 120-SD(a), that the applicant used to obtain the offer of a place on a course from the Sponsor unless

the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and is applying for entry clearance in his country of nationality or in the territory related to the passport he holds, as appropriate, or leave to remain in the UK. The UK Border Agency reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made; and

(b) One of the requirements in (i) to (iii) below is met:

(i) the course is degree level study and the Confirmation of Acceptance for Studies has been assigned by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council, and:

(1) 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, and provides the specified documents set out in paragraph 120-SD(b); or

(2) has obtained an academic qualification (not a professional or vocational qualification), which 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, 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 set out in paragraph 120-SD(a); or

(3) the applicant has successfully completed a course as a Tier 4 (Child) Student (or under the student rules that were in force before 31 March 2009, where the student was granted permission to stay whilst he was under 18 years old) which:

i. was at least six months in length, and

ii. ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies; or

(4) the Confirmation of Acceptance for Studies Checking Service entry confirms that the applicant has a knowledge of English equivalent to level B2 of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening), or above; or

(ii) the course is degree level study and the Confirmation of Acceptance for Studies has been assigned by a Sponsor which is not a Recognised Body or is not a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council, and:

(1) 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, and provides the specified documents set out in paragraph 120-SD(b); or

(2) has obtained an academic qualification (not a professional or vocational qualification), which 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, 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 set out in paragraph 120-SD(a); or

(3) the applicant has successfully completed a course as a Tier 4 (Child) Student (or under the student rules that were in force before 31 March 2009, where the student was granted permission to stay whilst he was under 18 years old) which:

i. was at least six months in length, and

ii. ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies; or

(4) the applicant provides an original English language test certificate from an English language test provider approved by the Secretary of State for these purposes as listed in Appendix O, which is within its validity date, and clearly shows:

i. the applicant's name,

ii. that the applicant has achieved or exceeded level B2 of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant's disability, and

iii. the date of the award.

Or

(iii) the course is for below degree level study and:

(1) 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, and provides the specified documents set out in paragraph 120-SD(b); or

(2) has obtained an academic qualification (not a professional or vocational qualification), which 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, 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 set out in paragraph 120-SD(a); or

(3) the applicant has successfully completed a course as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission to stay whilst he was under 18 years old) which:

i. was at least six months in length, and

ii. ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies; or

(4) the applicant provides an original English language test certificate from an English language test provider approved by the Secretary of State for these purposes as listed in Appendix O, which is within its validity date, and clearly shows:

i. the applicant's name,

ii. that the applicant has achieved or exceeded level B1 of the Council of Europe's Common European Framework for Language Learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant's disability, and

iii. the date of the award.

119. 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, unless the Sponsor is a Highly Trusted Sponsor. If this requirement is not met then no points will be awarded for the Confirmation of Acceptance for Studies, unless the Sponsor is a Highly Trusted Sponsor.

120. Points will only be awarded for a Confirmation of Acceptance for Studies (even if all the requirements in paragraphs 116 to 119 above are met) if the course in respect of which it is issued meets each of the following requirements:

(a) The course must meet the following minimum academic requirements:

i. for applicants applying to study in England, Wales or Northern Ireland, the course must be at National Qualifications Framework (NQF) / Qualifications and Credit Framework (QCF) Level 3 or above if the Sponsor is a Highly Trusted Sponsor; or

ii. for applicants applying to study in England, Wales or Northern Ireland, the course must be at National Qualifications Framework (NQF) / Qualifications and Credit Framework (QCF) Level 4 or above if the Sponsor is an A-Rated Sponsor or a B-Rated Sponsor; or

iii. for applicants applying to study in Scotland, the course must be accredited at Level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority and the Sponsor must be a Highly Trusted Sponsor; or

iv. for applicants applying to study in Scotland, the course must be accredited at Level 7 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority if the Sponsor is an A-Rated Sponsor or B-Rated Sponsor; or

v. the course must be a short-term Study Abroad Programme in the United Kingdom as part of the applicant's qualification at an overseas higher education institution, and that qualification must be confirmed as the same as a United Kingdom degree level by the National Recognition Information Centre for the United Kingdom (UK NARIC); or

vi. the course must be an English language course at level B2 or above of the Common European Framework of Reference for Languages; or

vii. the course must be a recognised Foundation Programme for postgraduate doctors or dentists.

(b) The Confirmation of Acceptance for Studies must be for a single course of study except where the Confirmation of Acceptance for Studies is:

(i) issued by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council to cover both a pre-sessional course of no longer than three months' duration and a course of degree level study at that Sponsor; and

(ii) the applicant has an unconditional offer of a place on a course of degree level study at that Sponsor; and

(iii) the course of degree level study commences no later than one month after the end date of the pre-sessional course.

(c) The course must, except in the case of a pre-sessional course, lead to an approved qualification as defined in (cb) below.

(ca) If a student is specifically studying towards an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundations in Accountancy qualification, the sponsor must be an ACCA approved learning partner - student tuition (ALP-st) at either Gold or Platinum level.

(cb) An approved qualification as one that is:

(1) validated by Royal Charter,

(2) awarded by a body that is on the list of recognised bodies produced by the Department for Business, Innovation and Skills,

(3) recognised by one or more recognised bodies through a formal articulation agreement with the awarding body,

(4) in England, Wales and Northern Ireland, on the Register of Regulated Qualifications (http://register.ofqual.gov.uk/) at National Qualifications Framework (NQF) / Qualifications and Credit Framework (QCF) level 3 or above,

(5) in Scotland, accredited at Level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority,

(6) an overseas qualification that UK NARIC assesses as valid and equivalent to National Qualifications Framework (NQF) / Qualifications and Credit Framework (QCF) level 3 or above, or

(7) covered by a formal legal agreement between a UK-recognised body and another education provider or awarding body. An authorised signatory for institutional agreements within the recognised body must sign this. The agreement must confirm the recognised body's own independent assessment of the level of the Tier 4 Sponsor's or the awarding body's programme compared to the National Qualifications Framework (NQF) / Qualifications and Credit Framework (QCF) or its equivalents. It must also state that the recognised body would admit any student who successfully completes the Tier 4 Sponsor's or the awarding body's named course onto a specific or a range of degree-level courses it offers.

(d) Other than when the applicant is on a course-related work placement or a pre-sessional course, all study that forms part of the course must take place on the premises of the sponsoring educational institution or an institution which is a partner institution of the migrant's Sponsor.

(e) The course must meet one of the following requirements:

i. be a full time course of degree level study that leads to an approved qualification as defined in (cb) above;

ii. be an overseas course of degree level study that is recognised as being equivalent to a UK Higher Education course and is being provided by an overseas Higher Education Institution; or

iii. be a full time course of study involving a minimum of 15 hours per week organised daytime study and, except in the case of a pre-sessional course, lead to an approved qualification, below bachelor degree level as defined in (cb) above.

(f) Where the student is following a course of below degree level study including course –related work placement, the course can only be offered by a Highly Trusted Sponsor. If the course contains a course-related work placement, any period that the applicant will be spending on that placement must not exceed one third of the total length of the course spent in the United Kingdom except :

(i) where it is a United Kingdom statutory requirement that the placement should exceed one third of the total length of the course; or
(ii) where the placement does not exceed one half of the total length of the course undertaken in the UK and the student is following a course of degree level study and is either:

(a) sponsored by a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; or

(b) sponsored by an overseas higher education institution to undertake a short-term Study Abroad Programme in the United Kingdom.

**Specified documents**

120-SD. Where paragraphs 118 to 120 of this Appendix refer to specified documents, those specified documents are as follows:

(a) In the case of evidence relating to previous qualifications, the applicant must provide, for each qualification, either:

(i) The original certificate(s) of qualification, which clearly shows:

(1) the applicant's name,
(2) the title of the award,
(3) the date of the award, and
(4) the name of the awarding institution;

(ii) The original transcript of results, which clearly shows:

(1) the applicant's name,
(2) the name of the academic institution,
(3) their course title, and
(4) confirmation of the award;

or

(iii) If the applicant's Tier 4 sponsor has assessed the applicant by using one or more references, and the Confirmation of Acceptance for Studies Checking Service entry includes details of the references assessed, the original reference(s) (or a copy, together with an original letter from the Tier 4 sponsor confirming it is a true copy of the reference they assessed), which must contain:

(1) the applicant's name,
(2) confirmation of the type and level of course or previous experience; and dates of study or previous experience,
(3) date of the letter, and
(4) contact details of the referee.

(b) In the case of evidence of the applicant's nationality, the specified documents are the applicant's current valid original passport or travel document. If the applicant is unable to provide this, 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) an original 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.

120A(a). Points will only be awarded for a valid Confirmation of Acceptance for Studies (even if all the requirements in paragraphs 116 to 120A above are met) if the Sponsor has confirmed that the course for which the Confirmation of Acceptance for Studies has been assigned represents academic progress from previous study, as defined in (b) below undertaken during the last period of leave as a Tier 4 (General) Student or as a Student where the applicant has had such leave, except where:

(i) the applicant is re-sitting examinations or repeating modules in accordance with paragraph 119 above, or

(ii) the applicant is making a first application to move to a new institution to complete a course commenced elsewhere.

(b) For a course to represent academic progress from previous study, the course must:

(i) be above the level of the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student, or

(ii) involve further study at the same level, which the Tier 4 Sponsor confirms as complementing the previous course for which the applicant was granted leave as a Tier 4 (General) Student or as a Student.

## Attributes for Tier 4 (Child) Students

121. An applicant applying for entry clearance or leave to remain as a Tier 4 (Child) Student must score 30 points for attributes.

122. Available points are show in Table 17 below.

123. Notes to accompany Table 17 appear below that table.

123A. In order to obtain points for a Confirmation of Acceptance for Studies, the applicant must provide a valid Confirmation of Acceptance for Studies reference number.

**Table 17**

| Criterion | Points awarded |
|---|---|
| Confirmation of Acceptance for Studies | 30 |

**Notes**

124. A Confirmation of Acceptance for Studies will be considered to be valid only if:

(a) where the applicant is under 16, it was issued by an independent, fee paying school,

(b) it was issued no more than 6 months before the application is made,

(c) the application for entry clearance or leave to remain is made no more than 3 months before the start date of the course of study as stated on the Confirmation of Acceptance for Studies,

(d) the Sponsor has not withdrawn the offer since the Confirmation of Acceptance for Studies was issued,

(e) it was issued by an institution with a Tier 4 (Child) Student Sponsor Licence,

(f) the institution must still hold such a licence at the time the application for entry clearance or leave to remain is determined, and

(fa) the migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Confirmation of Acceptance for Studies reference number, if that application was either approved or refused (not rejected as an invalid application declared void or withdrawn), and

(g) it contains such information as is specified as mandatory in these immigration rules.

125. A Confirmation of Acceptance for Studies reference number will only be considered to be valid if:

(a) the number supplied links to a Confirmation of Acceptance for Studies Checking Service entry that names the applicant as the migrant and confirms that the Sponsor is sponsoring him in the Tier 4 category indicated by the migrant in his application for leave to remain (that is, as a Tier 4 (General) Student or a Tier 4 (Child) Student), and

(b) that reference number must not have been withdrawn or cancelled by the Sponsor or the UK Border Agency since it was assigned.

125A. Points will only be awarded for a Confirmation of Acceptance for Studies if the applicant:

(a) supplies, as evidence of previous qualifications, the specified documents set out in paragraph 125-SD that the applicant used to obtain the offer of a place on a course from the Sponsor,

(b) is sponsored by a Highly Trusted Sponsor, is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H and is applying for entry clearance in his country of nationality or in the territory related to the passport he holds, as appropriate, or leave to remain in the UK. The UK Border Agency reserves the right to request the specified documents set out in paragraph 125-SD from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made; or

(c) where the application for entry clearance or leave to remain is for the applicant to commence a new course of study, not for completion of a course already commenced by way of re-sitting examinations or repeating a module of a course, the Sponsor must hold an A-rated or Highly Trusted Sponsor Licence and must not be a Legacy Sponsor, or

(d) where the Confirmation of Acceptance for Studies is issued by a Legacy Sponsor or a B-rated sponsor, the Confirmation of Acceptance for Studies will only be valid if it is issued for completion of a course already commenced by way of re-sitting examinations or repeating a module of a course and the Confirmation of Acceptance for Studies must be for the same course as the course for which the last period of leave was granted to study with that same sponsor.

**Specified documents**

125-SD. Where paragraph 125 of this Appendix refers to specified documents evidence relating to previous qualifications, those specified documents are:

(i) The original certificate(s) of qualification, which clearly shows:

(1) the applicant's name,
(2) the title of the award,
(3) the date of the award, and
(4) the name of the awarding institution;

(ii) The original transcript of results, which clearly shows:

(1) the applicant's name,
(2) the name of the academic institution,
(3) their course title, and
(4) confirmation of the award;

126. Points will not be awarded under Table 17 unless the course that the student will be pursuing meets one of the following requirements:

(a) be taught in accordance with the National Curriculum,

(b) be taught in accordance with the National Qualification Framework (NQF),

(c) be 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),

(d) be provided as required by prevailing independent school education inspection standards.

(e) is a single course of study, except where the Confirmation of Acceptance for Studies is:

(i) issued by an independent school to cover both a pre-sessional course and a course at an independent school; and

(ii) the applicant has an unconditional offer of a place at the independent school; and

(iii) the duration of the pre-sessional course and period of study at the independent school does not exceed the maximum period of entry clearance or leave to remain that can be granted under paragraphs 245ZZB and 245ZZD of the Immigration Rules.

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## Appendix B - English language

1. An applicant applying as a Tier 1 Migrant or Tier 2 Migrant must have 10 points for English language, unless applying:

(i) for entry clearance as a Tier 1 (Exceptional Talent) Migrant

(ii) for entry clearance or leave to remain as a Tier 1 (Investor) Migrant

(iii) for entry clearance as a Tier 2 (Intra-Company Transfer) Migrant

(iv) for a grant of leave to remain as a Tier 2 (Intra-Company Transfer) Migrant that would not extend his total stay in this category beyond 3 years.

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 |
|---|---|---|---|
| A | Tier 1 (General) | Entry clearance and leave to remain | A knowledge of English equivalent to level C1 or above of the Council of Europe's Common European Framework for Language Learning |
| 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 |
| C | Tier 1 (Graduate Entrepreneur) | 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 |
| D | Tier 1 (Exceptional Talent) | 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 |

**Tier 2**

| Row | Category | Applications | Level of English language required |
|---|---|---|---|
| E | Tier 2 (Minister of Religion) | Entry clearance and leave to remain | A knowledge of English equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning |
| F | Tier 2 (General) | Entry clearance and leave to remain, other than the cases in paragraph 5 below | A knowledge of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language Learning |
| G | Tier 2 (Intra-Company Transfer) | Leave to remain, other than the cases in paragraph 1(iv) above. | A knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning |

| | | | |
|---|---|---|---|
| H | Tier 2 (General) | Leave to remain cases in paragraph 5 below | A knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning |
| I | Tier 2 (Sportsperson) | Entry clearance and leave to remain | A knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning |

**Notes**

5. An applicant applying for leave to remain as a Tier 2 (General) Migrant must have competence of English to a level A1 or above as set out in Table 1 above if:

(i) he previously had leave as:

(1) a Tier 2 (General) Migrant under the rules in place before 6 April 2011,

(2) a Qualifying Work Permit Holder,

(3) a representative of an overseas newspaper, news agency or Broadcasting organisation,

(4) a Member of the Operational Ground Staff of an Overseas-owned Airline, or

(5) a Jewish Agency Employee,

and

(ii) he has not been granted leave to remain in any other routes, or entry clearance or leave to enter in any route, since the grant of leave referred to in (i) above.

**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

New Zealand

St Kitts and Nevis

St Lucia

St Vincent and the Grenadines

Trinidad and Tobago

USA

and

(ii) provides his current valid original 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) an original 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 deemed by UK NARIC to meet the recognised standard of a Bachelor's degree (not a Master's degree or a PhD) in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to level C1 of the Council of Europe's Common European Framework for Language learning or above

or:

(2) 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

New Zealand

St Kitts and Nevis

St Lucia

St Vincent and The Grenadines

Trinidad and Tobago

the UK

the USA,

and

(ii) provides the following specified documents to show he has the qualification:

(1) the original 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 original 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 original certificate or award.

8. If the applicant is required to have competence of English to level A1 as set out in Table 1 above (rows G to I) , 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 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,

(ii) provides the specified documents in paragraph 7(ii) evidence to show that he has the qualification, and

(iii) provides provide an original letter from the awarding institution on its official headed paper, which clearly shows:

(1) the applicant's name,
(2) the name of the awarding institution,
(3) the title of the award,
(4) the date of the award, and
(5) confirmation that the qualification was taught in English.

9. An applicant for leave to remain as a Tier 1 (Graduate Entrepreneur) can only score the required 10 points for English language by having a qualification taught in English and scoring 75 points under Table 10, Appendix A.

**Passed an English language test**

10. 10 points will only be awarded for passing an English language test if the applicant has the relevant level of English language shown in Table 1 and provides an original English language test document from an English language test provider approved by the Secretary of State for these purposes, as listed in Appendix O, which is within its validity date and clearly shows:

(1) the applicant's name,

(2) the qualification obtained, which must meet or exceed the relevant level shown in Table 1 in all four components (reading, writing, speaking and listening), unless the applicant was exempted from sitting a component on the basis of his disability, and

(3) the date of the award.

**Met requirement in a previous grant of leave**

11. Subject to paragraph 14 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 or a Tier 1 (Entrepreneur) Migrant or Business person, 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 14 below, where the application falls under rows B to I of Table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted:

(i) leave 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, or

(ii) leave 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.

13. Subject to paragraph 14 below, where the application falls under rows B to D or rows F to I of table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted:

(i) leave as a Tier 2 (General) Migrant under the Rules in place on or after 6 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, or

(ii) leave to remain as a Tier 1 (Exceptional Talent) Migrant, 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 Framework for Language Learning or above.

14. Where the application falls under rows G to I of table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted:

(i) leave as a Minister of Religion (not as a Tier 2 (Minister of Religion) Migrant) under the Rules in place on or after 23 August 2004,

(ii) leave as a Tier 2 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.

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. 10 points will be awarded for English language if the applicant:

(a) is applying for leave to remain as a Tier 2 (General) or a Tier 2 (Intra-Company Transfer) Migrant, and

(b) has previously been granted entry clearance, leave to enter or leave to remain as:

(i) a Jewish Agency Employee,

(ii) a Member of the Operational Ground Staff of an Overseas-owned Airline,

(iii) a Minister of Religion, Missionary or Member of a Religious Order,

(iv) a Qualifying Work Permit Holder,

(v) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation

and

(c) has not been granted leave in any categories other than Tier 2 (General), Tier 2 (Intra-Company Transfer) and those listed in (b) above under the Rules in place since 28 November 2008.

17. 10 points will be awarded for English language if the applicant:

(a) is applying for leave to remain as a Tier 2 (Minister of Religion) Migrant,

(b) has previously been granted entry clearance, leave to enter and/or leave to remain as a Minister of Religion, Missionary or Member of a Religious Order, and

(c) has not been granted leave in any categories other than Tier 2 (Minister of Religion) and those listed in (b) above under the Rules in place since 28 November 2008.

18. 10 points will be awarded for English language if the applicant:

(a) is applying for leave to remain as a Tier 2 (Sportsperson) Migrant,

(b) has previously been granted entry clearance, leave to enter and/or leave to remain as a Qualifying Work Permit Holder, and

(c) has not been granted leave in any categories other than Tier 2 (Sportsperson) and as a Qualifying Work Permit Holder under the Rules in place since 28 November 2008.

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## Appendix C - Maintenance (funds)

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 applicant must have the funds specified in the relevant part of Appendix C at the date of the application;

(b) If the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant or a Tier 5 (Temporary Worker) Migrant, the applicant must have had the funds referred to in (a) above for a consecutive 90-day period of time, unless applying as a Tier 1 (Exceptional Talent) Migrant or a Tier 1 (Investor) Migrant;

(c) If the applicant is applying as a Tier 4 Migrant, the applicant must have had the funds referred to in (a) above for a consecutive 28-day period of time;

(ca) If the applicant is applying for entry clearance or leave to remain as a Tier 4 Migrant, he must confirm that the funds referred to in (a) above are:

(i) available in the manner specified in paragraph 13 below for his use in studying and living in the UK; and

(ii) that the funds will remain available in the manner specified in paragraph 13 below unless used to pay for course fees and living costs;

(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* for the date of the application;

(f) Where the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant or a Tier 5 Migrant, the funds must have been under his 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 and 28-day periods referred to in (b) and (c) 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 where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.

(j) Maintenance must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, pension funds etc, regardless of notice period are not acceptable.

(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.

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) Personal bank or building society statements which satisfy the following requirements:

(i) The statements must cover:

(1) a consecutive 90-day period of time, if the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant a Tier 5 (Temporary Worker) Migrant, or the Partner or Child of a Relevant Points Based System Migrant in any of these categories,

(2) a single date within 31 days of the date of the application, if the applicant is applying as a Tier 5 (Youth Mobility Scheme) Migrant, or

(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant or the Partner or Child of a Relevant Points Based System Migrant who is a Tier 4 Migrant

(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, if the applicant is applying as Tier 4 Migrant,
_iii. the name of the Relevant Points-Based System Migrant, if the applicant is applying as a Partner or Child of a Relevant Points-Based System Migrant, or
_iv. the name of the applicant's other parent who is legally present in the UK, if the applicant is applying as a Child of a Relevant Points-Based System Migrant,

(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 be either:

(1) printed on the bank's or building society's letterhead,
(2) electronic bank or building society statements from an online account, 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 from an online account, 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) A building society pass book which satisfies the following requirements:

(i) The building society pass book must cover:

(1) a consecutive 90-day period of time, if the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant a Tier 5 (Temporary Worker) Migrant, or the Partner or Child of a Relevant Points Based System Migrant in any of these categories,

(2) a single date within 31 days of the date of the application, if the applicant is applying as a Tier 5 (Youth Mobility Scheme) Migrant, or

(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant or the Partner or Child of a Relevant Points Based System Migrant who is a Tier 4 Migrant

(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, if the applicant is applying as Tier 4 Migrant,
_iii. the name of the Relevant Points-Based System Migrant, if the applicant is applying as a Partner or Child of a Relevant Points-Based System Migrant, or
_iv. the name of the applicant's other parent who is legally present in the UK, if the applicant is applying as a Child of a Relevant Points-Based System Migrant,

(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 by the Financial Services Authority 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:

(1) a consecutive 90-day period of time, if the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant a Tier 5 (Temporary Worker) Migrant, or the Partner or Child of a Relevant Points Based System Migrant in any of these categories,

(2) a single date within 31 days of the date of the application, if the applicant is applying as a Tier 5 (Youth Mobility Scheme) Migrant, or

(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant or the Partner or Child of a Relevant Points Based System Migrant who is a Tier 4 Migrant;

(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 Tier 4 Migrant,
_iii. the name of the Relevant Points-Based System Migrant, if the applicant is applying as a Partner or Child of a Relevant Points-Based System Migrant, or
_iv. the name of the applicant's other parent who is legally present in the UK, if the applicant is applying as a Child of a Relevant Points-Based System Migrant,

(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
(5) confirmation that there have been enough funds in the applicant's account throughout the specified period;

or

(d) If the applicant is applying as a Tier 4 Migrant, an original loan letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the official regulatory body for the country the institution is in and where the money is held, which is dated no more than 6 months before the date of the application and clearly shows:

(1) the applicant's name,
(2) the date of the letter,
(3) the financial institution's name and logo,
(4) the money available as a loan,
(5) for applications for entry clearance, that the loan funds are or will be available to the applicant before he travels to the UK, unless the loan is an academic or student loan from the applicant's country's national government and will be released to the applicant on arrival in the UK,
(6) there are no conditions placed upon the release of the loan funds to the applicant, other than him making a successful application as a Tier 4 Migrant, and
(7) the loan is provided by the national government, the state or regional government or a government sponsored student loan company or is part of an academic or educational loans scheme.

## 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, unless applying as a Tier 1 (Exceptional Talent) Migrant or a Tier 1 (Investor) Migrant.

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

| Level of funds | Points |
|---|---|
| £3,100 | 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.

| Level of funds | Points |
|---|---|
| £900 | 10 |

## Tier 2 Migrants

4. An applicant applying for entry clearance or leave to remain as a Tier 2 Migrant must score 10 points for Funds.

5. 10 points will only be awarded if:

(a) the applicant has the level of funds shown in the table below and provides the specified documents in paragraph 1B above, or

| Level of funds | Points awarded |
|---|---|
| £900 | 10 |

(b) the applicant has entry clearance, leave to enter or leave to remain as:

(i) a Tier 2 Migrant

(ii) a Jewish Agency Employee

(iii) A member of the Operational Ground Staff of an Overseas-owned Airline,

(iv) a Minister of Religion, Missionary or Member of a Religious Order,

(v) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation, or

(vi) a Work Permit Holder, or

(c) the Sponsor is an a rated Sponsor and has certified on the Certificate of Sponsorship that, should it become necessary, it will maintain and accommodate the migrant up to the end of the first month of his employment. The Sponsor may limit the amount of the undertaking but any limit must be at least £900. Points will only be awarded if the applicant provides a valid Certificate of Sponsorship reference number with his application.

## Tier 5 (Youth Mobility) Temporary Migrants

6. An applicant applying for entry clearance as a Tier 5 (Youth Mobility) Temporary Migrant must score 10 points for funds.

**7. 10 points will only be awarded if an applicant has the level of funds shown in the table below and provides the specified documents in paragraph 1B above :**

| Level of funds | Points awarded |
|---|---|
| *£1800* | 10 |

## Tier 5 (Temporary Worker) Migrants

8. A migrant applying for entry clearance or leave to remian as a Tier 5 (Temporary Worker) Migrant must score 10 points for funds.

9. 10 points will only be awarded if an applicant has the level of funds shown in the table below and provides the specified documents in paragraph 1B above:

| Criterion | Points awarded |
|---|---|
| Meets one of the following criteria:<br><br>Has £900; or<br>The Sponsor is an A rated Sponsor and the Certificate of Sponsorship Checking Service confirms that the Sponsor has certified that the applicant will not claim public funds during his period of leave as a Tier 5 (Temporary Worker) Migrant. Points will only be awarded if the applicant provides a valid Certificate of Sponsorship reference number with his application. | 10 |

## Tier 4 (General) Students

10. A Tier 4 (General) Student must score 10 points for funds.

11. 10 points will only be awarded if the funds shown in the table below are available in the manner specified in paragraph 13 *and 13A* below to the applicant. The applicant must either:

(a) provide the specified documents in paragraph 1B above to show that the funds are available to him, or

(b) where the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and is applying for entry clearance in his country of nationality or in the territory related to the passport he holds, as appropriate, or leave to remain in the UK, confirm that the funds are available to him in the specified manner. The UK Border Agency reserves the right to request the specified documents in paragraph 1B above from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.

| Criterion | Points |
|---|---|

| | |
|---|---|
| **If studying in inner London:**<br><br>i) Where the applicant does not have an established presence studying in the United Kingdom, the applicant must have funds amounting to the full course fees for the first academic year of the course, or for the entire course if it is less than a year long, plus £1000 for each month of the course up to a maximum of nine months.<br><br>ii) Where the applicant has an established presence studying in the United Kingdom, the applicant must have funds amounting to the course fees required either for the remaining academic year if the applicant is applying part-way through, or for the next academic year if the applicant will continue or commence a new course at the start of the next academic year, or for the entire course if it is less than a year long, plus £1000 for each month of the course up to a maximum of two months. | 10 |
| **If studying in outer London and elsewhere in the United Kingdom:**<br><br>i) Where the applicant does not have an established presence studying in the United Kingdom, the applicant must have funds amounting to the full course fees for the first academic year of the course, or for the entire course if it is less than a year long, plus £800 for each month of the course up to a maximum of nine months.<br><br>ii) Where the applicant has an established presence studying in the United Kingdom, the applicant must have funds amounting to the course fees required either for the remaining academic year if the applicant is applying part-way through, or for the next academic year if the applicant will continue or commence a new course at the start of the next academic year, or for the entire course if it is less than a year long, plus £800 for each month of the course up to a maximum of two months. | 10 |

**Notes**

12. An applicant will be considered to be studying in inner London if the institution, or branch of the institution, at which the applicant will be studying is situated in any of the London boroughs of Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster. If the applicant will be studying at more than one site, one or more of which is in inner London and one or more outside, then the applicant will be considered to be studying in inner 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 in inner London.

12A. If the length of the applicant's course includes a part of a month, the time will be rounded up to the next full month.

13. Funds will be available to the applicant only where the specified documents show or, where permitted by these Rules, the applicant confirms that the funds are held or provided by:

(i) the applicant (whether as a sole or joint account holder); and/or

(ii) the applicant's parent(s) or legal guardian(s), and the parent(s) or legal guardian(s) have provided written consent that their funds may be used by the applicant in order to study in the UK; and/or

(iii) an official financial sponsor which must be Her Majesty's Government, the applicant's home government, the British Council or any international organisation, international company, University or Independent school.

13A. In assessing whether the requirements of Appendix C, paragraph 11 are met, where an applicant pays a deposit on account to the sponsor for accommodation costs this amount, up to a maximum of £1000, can be offset against the total maintenance requirement if he will be staying in accommodation arranged by the Tier 4 sponsor and he has paid this money to that Tier 4 sponsor.

13B. If the applicant is relying on the provisions in paragraph 13(ii) above, he must provide:

(a) one of the following original (or notarised copy) documents:

(i) his birth certificate showing names of his parent(s),

(ii) his certificate of adoption showing the names of both parent(s) or legal guardian, or

(iii) a Court document naming his legal guardian;

and

(b) a letter from his parent(s) or legal guardian, confirming:

(1) the relationship between the applicant and his parent(s) or legal guardian, and
(2) that the parent(s) or legal guardian give their consent to the applicant using their funds to study in the UK.

13C. If the applicant has already paid all or part of the course fees to his Tier 4 Sponsor:

(a) the Confirmation of Acceptance for Studies Checking Service entry must confirm details of the fees already paid; or

(b) the applicant must provide an original paper receipt issued by the Tier 4 Sponsor, confirming details of the fees already paid.

13D. If the applicant has an official financial sponsor as set out in paragraph 13(iii) above:

(a) the Confirmation of Acceptance for Studies Checking Service entry must confirm details of the official financial sponsorship, if it is the Tier 4 Sponsor who is the official financial sponsor; or

(b) the applicant must provide a letter of confirmation from his official financial sponsor, on official letter-headed paper or stationery of that organisation and bearing the official stamp of that organisation, which clearly shows:

(1) the applicant's name,
(2) the name and contact details of the official financial sponsor,
(3) the date of the letter,
(4) the length of the official financial sponsorship, and
(5) the amount of money the official financial sponsor is giving to the applicant, or a statement that the official financial sponsor will cover all of the applicant's fees and living costs.

14. An applicant will have an established presence studying in the UK if the applicant has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, Student or as a Postgraduate Doctor or Dentist and at the date of application:

(i) has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or

(ii) is applying for continued study on a single course where the applicant has completed at least six months of that course.

## Tier 4 (Child) Students

15. A Tier 4 (Child) Student must score 10 points for funds.

16. 10 points will only be awarded if the funds shown in the table below are available in the manner specified in paragraph 21 *and 21A* below to the applicant. The applicant must either:

(a) provide the specified documents in paragraph 1B above to show that the funds are available to him, or

(b) where the applicant is sponsored by a Highly Trusted Sponsor, is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and is applying for entry clearance in his country of nationality or in the territory related to the passport he holds, as appropriate, or leave to remain in the UK, confirm that the funds are available to him in the specified manner. The UK Border Agency reserves the right to request the specified documents in paragraph 1B above from these applicants to support this confirmation. The application will be refused if the specified documents are not provided in accordance with the request made.

| Criterion | Points |
|---|---|
| **Where the child is (or will be) studying at a residential independent school:** sufficient funds are available to the applicant to pay boarding fees (being course fees plus board/lodging fees) for an academic year. | 10 |
| **Where the child is (or will be) studying at a non-residential independent school and is in a private foster care arrangement (see notes below) or staying with and cared for by a close relative (see notes below):** sufficient funds are available to the applicant to pay school fees for an academic year, the foster carer or relative (who must meet the requirements specified in paragraph 19 of this Appendix) has undertaken to maintain and accommodate the child for the duration of the course, and that foster carer or relative has funds equivalent to at least *£550* per month, for up to a maximum of nine months, to support the child while he is in the United Kingdom. | 10 |
| **Where the child is (or will be) studying at a non-residential independent school, is under the age of 12 and is (or will be) accompanied by a parent,** sufficient funds are available to the applicant to pay school fees for an academic year, plus:<br><br>if no other children are accompanying the applicant and the parent, *£1500* per month<br>of stay up to a maximum of nine months; or | 10 |

| | |
|---|---|
| if other children are accompanying the applicant and the parent, *£1500* per month, plus *£600* per month for each additional child, up to a maximum of nine months. | |
| **Where the child is aged 16 or 17 years old and is living independently and studying in inner London:**<br><br>i) Where the applicant does not have an established presence studying in the United Kingdom, the applicant must have funds amounting to the full course fees for the first academic year of the course, or for the entire course if it is less than a year long, plus *£900* for each month of the course up to a maximum of nine months.<br><br>ii) Where the applicant has an established presence studying in the United Kingdom, the applicant must have funds amounting to the course fees required either for the remaining academic year if the applicant is applying part-way through, or for the next academic year if the applicant will continue or commence a new course at the start of the next academic year, or for the entire course if it is less than a year long, plus *£900* for each month of the course up to a maximum of two months. | 10 |
| **Where the child is aged 16 or 17 years old, is living independently and studying in outer London or elsewhere in the United Kingdom:**<br><br>iii) Where the applicant does not have an established presence studying in the United Kingdom, the applicant must have funds amounting to the full course fees for the first academic year of the course, or for the entire course if it is less than a year long, plus *£700* for each month of the course up to a maximum of nine months.<br><br>iv) Where the applicant has an established presence studying in the United Kingdom, the applicant must have funds amounting to the course fees required either for the remaining academic year if the applicant is applying part-way through, or for the next academic year if the applicant will continue or commence a new course at the start of the next academic year, or for the entire course if it is less than a year long, plus *£700* for each month of the course up to a maximum of two months. | 10 |

**Notes**

17. Children (under 16, or under 18 if disabled) are privately fostered when they are cared for on a full-time basis by a person or persons aged 18 or over, who are not their parents or a close relative, for a period of 28 days or more.

18. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of the child's parent) or aunt (sister or half-sister of the child's parent) who is aged 18 or over.

19. The care arrangement made for the child's care in the UK must comply with the following requirements:

(a) In all cases, the applicant must provide a letter from their parent(s) or legal guardian, confirming:

(1) the relationship between the parent(s) or legal guardian and the applicant,
(2) that the parent(s) or legal guardian have given their consent to the application,
(3) that the parent(s) or legal guardian agrees to the applicant's living arrangements in the UK, and

(4) if the application is for entry clearance, that the parent(s) or legal guardian agrees to the arrangements made for the applicant's travel to and reception in the UK,
(5) if a parent(s) or legal guardian has legal custody or sole responsibility for the applicant,
(6) that each parent or legal guardian with legal custody or responsibility for the applicant agrees to the contents of the letter, and signs the letter, and
(7) the applicant's parent(s) or legal guardian's consent to the applicant travelling to and living in the UK independently, if the applicant is 16 or 17 years old and living independently.

(b) If the applicant is under 16 years old or is not living in the UK independently, the applicant must provide:

(i) a written letter of undertaking from his intended carer confirming the care arrangement, which clearly shows:

(1) the name, current address and contact details of the intended carer,
(2) the address where the carer and the applicant will be living in the UK if different from the intended carer's current address,
(3) 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,
(4) the nature of the relationship between the applicant's parent(s) or legal guardian and the intended carer,
(5) that the intended carer agrees to the care arrangements for the applicant,
(6) that the intended carer has at least £550 per month (up to a maximum of nine months) available to look after and accommodate the applicant for the length of the course,
(7) a list of any other people that the intended carer has offered support to, and
(8) the carer's signature and date of the undertaking;

(ii) A letter from his parent(s) or legal guardian, which confirms the care arrangement and clearly shows:

(1) the nature of parent(s) or legal guardian's relationship with the intended carer,
(2) the address in the UK where the applicant and the intended carer will be living,
(3) that the parent(s) or legal guardian support the application, and authorise the intended carer to take responsibility for the care of the applicant during his stay in the UK;

and

(iii) The intended carer's original (or notarised copy, although the UK Border Agency reserves the right to request the original):

(1) current UK or European Union passport,
(2) current passport or travel document to confirm that they are allowed to stay in the UK, or
(3) certificate of naturalisation.

(c) If the applicant is staying in a private foster care arrangement, he must receive permission from the private foster carer's UK local authority, as set out in the Children (Private Arrangements for Fostering) Regulations 2005.

(d) If the applicant is staying in a private foster care arrangement and is under 16 years old, he must provide:

(i) A copy of the letter of notification from his parent(s), 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

(ii) The UK local authority's confirmation of receipt, confirming that the local authority has received notification of the foster care arrangement.

19A.

(a) An applicant will be considered to be studying in inner London if the institution, or branch of the institution, at which the applicant will be studying is situated in any of the London boroughs of Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster.

(b) If the applicant will be studying at more than one site, one or more of which is in inner London and one or more outside, then the applicant will be considered to be studying in inner 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 in inner London.

20. If the length of the applicant's course includes a part of a month, the time will be rounded up to the next full month.

21. Funds will be available to the applicant only where the specified documents show or, where permitted by these Rules, the applicant confirms that the funds are held or provided by:

(i) the applicant (whether as a sole or joint account holder); and/or

(ii) the applicant's parent(s) or legal guardian(s), and the parent(s) or legal guardian(s) have provided written consent that their funds may be used by the applicant in order to study in the UK; and/or

(iii) an official financial sponsor which must be Her Majesty's Government, the applicant's home government, the British Council or any international organisation, international company, University or Independent school.

*21A. In assessing whether the requirements of Appendix C, paragraph 16 are met, where an applicant pays a deposit on account to the sponsor for accommodation costs this amount, up to a maximum of £1000, can be offset against the total maintenance requirement if he will be staying in accommodation arranged by the Tier 4 sponsor and he has paid this money to that Tier 4 sponsor.*

21B. If the applicant has already paid all or part of the course fees to his Tier 4 Sponsor:

(a) the Confirmation of Acceptance for Studies Checking Service entry must confirm details of the fees already paid; or

(b) the applicant must provide an original paper receipt issued by the Tier 4 Sponsor, confirming details of the fees already paid.

21C. If the applicant has an official financial sponsor as set out in paragraph 21(iii) above:

(a) the Confirmation of Acceptance for Studies Checking Service entry must confirm details of the official financial sponsorship, if it is the Tier 4 Sponsor who is the official financial sponsor; or

(b) the applicant must provide a letter of confirmation from his official financial sponsor, on official letter-headed paper or stationery of that organisation and bearing the official stamp of that organisation, which clearly shows:

(1) the applicant's name,
(2) the name and contact details of the official financial sponsor,
(3) the date of the letter,
(4) the length of the official financial sponsorship, and
(5) the amount of money the official financial sponsor is giving to the applicant, or a statement that the official financial sponsor will cover all of the applicant's fees and living costs.

22. An applicant will have an established presence studying in the UK if the applicant has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant or Student and at the date of application:

(i) has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or

(ii) is applying for continued study on a single course where the applicant has completed at least six months of that course.

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## Appendix D - Immigration rules for leave to enter as a Highly Skilled Migrant as at 31 March 2008, and immigration rules for leave to remain as a Highly Skilled Migrant as at 28 February

### Requirements for an extension of stay 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.

## 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 apporval 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.

135D. The requirements for an extension of stay as a highly skilled migrant for a person who has previously been granted entry clearance or leave in this capacity, are that the applicant:

(i) entered the United Kingdom with a valid United Kingdom entry clearance as a highly skilled migrant, or has previously been granted leave in accordance with paragraphs 135DA-135DH of these Rules; and

(ii) has achieved at least 75 points in accordance with the criteria specified in Appendix 4 of these Rules, having provided all the documents which are set out in Appendix 5 (Part I) of these Rules which correspond to the points which he is claiming; and

(iii) (a) has produced an International English Language Testing System certificate issued to him to certify that he has achieved at least band 6 competence in English; or

(b) has demonstrated that he holds a qualification which was taught in English and which is of an equivalent level to a UK Bachelors degree by providing both documents which are set out in Appendix 5 (Part II) of these Rules; and

(iv) meets the requirements of paragraph 135A(ii)-(iii).

135DA The requirements for an extension of stay as a highly skilled migrant for a work permit holder 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 135A (i)-(iii).

135DB The requirements for an extension of stay as a highly skilled migrant 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 remain as a highly skilled migrant 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 135A(i)-(iii).

135DC. The requirements for an extension of stay as a highly skilled migrant for a postgraduate doctor or postgraduate dentist are that the applicant:

(i) 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

(ii) 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

(iii) meets the requirements of paragraph 135A(i)-(iii).

135DD The requirements for an extension of stay as a highly skilled migrant 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) meets the requirements of paragraph 135A(i)-(iii).

135DE The requirements for an extension of stay as a highly skilled migrant 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 the requirements of paragraph 135A(i)-(iii).

135DF. The requirements for an extension of stay as a highly skilled migrant 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) meets the requirements of paragraph 135A(i)-(iii).

135DG. Deleted.

135DH. The requirements for an extension of stay as a highly skilled migrant for a participant in the Fresh Talent: Working in Scotland scheme 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 the requirements of paragraph 135A(i)-(iii).

**Extension of stay as a highly skilled migrant**

135E. An extension of stay as a highly skilled migrant may be granted for a period not exceeding 3 years, provided that the Secretary of State is satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC, 135DD, 135DE, 135DF or 135DH is met and that the application does not fall for refusal under paragraph 135HA.

**Refusal of extension of stay as a highly skilled migrant**

135F. An extension of stay as a highly skilled migrant is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC, 135DD, 135DE, 135DF or 135DH is met or if the application falls for refusal under paragraph 135HA.

**Additional grounds for refusal for highly skilled migrants**

135HA. An application under paragraphs 135A-135H of these Rules is to be refused, even if the applicant meets all the requirements of those paragraphs, if:

(i) the applicant submits any document which, whether or not it is material to his application, is forged or not genuine, unless the Immigration Officer or Secretary of State is satisfied that the applicant is unaware that the document is forged or not genuine; or

(ii) the Immigration Officer or Secretary of State has cause to doubt the genuineness of any document submitted by the applicant and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.

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# Appendix E - Maintenance (funds) for the family of Relevant Points Based Systems Migrants

A sufficient level of funds must be available to an applicant applying as the Partner or Child of a Relevant Points Based System 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.

(a) Where the application is connected to a Tier 1 Migrant (other than a Tier 1 (Investor) Migrant or a Tier 1 (Exceptional Talent) Migrant) who is outside the UK or who has been in the UK for a period of less than 12 months, there must be £1800 in funds.

(b) Where:

(i) paragraph (a) does not apply, and

(ii) the application is connected to a Relevant Points Based System Migrant who is not a Tier 1 (Investor) Migrant a Tier 1 (Exceptional Talent) Migrant or a Tier 4 (General) Student there must be £600 in funds.

(ba)(i) Where the application is connected to a Tier 4 (General) Student:

(1) if the Tier 4 (General) Student is studying in inner London (as defined in paragraph 12 of Appendix C), there must be *£600* in funds for each month for which the applicant would, if successful, be granted leave under paragraph 319D(a), up to a maximum of *£5,400*, or

(2) if the Tier 4 (General) Student is not studying in inner London, there must be *£450* in funds for each month for which the applicant would, if successful, be granted leave under paragraph 319D(a), up to a maximum of *£4,050*,

and in each case

(3)the applicant must confirm that the funds referred to in (1) or (2) above are:

(i) available in the manner specified in paragraph (f) below for use in living costs in the UK; and

(ii) that the funds will remain available in the manner specified in paragraph (f) below unless used to pay for living costs.

(c) Where the applicant is applying as the Partner of a Relevant Points Based System Migrant the relevant amount of funds must be available to either the applicant or the Relevant Points Based System Migrant .

(d) Where the applicant is applying as the Child of a Relevant Points Based System Migrant, the relevant amount of funds must be available to the applicant, the Relevant Points Based System 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 Relevant Points Based System 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 Relevant Points Based System Migrant.

(f) In all cases, the funds in question must be available to:

(i) the applicant, or

(ii) where he is applying as the partner of a Relevant Points Based System Migrant, either to him or to that Relevant Points Based System Migrant, or

(iii) where he is applying as the child of a Relevant Points Based System Migrant, either to him, to the Relevant Points Based System 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 the application and* for:

(i) a consecutive 90-day period of time, if the applicant is applying as the Partner or Child of a Tier 1 Migrant (other than a Tier 1 (Investor) Migrant) or a Tier 1 (Exceptional Talent) Migrant, a Tier 2 Migrant or a Tier 5 (Temporary Worker) Migrant;

(ii) a consecutive 28-day period of time, if the applicant is applying as the Partner or Child of a Tier 4 (General) Student;

(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) In the following cases, sufficient funds will be deemed to be available where all of the following conditions are met:

(1) the Relevant Points Based System Migrant to whom the application is connected has, or is being granted, leave as a Tier 2 Migrant,

(2) the Sponsor of that Relevant Points Based System Migrant is A-rated, and

(3) that Sponsor has certified on the Certificate of Sponsorship that, should it become necessary, it will maintain and accommodate the dependants of the relevant Points Based System Migrant up to the end of *the first month of the dependant's leave, if granted*. The undertaking may be limited provided the limit is at least £600 per dependant. If the relevant Points Based System Migrant is applying at the same time as the applicant, points will only be awarded if the Relevant Points Based System Migrant provides a valid Certificate of Sponsorship reference number with his application.

(ia) Sufficient funds will not be deemed to be available to the Partner or Child if the specified documents, as set out in paragraph 1B of Appendix C, show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.

(j) In all cases the applicant must provide the specified documents as set out in paragraph 1B of Appendix C, unless the applicant is applying at the same time as the Relevant Points Based System Migrant who is a Tier 4 (General) Student sponsored by a Highly Trusted Sponsor, is a national of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and is applying for entry clearance in his country of nationality or in the territory related to the passport he holds, as appropriate, or leave to remain in the UK and the applicant is also a national of the same country, and confirms these requirements are met, in which case the specified documents shall not be required. The UK Border Agency reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.

(k) 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* for the date of the application.

(l) Where the application is one of a number of applications made at the same time as a partner or child of a Relevant Points Based System Migrant (as set out in paragraphs 319A and 319F) each applicant, including the Relevant Points Based System Migrant if applying at the same time, 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.

(m) The end date of the 90-day and 28-day periods referred to in (g) 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), as set out in paragraph 1B of Appendix C, and must be no earlier than 31 days before the date of application.

(n) If:

(i) the Relevant Points-Based System Migrant is a Tier 4 (General) Student who has official financial sponsorship as set out in paragraph 13(iii) of Appendix C, and

(ii) this sponsorship is intended to cover costs of the Relevant Points-Based System Migrant's family member(s),

the applicant must provide a letter of confirmation from the Tier 4 (General) Student's official financial sponsor which satisfies the requirements in paragraph 13D of Appendix C, and confirms that the sponsorship will cover costs of the applicant in addition to costs of the Relevant Points-Based System Migrant.

(o) Where the Relevant Points Based System Migrant is applying for entry clearance or leave to remain at the same time as the applicant, and is not required to provide evidence of maintenance funds because of the

provisions in paragraph 5(b) of Appendix C, the applicant is also not required to provide evidence of maintenance funds.

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# Appendix F - 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.

## 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 qualified nurse or midwife ar that the applicant:

(i) has obtained confirmatin 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 supervided 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 is 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 similer 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 is 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 extenstion 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 applcant:

(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 Kingom 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 forentry 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.

### l) 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, newsagency 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 under paragraphs 40 - 56 of these Rules, 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 pastoralrole**

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 nonpastoral 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.

## 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) (Entreprenuer) 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.

***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*** |
|---|---|
| *The applicant has been awarded:*<br><br>*(a) a UK recognised bachelor or postgraduate degree, or*<br><br>*(b) a UK postgraduate certificate in education or Professional Graduate Diploma of Education, or*<br><br>*(c) a Higher National Diploma ('HND') from a Scottish institution.* | *20* |
| *(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,*<br>*or*<br><br>*(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.*<br><br>*The Scottish institution must:* | *20* |

| | |
|---|---|
| *(i) be on the list of Education and Training Providers list on the Department of Business, Innovation and Skills website, or*<br><br>*(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.*

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## Appendix FM family members

This Appendix applies to applications under this route made on or after 9 July 2012 and to applications under Part 8 as set out in the Statement of Changes laid on 13 June 2012 (HC 194), except as otherwise set out at paragraphs A277-A280.

The sections of this Appendix are set out at the top of this page.

## General

## 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, or 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). 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. It also takes into account the need to safeguard and promote the welfare of children in the UK.

**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 the context otherwise requires.

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; and
(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.

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); EECPT. 4.1(a) and E-LTRPT.5.1.(a) 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.

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;
(iii) where removal directions have been set pending an imminent removal;
(iv) in an appeal; or
(v) in response to a (one stop) notice issued under section 120 of the Nationality, Immigration and Asylum Act 2002
and (b) where the Article 8 claim is raised 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.

**Leave to enter**

GEN.2.1. 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.

# Family life as a partner

## 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 1.7. 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 at the date of application 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.

Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.

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.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. One or more relevant NHS body 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 £1000.

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 preceding the date of the application, 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.

**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.

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.

E-ECP.2.9. 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-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 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 has limited leave to enter or remain in the UK;

(c) not a British Citizen or settled in the UK; and

(d) not an EEA national with a right to be admitted under the Immigration (EEA) Regulations 2006.

E-ECP.3.2. When determining whether the financial requirement in paragraph EECP.

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;

(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; or

(v) carer's allowance; 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 UK Border Agency;

(c) have an academic qualification recognised by NARIC UK 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 EECP. 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. If the applicant meets the requirements for entry clearance as a partner 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; 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 condition of no recourse to public funds and a prohibition on employment.

D-ECP.1.2. Where 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.; 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 1.7. apply.

S-LTR.1.2. The applicant is at the date of application 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.

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.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-LTR.2.2. to 2.4. 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. One or more relevant NHS body 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 £1000.

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.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.

**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 as a person with humanitarian protection.

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;
(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; or
(c) on temporary admission or temporary release (unless paragraph EX.1. applies).

E-LTRP.2.2. The applicant must not be in the UK in breach of immigration laws (disregarding any period of overstaying for a period of 28 days or less), 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 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 UK as a dependant of the applicant;
(c) not a British Citizen or settled in the UK; and
(d) not an EEA national with a right to remain in the UK under the Immigration (EEA) Regulations 2006.

E-LTRP.3.2. When determining whether the financial requirement in paragraph ELTRP.

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;
(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 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 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; or
(v) carer's allowance; 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 leave as a 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 UK Border Agency;
(c) have an academic qualification recognised by NARIC UK 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 ELTRP. 4.2;
unless paragraph EX.1. applies.

E-LTRP.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.

**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 entry clearance as a partner under paragraph D-ECP1.1. (excluding in all cases any period of entry clearance or limited leave as a fiance(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 they 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 Secretary of State deems such recourse to be appropriate, and they will be eligible to apply for settlement after a continuous period of at least 120 months with such leave, with limited leave as a partner under paragraph D-LTRP.1.1., or in the UK with entry clearance as a partner under paragraph D-ECP1.1. (excluding in all cases any period of entry clearance or limited leave 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**

RILRP.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-indefinite leave to remain;
(d) the applicant must meet all of the requirements of Section E-LTRP:

Eligibility for leave to remain as a partner (but in applying paragraph ELTRP.
3.1.(b)(ii) delete the words "2.5 times"); and
(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 1.9. apply.

S-ILR.1.2. The applicant is at the date of application 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 preceding the date of the application, 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.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. One or more relevant NHS body 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 £1000.

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.

**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 (disregarding any period of overstaying for a period of 28 days or less).

E-ILRP.1.3. The applicant must have completed a continuous period of at least 60 months with limited leave as a partner under paragraph R-LTRP.1.1.(a) to (c) or in the UK with entry clearance as a partner under paragraph D-ECP.1.1.; or a continuous period of at least 120 months with limited leave as a partner under paragraph R-

LTR.P.1.1(a), (b) and (d) or in the UK with entry clearance as a partner under paragraph D-ECP.1.1.; or a continuous period of at least 120 months with limited leave as a partner under a combination of these paragraphs, excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.

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. DELETED.

E-ILRP.1.6. The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the UK in accordance with the requirements of paragraphs 33B to 33G 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 met the requirements of paragraphs 33B to 33G of these Rules,

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, 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 deems such recourse to be appropriate.

## Exception

**Section EX: Exception**

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) 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, and there are insurmountable obstacles to family life with that partner continuing outside the UK.

# Bereaved partner

## 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 as-

(a) a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK; 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.

## Victim of domestic violence

### Victim of domestic violence

**Section DVILR: Indefinite leave to remain (settlement) as a victim of domestic violence**

DVILR.1.1. The requirements to be met for indefinite leave to remain in the UK as a victim of domestic violence 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 violence;

(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 violence.

**Section E-DVILR: Eligibility for indefinite leave to remain as a victim of domestic violence**

E-DVILR.1.1. To meet the eligibility requirements for indefinite leave to remain as a victim of domestic violence all of the requirements of paragraphs E-DVILR.1.2. and 1.3. must be met.

E-DVILR.1.2. The applicant's last grant of limited leave must have been-

(a) as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK;

(b) granted to enable access to public funds pending an application under DVILR.; 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 the applicant's relationship with their partner broke down permanently as a result of domestic violence.

**Section D-DVILR: Decision on application for indefinite leave to remain as a victim of domestic violence**

D-DVILR.1.1. If the applicant meets all of the requirements for indefinite leave to remain as a victim of domestic violence 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 violence 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 violence, or further limited leave to remain under paragraph D-DVILR.1.2. the application will be refused.

# Family life as a child of a parent with limited leave as a partner or parent

## 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 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 applying, or have applied, for 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. 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 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) in the UK;
(c) not a British Citizen or settled in the UK; and
(d) not an EEA national with a right to remain in the UK under the Immigration (EEA) Regulations 2006.

E-ECC.2.2. When determining whether the financial requirement in paragraph EECC. 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;
(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; or
(v) carer's allowance; 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-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 subject to a condition of no recourse to public funds.

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; or

(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. or D-LTRPT.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. 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 who is-

(i) under the age of 18 years, or who was under the age of 18 years when they were first granted entry under this route;
(ii) in the UK;
(iii) not a British Citizen or settled in the UK; and
(iv) not an EEA national with a right to remain in the UK under the Immigration (EEA) Regulations 2006.

E-LTRC.2.2. When determining whether the financial requirement in paragraph ELTRC. 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 selfemployment;
(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;
(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; or
(v) carer's allowance; 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.2.4. 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 subject to a condition of no recourse to public funds. 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.

# Family life as a parent

## 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 or settled in the UK.

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 or settled in the UK;
(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) access rights to the child; 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 UK Border Agency;
(c) have an academic qualification recognised by NARIC UK 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 EECPT. 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 they will be granted entry clearance for an initial period not exceeding 33 months, and subject to a condition of no recourse to public funds.

D-ECPT.1.2. 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 or indefinite leave to remain as a parent or partner 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.; 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) a British Citizen or settled in the UK; or
(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 or settled in the UK); or
(b) the parent or carer with whom the child normally lives must be-

(i) a British Citizen in the UK or settled in the UK;
(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
(ii) access rights to the child; 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;
(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;
(c) on temporary admission or temporary release (unless paragraph EX.1. applies).

E-LTRPT.3.2. The applicant must not be in the UK in breach of immigration laws, (disregarding any period of overstaying for a period of 28 days or less), 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. 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 UK Border Agency;
(c) have an academic qualification recognised by NARIC UK 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 ELTRPT. 5.2, unless paragraph EX.1. applies.

E-LTRPT.5.2. 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.

**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 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 LTRPT.1.1. (a), (b) and (d) for limited leave to remain as a parent they 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 Secretary of State deems such recourse to be appropriate, and they will be eligible to apply for settlement after a continuous period of at least 120 months with such leave, with limited leave as a parent under paragraph D-LTRPT.1.1., or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.

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;
(d) the applicant must meet all of the requirements of Section E-LTRPT:
Eligibility for leave to remain as a parent; and

(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 (disregarding any period of overstaying for 28 days or less).

E-ILRPT.1.3. The applicant must have completed a continuous period of at least 60 months with limited leave as a parent under paragraph R-LTRPT.1.1.(a) to (c) or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.; or a continuous period of at least 120 months with limited leave as a parent, under paragraphs R-LTRPT.1.1(a), (b) and (d) or in the UK with entry clearance as a parent under paragraph D-ECPT.1.1.; or a continuous period of at least 120 months with limited leave as a parent under a combination of these paragraphs.

E-ILRPT.1.4. DELETED.

E-ILRPT.1.5. The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the UK in accordance with the requirements of paragraphs 33B to 33G of these Rules.

**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 met the requirements of paragraphs 33B to 33G of these Rules,

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, 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 deems such recourse to be appropriate.

## Adult dependent relatives

### 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.

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 (disregarding any period of overstaying for a period of 28 days or less).

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 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, but if they are not required to make an application Part 13 of these Rules will apply.

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# 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 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) or (e) 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; or

(cc) A document that is a copy and not an original document; 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 by the UK Border Agency or Border Force 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) A document that is a copy and not an original document,

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. The decision-maker

reserves the right to request the specified original document(s) in the correct format in all cases where sub-paragraph (b) applies, and to refuse applications if this material is not provided as set out in sub-paragraph (b).

(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.

**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 regulated by the appropriate regulatory body for the country in which that institution is operating.
(ii) not be from a financial institution on the list of excluded institutions in Appendix P of these rules.
(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 from an online account (defined as one that operates solely over the internet and sends bank statements to its customers electronically) 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 Services 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. Third party support will only be accepted in the form of:

(i) maintenance payments from a former partner of an applicant in relation to the applicant and former partner's child or children or in relation to the applicant;
(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 souce 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) Wage slips must be:

(i) on company-headed paper; or
(ii) stamped and signed by the employer; or
(iii) accompanied by a letter from the employer, on company-headed paper and signed by a senior manager, confirming that they are authentic.

(c) The employment income of an applicant will only 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).

(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* 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) All documentary evidence must be original, unless otherwise stated.

(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 a document is not in English or Welsh, the original must be accompanied by a certified translation by a professional translator. This translation must include details of the translator's credentials and confirmation that it is an accurate translation of the original document. It must also be dated and include the original signature of the translator.

(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.

2. In respect of salaried employment in the UK, all of the following evidence must be provided:

(a) Wage slips covering:

(i) a period of 6 months prior to the date of application if the applicant 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 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) 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 wage slips 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 wage slips 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.

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 wage slips 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.

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 in the UK all of the following must be provided:

(a) Personal bank statements corresponding to the same period(s) as the wage slips 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) Wage slips covering:

(i) a period of 6 months prior 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; or

(ii) any period of salaried employment in the period of 12 months prior 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.

(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 or adoption leave; and
(iv) the date of commencement and the end-date of the maternity, paternity 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 wage slips 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) Wage slips covering:

(i) a period of 6 months prior to the commencement of the sick leave, if the applicant has been employed by their current employer for at least 6 months; or,
(ii) any period of salaried employment in the period of 12 months prior to the commencement of the sick leave, if the applicant has been employed by their current employer for less than 6 months.

(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 financial year.

(b) The latest:

(i) annual self-assessment tax return to HMRC (a copy or print-out);
(ii) Statement of Account (SA300 or SA302); and,
(iii) the same for the previous financial year if the latest return does not show the necessary level of gross income, but the average of the last 2 financial years does.

(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:

(i) evidence of payment of Class 2 National Insurance contributions (for self-employed persons); or,
(ii) current Appointment Reports from Companies House (for Directors).

(h) One of the following documents must also be submitted:

(i) (aa) If the applicant's business is a registered company that is required to produce annual audited accounts, the latest such accounts; or
(bb) If the applicant's business is not required to produce annual audited accounts, the latest unaudited accounts 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);
(ii) A certificate of VAT registration and the latest VAT return (a copy or print-out) confirming the VAT registration number, if turnover is in excess of £73,000;
(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.

9. In respect of self-employment in a limited company based in the UK all of the following must be provided:

(a) Where the self-employed person is listed as a director of the company and draws a salary from the gross profits of the company:

(i) wage slips covering the same period as the Company Tax Return CT600; and
(ii) evidence of payment of PAYE and Class 1 National Insurance contributions where applicable covering the same period as the Company Tax Return CT600, where this evidence is available at the date of application.

(b) Evidence of registration with the Registrar of Companies at Companies House.
(c) Company Tax Return - CT600 (a copy or print-out) and evidence this has been filed with HMRC, such as an electronic acknowledgment from HMRC.
(d) (i) If the applicant's business is a registered company that is required to produce annual audited accounts, the latest such accounts; or
(ii) If the applicant's business is not required to produce annual audited accounts, the latest unaudited accounts

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).

(e) corporate/business bank statements covering the same 12-month period as the tax return(s).

(f) personal bank statements covering 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:

(i) evidence of payment of Class 2 National Insurance contributions (for self-employed persons); or,
(ii) current Appointment Reports from Companies House (for Directors),

(h) One of the following documents must also be provided:

(i) A certificate of VAT registration and the latest VAT return (a copy or print-out) confirming the VAT registration number, if turnover is in excess of £73,000.
(ii) Proof of ownership or lease of business premises.
(iii) Original 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.
(iv) Proof of registration with the London Stock Exchange or with an international stock exchange approved by the Financial Services Authority in the UK.
(i) The document referred to in paragraph 9(h)(iv) must be provided for a company registered on the London Stock Exchange or an FSA-approved international stock exchange.

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 the 12-month period prior to the date of application showing the rental income 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 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 Services Authority in the UK).
(iii) personal bank statements for 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.

(c) To evidence interest from savings:

(i) personal bank statements for 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 to maintain their and the applicant's child or children or the applicant):

(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 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 applicant.

(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);
(2) An overseas pension authority; or
(3) A pension company,
confirming pension entitlement and amount.

(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.

(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 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 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.
(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.

11. In respect of cash savings the following must be provided:

(a) personal bank statements showing the cash savings have been held in an account in the name of the person or of the person and their partner jointly for at least 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, provided that the account allows the savings to be accessed immediately (with or without a penalty for withdrawing funds without notice). This can include, for those of retirement age, 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.

12. Where the applicant's partner is in receipt of Carer's Allowance, Disability Living Allowance, Severe Disablement Allowance, Industrial Injuries Disablement Benefit or Attendance Allowance, all the following must be provided:

(a) Official documentation from the Department for Work and Pensions confirming the entitlement and the amount received.
(b) At least one personal bank statement in the 12-month period prior to the date of application.showing payment of the benefit or allowance into the person's 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) Wage slips 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 wage slips, 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 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(f) 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 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.

**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 be calculated in the following ways:

(a) Where the person is in salaried employment in the UK at the date of application and has been employed by their current employer for at least 6 months, their gross annual income will be (where paragraph 13(b) does not apply) the total of:

(i) The gross annual salary from their employment as it was at its lowest level in the 6 months prior to 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.

(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, from any salaried employment they have had, 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).

(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.

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 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, 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 and not 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 and not 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 will be treated as salaried employment for the purposes of this Appendix and Appendix FM.

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, commission-based pay and bonuses will be counted as income.

(c) UK and overseas travel, subsistence and accommodation allowances, and allowances relating to the cost of living overseas will not be counted as income.

(d) Gross income from employment income paid at an hourly rate will be counted on the same basis as income from salaried employment 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 employment paid at an hourly rate.

19. When calculating income from self-employment under paragraphs 12A and 13(e) this paragraph applies:

(a) There must be evidence of ongoing self-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:

(i) the gross taxable profits from their share of the business; and
(ii) allowances or deductable expenses which are not taxed will not be counted towards income.

(c) Where the self-employed person has set up their own registered company and is listed as a director of that company, the income that can be counted will be any salary drawn from the gross profits of the company and any income drawn from the post-tax profits of the company.

(d) Where self-employment income 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 self-employment income that was accepted in granting the application for entry clearance, provided that there is evidence of ongoing self-employment at the date of the application for leave to remain.

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
(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.

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 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.
(d) Child Benefit.
(e) Working Tax Credit.
(f) Child Tax Credit.
(g) Any other source of income not specified in this appendix.

**Evidence of Marriage or Civil Partnerships**

22. A claim to have been married in the United Kingdom must be evidenced by a marriage certificate.

23. A claim to be divorced 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 English Language Requirements**

27. Evidence of passing an English language test in speaking and listening must take the form of either:

(a) a certificate that:

(i) is from an English language test provider approved by the Secretary of State for these purposes as specified in Appendix O of these rules
(ii) is a test approved by the Secretary of State for these purposes as specified in Appendix O of these rules
(iii) shows the applicant's name;
(iv) shows the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); and,
(v) shows the date of award.

Or,

(b) a print out of the online score from a PTE (Pearson) test which:

(i) is a test approved by the Secretary of State for these purposes as specified in Appendix O of these rules;
(ii) can be used to show that the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); and,
(iii) is from an English language test provider approved by the Secretary of State for these purposes as specified in Appendix O of these rules

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 has been lost or stolen;
(b) where the passport has expired and been returned to the relevant authorities; or
(c) where the passport is with another part of the UK Border Agency.

30. Alternative evidence as proof of nationality, if acceptable, must be either:

(a) A current national identity document; or
(b) An original letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.

31. Evidence of an academic qualification (recognised by NARIC UK to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK) and was taught in English must be either:

(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;
(iv) the name of the awarding institution; and,
(v) that the qualification was taught in English

Or,

(b) If the applicant is awaiting graduation or no longer has the certificate and cannot get a new one, the evidence must be:

(i) an original 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) confirms that the qualification was taught in English;
(5) explains when the academic qualification has been, or will be awarded; and
(6) states either the date that the certificate will be issued (if the applicant has not yet graduated) or confirms that the institution is unable to re-issue the original certificate of award.

or

(ii) an original academic transcript that

(1) is on official letter headed paper

(2) shows the applicant's name;

(3) the name of the academic institution;

(4) the course title;

(5) confirms that the qualification was taught in English; and,

(6) provides confirmation of the award.

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 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.

**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) 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. 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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## Appendix G - Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations of places for 2013

Places available for use by Countries and Territories with Deemed Sponsorship Status:

- Australia - 35,000 places
- Canada - 5,500 places
- Japan - 1,000 places
- New Zealand - 10,000 places
- Monaco - 1,000 places

Places available for use by Countries and Territories without Deemed Sponsorship Status:

- Taiwan - 1,000 places
- South Korea - 1,000 places

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## Appendix H - Applicants who are subject to different documentary requirements under Tier 4 of the Points Based System

An applicant will be subject to different documentary requirements under Tier 4 of the Points Based System where he is a national of one of the following countries and he is applying for entry clearance in his country of nationality or leave to remain in the UK:

- Argentina
- Australia
- Botswana
- Brunei
- Canada
- Chile
- Croatia
- Japan
- Malaysia
- New Zealand
- Singapore
- South Korea
- Trinidad and Tobago
- United States of America

Where an applicant is a dual national, and only one of their nationalities is listed above, he will be able to apply using the different documentary requirements that apply to these nationals, provided he is applying either for entry clearance in his country of nationality listed above or for leave to remain in the UK.

An applicant will be subject to different documentary requirements under Tier 4 of the Points Based System where he is the rightful holder of one of the following passports, which has been issued by the relevant competent authority, and where he is applying for leave to remain in the UK or for entry clearance in the territory related to the passport he holds:

- British National (Overseas)
- Hong Kong
- Taiwan (those who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan)

Where an applicant is the rightful holder of a passport issued by a relevant competent authority listed above and also holds another passport or is the national of a country not listed above, he will be able to apply using the different documentary requirements that apply to rightful holders of those passports listed in this Appendix provided he is applying either for entry clearance in the territory related to the passport he holds or for leave to remain in the UK.

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## Appendix I - Pay requirements which the Secretary of State intends to apply to applications for indefinite leave to remain from Tier 2

## (General) and Tier 2 (Sportspersons) migrants made on or after 6 April 2016.

The Immigration Rules are subject to change and applicants will need to meet the Rules in force at the date of application. However, it is the Secretary of State's intention that these rules, as they relate to pay, will replace paragraph 245HF from that date.

**245HF.**

**Requirements for indefinite leave to remain as a Tier 2 (General) or Tier 2 (Sportsperson) Migrant**

To qualify for indefinite leave to remain as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) 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) The applicant must not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

(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 spent a continuous period of 5 years lawfully in the UK, in any combination of the following categories of which the most recent period must have been spent with leave as a Tier 2 Migrant either:

(i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant,
(ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant.

(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing:

(i) that he still requires the applicant for the employment in question, and

(ii) subject to sub-paragraph (iii), in the case of a Tier 2 (General) or Tier 2 (Sportsperson) Migrant applying for settlement, that they are being paid for the employment in question either:

(1) at or above the appropriate rate for the job, as stated in the the Codes of Practice in Appendix J, or

(2) a gross annual salary of £35,000 per annum,

whichever is higher, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E or paragraph 100A of Appendix A.

(iii) where a Tier 2 (General) Migrant applying for settlement is recorded (at the time of application for settlement) by the Certificate of Sponsorship Checking Service as being sponsored to do a job that either:

(1) appears on the Shortage Occupation List in Appendix K, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above, or

(2) appears on the occupations skilled to PhD-level as stated in the Codes of Practice in Appendix J, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above,

sub paragraph (d)(ii) does not apply and the Sponsor that issued the Certificate of Sponsorship for the employment in question must certify that the Tier 2 (General) migrant applying for Indefinite Leave to Remain is being paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E of Appendix A.

(e) The applicant provides the specified documents in paragraph 245HF-SD to evidence the sponsor's certification in subsection (d) (ii).

(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

**245HG. Requirements for indefinite leave to remain as a Tier 2 (Minister of Religion) Migrant**

To qualify for indefinite leave to remain as a Tier 2 (Minister of Religion) 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) The applicant must not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.

(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 spent a continuous period of 5 years lawfully in the UK, in any combination of the following categories of which the most recent period must have been spent with leave as a Tier 2 Migrant (Minister of Religion):

(i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant, or

(ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant,

(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that he still requires the applicant for the employment in question, and

(e) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made.

**2. In Appendix A - Attributes, after 79D insert:**

79E. **Appropriate salary for indefinite leave to remain**

An applicant applying for Indefinite Leave to Remain under paragraph 245HF is expected to demonstrate that he is being paid either at or above the appropriate rate for the job, as stated in the Codes of Practice in Appendix J , or a gross annual salary of £35,000 per annum, whichever is higher. The appropriate rate or £35,000 will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

(i) Salary will be based on basic pay (excluding overtime);

(ii) Allowances, such as London weighting, will be included in the salary where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;

(iii) Other allowances and benefits, such as a bonus or incentive pay, travel expenses and subsistence (including travel to and from the applicant's home country), will not be included.

**3. In Appendix A - Attributes, after paragraph 100 insert:**

**Appropriate salary for indefinite leave to remain**

100A.

An applicant applying for Indefinite Leave to Remain under 245HF is expected to demonstrate that he is being paid either at or above the appropriate rate for the job, as stated in the Codes of Practice in Appendix J, or a gross annual salary of £35,000 per annum, whichever is higher. The appropriate rate or £35,000 will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

(i) Salary will be based on basic pay (excluding overtime);

(ii) Allowances, such as London weighting, will be included in the salary where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;

(iii) Other allowances and benefits, such as a bonus or incentive pay, travel expenses and subsistence (including travel to and from the applicant's home country), will not be included.

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## Appendix J: Codes of Practice for Tier 2 Sponsors, Tier 5 Sponsors and employers of Work Permit Holders

1. Where Part 5, Part 6A or Appendix A of these Rules impose such a requirement, migrants must be paid the appropriate salary rates stated in this Appendix. The stated salary rates are per year and based on a 37½-hour working week unless otherwise stated. They should be pro-rated for other working patterns.

2. (a) Where Appendix A of these Rules requires that the job passes the Resident Labour Market Test and (c), (ca) or Table 5 do not apply, the job that the Certificate of Sponsorship Checking Service entry records that the migrants is being sponsored to do must have been advertised in Jobcentre Plus (or JobCentre Online if the job is based in Northern Ireland), and at least one of the following:

(i) any national newspapers, or

(ii) any of the following websites:

(1) www.reed.co.uk,
(2) www.totaljobs.com,
(3) www.monster.co.uk,
(4) www.jobserve.com,
(5) www.jobsite.co.uk,
(6) www.fish4.co.uk/iad/jobs,
(7) jobs.guardian.co.uk,
(8) ijobs.independent.co.uk,
(9) jobs.telegraph.co.uk, or
(10) jobs.timesonline.co.uk,

or

(iii) if the Sponsor is a multi-national or global organisation, or has over 250 permanent employees in the UK, the Sponsor's own website, or

(iv) if the entry for the occupation in Tables 1 to 4 below lists other media, in any one or more of the listed media for that occupation.

(b) The media in (i) to (iii) above cannot be used for advertising the creative sector jobs in Table 5; only the media stated in Table 5 may be used.

(c) Where the entry for the occupation in Tables 1 to 4 below lists "Milkround" as an alternative medium, the requirement for the job to be advertised in Jobcentre Plus or JobCentre Online does not apply, providing:

(i) recruitment activity for the job has taken place through annual recruitment visits to at least 3 UK universities,

(ii) the job has been advertised on at least one of the following websites:

(1) www.jobs.ac.uk,
(2) www.milkround.com, or
(3) www.prospects.ac.uk,

and

(iii) the job has been advertised in at least one of the media listed in (a).

(ca) Where the entry for the occupation in Table 1 below refers to 'named researchers', the Resident Labour Market Test is deemed to have been passed as no other individual could fill the post, and (a) does not apply.

(d) The requirement for the job to be advertised in Jobcentre Plus or JobCentre Online does not apply to:

(i) jobs where the appropriate salary, as determined by paragraphs 79 to 79D of Appendix A, is at least £70,000 per year,

(ii) jobs where there will be stock exchange disclosure requirements,

(iii) jobs in the PhD-level occupation codes set out in Table 1,

(iv) pupilage positions for barristers, or

(v) Positions in the NHS where the Residential Labour Market Test includes advertising on NHS Jobs between 19 November 2012 and 6 April 2013.

(e) The sponsor may use recruitment agencies and head-hunters to carry out a resident labour market test on it's behalf, providing the requirements in (a) to (d) are met.

These jobs must still satisfy the other requirements of the Resident Labour Market Test, where it applies.

3. PhD-level occupation codes are set out in Table 1.

4. Occupations skilled to National Qualifications Framework level 6 or above are set out in Table 2.

5. Occupations skilled to National Qualifications Framework level 4 or above are set out in Table 3.

6. Occupations skilled to National Qualifications Framework level 3 or above are set out in Table 4.

7. Creative sector codes of practice, as referred to in Tables 1 to 4, are set out in Table 5.

8. Where stated in Tables 1 to 5, only those specific jobs stated within each Standard Occupational Classification code or creative sector field are considered to be skilled to the required level.

## Table 1: Occupations skilled to PhD-level

| SOC Code and Description | Appropriate salary rate | Resident Labour Market Test - additional media |
|---|---|---|
| 1137 Research and development managers | £17.42 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 2111 Chemists | £13.39 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.naturejobs.com<br>. www.newscientistjobs.com |

| | | |
|---|---|---|
| 2112 Biological scientists and research chemists | . Posts at Agenda for Change band 5 or equivalent: £20,710<br>. Posts at Agenda for Change band 6 or equivalent: £24,831<br>. Posts at Agenda for Change band 7 or equivalent: £29,789<br>. Posts at Agenda for Change band 8 or equivalent: £37,996 | Professional journals: Any of the following publications:<br>. The Biomedical Scientist<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.careerscene.com<br>. www.naturejobs.com<br>. www.newscientistjobs.com<br>. www.nhsclinicalscientists.info/<br>. www.healthjobsuk.com |
| 2113 Physicists, geologists and meteorologists | £15.33 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>. Geology Today<br>Milkround<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.jobs.ac.uk<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 2311 Higher education teaching professionals | £23,499 | Professional journals: The following publication:<br>. Times Higher Education Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.timeshighereducation.co.uk<br>. www.schoolsrecruitment.dcsf.gov.uk<br>. www.theeducationjob.com |
| 2321 Scientific researchers | £15,641 | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>. Times Higher Education Supplement |

| | | |
|---|---|---|
| | | Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.naturejobs.com<br>. www.newscientistjobs.com<br>. www.timeshighereducation.co.uk<br>'Named researchers' pass the resident labour market test as they will not be filling established posts or displacing resident workers. 'Named researchers' are defined as those whose employment is linked to specific research grants awarded to Higher Education Institutions or Research Institutes by external organisations. They will be named specifically on the research grant because their knowledge and expertise in the relevant field means they are the only person able to undertake the research. If they are unable to come to the UK the research grant would be cancelled. Sponsors must, on request, provide a copy of the grant papers naming the individual to demonstrate that the resident labour market test has been met. |
| 2322 Social science researchers | £15,641 | Professional journals: The following publication:<br>. Times Higher Education supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.timeshighereducation.co.uk<br>'Named researchers' pass the resident labour market test as they will not be filling established posts or displacing resident workers. 'Named researchers' are defined as those whose employment is linked to specific research grants awarded to Higher Education Institutions or Research Institutes by external organisations. They will be named specifically on the research grant because their knowledge and expertise in the relevant field means they are the only person able to undertake the research. If they are unable to come to the UK the research grant would be cancelled. Sponsors must, on request, provide a copy of the grant papers naming the individual to demonstrate that the resident labour market test has been met. |
| 2329 Researchers not elsewhere classified | £15,641 | Professional journals: Any of the following publications:<br>. Nature<br>. Times Higher Education Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk |

| | | |
|---|---|---|
| | | . www.naturejobs.com<br>. www.timeshighereducation.co.uk<br>'Named researchers' pass the resident labour market test as they will not be filling established posts or displacing resident workers. 'Named researchers' are defined as those whose employment is linked to specific research grants awarded to Higher Education Institutions or Research Institutes by external organisations. They will be named specifically on the research grant because their knowledge and expertise in the relevant field means they are the only person able to undertake the research. If they are unable to come to the UK the research grant would be cancelled. Sponsors must, on request, provide a copy of the grant papers naming the individual to demonstrate that the resident labour market test has been met. |

## Table 2: Occupations skilled to National Qualifications Framework level 6 or above

| SOC Code and Description | Appropriate salary rate | Resident Labour Market Test - additional media |
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| All occupations in Table 1 | As stated in Table 1 | As stated in Table 1 |
| 1111 Senior officials in national government | £22.57 per hour | Milkround<br>Internet: The following website:<br>. www.civilservice.gov.uk |
| 1112 Directors and chief executives of major organisations | £38.58 per hour | Milkround<br>Internet: Any of the following websites:<br>. www.chairtyjob.co.uk<br>. www.ft.com<br>. www.seniorsalesjobs.co.uk |
| 1113 Senior officials in local government | £15.46 per hour | Milkround |
| 1114 Senior officials of special interest organisations | £13.86 per hour | Milkround |
| 1121 Production, works and maintenance managers | £13.95 per hour | Milkround |
| 1122 Managers in construction | . Starting salary: £21,000 (for a 40 hour week)<br>. Managers with 2 to 5 years' experience: £27,000 (for a 40 hour week) | Professional journals: Any of the following publications:<br>. Construction Manager<br>. Building<br>. Building Services Journal |

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| | | . Construction New<br>. Contracts Journal<br>Milkround<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.careerstructure.com<br>. www.constructionjobsnet.co.uk<br>. www.justconstruction.net<br>. www.construction-manager.co.uk<br>. www.icwgb.org (Clerk Of Works jobs only)<br>. myjobscotland.gov.uk |
| 1123 Managers in mining and energy | £18.59 per hour | Milkround |
| 1131 Financial managers and chartered secretaries | . Financial director (London): £33.65 per hour<br>. Financial director (rest of England and Wales): £24.03 per hour<br>. Financial director (Scotland): £19.23 per hour<br>. Financial manager (London): £21.63 per hour<br>. Financial manager (rest of England and Wales): £16.82 per hour<br>. Financial manager (Scotland): £9.61 per hour<br>. Company secretary: £22.11 per hour<br>. Credit manager: £14.42 per hour<br>. Investment banker: £24.03 per hour | Professional journals: Any of the following publications:<br>. PASS Magazine<br>. Accountancy Age<br>. Chartered Secretary Magazine<br>. The Law Gazette<br>. The Economist<br>Tier 2 Section K Occupational Codes of Practice - Version 06/12: Valid from 14/06/2012<br>Page 9 of 28<br>. Accountancy Magazine<br>. Third Sector<br>. Credit Today<br>Internet: Any of the following websites:<br>. www.accaglobal.com<br>. www.accountancyage.com<br>. www.ccrmagazine.co.uk<br>. www.chambersandpartners.com<br>. www.charteredsecretary.net<br>. www.cimaglobal.com<br>. www.cipfa.org.uk<br>. www.cityjobs.com<br>. www.credittoday.net<br>. www.efinancialcareers.co.uk<br>. www.ft.com<br>. www.hays.co.uk/legal |

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| | | . www.icaew.co.uk<br>. www.icai.ie<br>. www.icas.org.uk<br>. www.icm.org.uk<br>. www.icsa.org.uk<br>. www.jobsatthebank.co.uk<br>. www.lawgazette.co.uk<br>. www.lgcplus.com<br>. www.localgov.co.uk<br>. www.passmagazine.com<br>. www.thirdsector.co.uk |
| 1132 Marketing and sales managers | £15.88 per hour | Professional journals: Any of the following publications:<br>. Marketing Week<br>. Campaign<br>. Marketing<br>Milkround<br>Internet: Any of the following websites:<br>. www.brandrepublic.com<br>. www.marketingweek.co.uk |
| 1133 Purchasing managers | £17.04 per hour | Professional journals: Any of the following publications:<br>. Supply Management<br>. The Hobsons GET Directory<br>Milkround<br>Internet: Any of the following websites:<br>. www.supplymanagement.com<br>. www.cips-gpa.com<br>. www.supplychainonline.co.uk |
| 1134 Advertising and public relations managers | £15.81 per hour | Professional journals: Any of the following publications:<br>. Campaign<br>. Marketing Week<br>. Media Week<br>. PR Week<br>. Creative Review<br>. Press Gazette<br>. Advertising Age<br>. Profile Extra<br>Milkround<br>Internet: Any of the following websites: |

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| | | . www.ipa.co.uk<br>. www.brandrepublic.com/campaign<br>. www.marketingweek.co.uk<br>. www.brandrepublic.com/mediaweek<br>. www.prweekjobs.co.uk/<br>. www.ciprjobs.co.uk<br>. www.pressgazette.co.uk<br>. www.mad.co.uk |
| 1135 Personnel, training and industrial relations managers | £16.03 per hour | Professional journals: Any of the following publications:<br>. People Management<br>. Personnel Today<br>. Training & Coaching Today<br>Milkround<br>Internet: Any of the following websites:<br>. www2.peoplemanagement.co.uk<br>. www.personneltoday.com<br>. www.trainingzone.co.uk |
| 1136 Information and communication technology managers | . IT director or IS director: £83,200<br>. MIS manager or IT manager: £44,700<br>. Systems development manager: £41,600<br>. Computer services manager: £43,600<br>. Software manager or programming manager: £40,500<br>. Operations manager: £41,600<br>. Technical support manager: £39,000<br>. Communications network manager: £41,600<br>. Office systems manager or helpdesk manager: £34,100<br>. Senior business analyst: £43,600<br>. Business analyst: £31,200<br>. Development director (computer and video games): £50,000<br>. Executive producer (computer and video games): £40,000<br>. Producer (computer and video games): £28,000 | Professional journals: Any of the following publications:<br>. Computer Weekly<br>. Computing Magazine<br>. PC Pro<br>. Develop Magazine (games jobs only)<br>. Edge Magazine (games jobs only)<br>Milkround<br>Internet: Any of the following websites:<br>. www.cwjobs.co.uk<br>. www.developmag.com (games jobs only)<br>. www.edge-online.com (games jobs only)<br>. www.gamesindustry.biz (games jobs only)<br>. myjobscotland.gov.uk |

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| | . QA manager (computer and video games): £25,000<br>. Design director (computer and video games): £50,000<br>. Lead designer (computer and video games): £30,000<br>. Technical director (computer and video games): £60,000<br>. Programming manager (computer and video games): £50,000<br>. Art director (computer and video games): £45,000<br>. Art manager or lead artist (computer and video games): £35,000<br>. Outsource manager (computer and video games): £25,000 | |
| 1141 Quality assurance managers | . IT and Internet sector: £49,500<br>. Banking, insurance and finance sector: £44,000<br>. Health and medicine sector: £40,800<br>. Engineering and manufacturing sector: £38,500<br>. Retail and wholesale sector: £33,000<br>. All other sectors: £14.88 per hour | Professional journals: Any of the following publications:<br>. New Scientist<br>. Quality Today<br>. Qualityworld<br>Milkround<br>Internet: Any of the following websites:<br>. www.beechwoodrecruit.com<br>. www.bindt.org<br>. www.jonlee.co.uk<br>. www.newscientistjobs.com<br>. www.thecqi.org<br>. www.ukas.com |
| 1151 Financial institution managers | £15.33 per hour | Milkround |
| 1161 Transport and distribution managers | £12.60 per hour | Milkround |
| 1172 Police officers (inspectors and above) | . Inspectors: £43,320<br>. Chief Inspectors: £47,949<br>. Super-intendents: £56,274<br>. Chief Super-intendents: £67,200 | Professional journals: Any of the following publications:<br>. Police Review<br>. Police Professional<br>Internet: Any of the following websites:<br>. www.policecouldyou.co.uk<br>. www.allpolicejobs.co.uk |

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| | | . www.police-information.co.uk<br>. www.bluelinejobs.co.uk<br>. www.policeoracle.com<br>. Local Government websites |
| 1173 Senior officers in fire, ambulance, prison and related services | £15.46 per hour | Milkround |
| 1181 Hospital and health service managers | £17.64 per hour | Professional journals: The following publication:<br>. Health Service Journal<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.hsj.co.uk<br>. www.healthjobsuk.com |
| 1182 Pharmacy managers | . Pharmacy technician team manager (band 7 or equivalent): £29,789<br>. Pharmacist team manager (band 8 or equivalent): £37,996 | Professional journals: Any of the following publications:<br>. The Pharmaceutical Journal<br>. Chemist & Druggist<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.pharmj.com<br>. www.chemistanddruggist.co.uk<br>. www.newscientistjobs.com<br>. www.healthjobsuk.com |
| 1184 Social services managers | . Social worker team manager (band 7 or equivalent): £29,789<br>. Senior practitioner (band 7 or equivalent): £29,789<br>. Principle practitioner (band 8a or equivalent): £37,996 | Professional journals: Any of the following publications:<br>. Community Care Magazine<br>. Professional Social Work<br>. Social Work Today<br>Milkround<br>Internet: Any of the following websites: |

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| | . Social work locality service manager (band 8a or equivalent): £37,996<br>. Social care programme manager (band 8b or equivalent): £44,258<br>. Assistant director social services (band 8b or equivalent): £44,258<br>. Director of social work (band 8c or equivalent): £53,256 | . www.baswjobs.com<br>. www.communitycare.co.uk/jobs<br>. www.ecarers.com<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.lgjobs.com<br>.www.healthjobsuk.com<br>. myjobscotland.gov.uk |
| 1212 Natural environment and conservation managers | £12.94 per hour | Internet: The following website:<br>. myjobscotland.gov.uk |
| 2121 Civil engineers | . New graduate (1st year after graduation): £20,770<br>. Civil engineers undertaking on the job training: £22,800<br>. Participate in project work: £23,000<br>. Project management: £35,000<br>. Senior project management: £41,042<br>. Civil engineering not project based: £39,000<br>. Manager / Director: £54,000<br>. Managing director / Chief executive officer: £70,000 | Professional journals: Any of the following publications:<br>. Building magazine<br>. The Engineer<br>. New Civil Engineer<br>. The Structural Engineer - IstructE:<br>. Transportation Professional<br>. Construction News<br>. Contract Journal<br>Milkround<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.building.co.uk<br>. www.thecareerengineer.com<br>. www.careersinconstruction.com<br>. www.cnplus.co.uk<br>. www.constructor.co.uk<br>. www.earthworks-jobs.com<br>. www.istructe.org/thestructuralengineer/<br>. www.iht.org/jiht/<br>. www.justengineers.net<br>. www.nce.co.uk<br>. www.oilandgasjobsearch.com<br>. www.oilcareers.com<br>. myjobscotland.gov.uk |
| 2122 Mechanical | . New graduate: £23,000 | Professional journals: The following publication: |

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| engineers | . Other jobs: £14.52 per hour | . Engineering magazine<br>Milkround<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.thecareerengineer.com<br>. www.engineersonthenet.com<br>. www.jimfinder.com<br>. www.oilandgasjobsearch.com<br>. www.oilcareers.com |
| 2123 Electrical engineers | . New graduate: £23,000<br>. Other jobs: £16.27 per hour | Professional journals: Any of the following publications:<br>. Electronics Weekly<br>. Engineering magazine<br>. Engineering Technology<br>Milkround<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.thecareerengineer.com<br>. www.electronicsweekly.com/jobs<br>. www.engineersonthenet.com<br>. www.hays.co.uk<br>. www.theiet.org/jobs<br>. www.jimfinder.com<br>. www.oilandgasjobsearch.com<br>. www.oilcareers.com |
| 2124 Electronics engineers | . New graduate: £23,000<br>. Other jobs: £17.46 per hour | Professional journals: Any of the following publications:<br>. Engineering Magazine<br>. Electronics Weekly<br>. Engineering and Technology<br>Milkround<br>Internet: Any of the following websites:<br>. www.thecareerengineer.com<br>. www.electronicsweekly.com/jobs<br>. www.engineeringnet.co.uk<br>. www.engineersonthenet.com<br>. www.theiet.org/jobs<br>. www.jimfinder.com |
| 2125 Chemical engineers | . New Graduate: £25,400<br>. Non-chartered chemical engineer: | Professional journals: Any of the following publications:<br>. The Chemical Engineer (TCE) |

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| | £26,500<br>. Chartered chemical engineer: £36,000 | . Engineering magazine<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.chempeople.com<br>. www.engineeringnet.co.uk<br>. www.thecareerengineer.com<br>. www.engineersonthenet.com<br>. www.gradcracker.com<br>. www.jimfinder.com<br>. www.naturejobs.com<br>. www.newscientistjobs.com<br>. www.tcetoday.com |
| 2126 Design and development engineers | £14.40 per hour | Milkround |
| 2127 Production and process engineers | £12.78 per hour | Milkround |
| 2128 Planning and quality control engineers | . New graduate: £23,000<br>. Other jobs: £12.62 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 2129 Engineering professionals not elsewhere classified | . New graduate: £23,000<br>. Other jobs: £14.76 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 2131 IT strategy and planning professionals | . Management consultant or systems consultant: £67,600<br>. Network pre or post-sales support consultant: £36,400<br>. Projects manager: £39,000 | Professional journals: Any of the following publications:<br>. Computer Weekly<br>. Computing Magazine<br>. PC Pro<br>. Develop Magazine (games jobs only) |

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| | . Web designer: £26,000<br>. Senior games designer (computer and video games): £27,000<br>. Games designer (computer and video games): £20,000 | . Edge Magazine (games jobs only)<br>Milkround<br>Internet: Any of the following websites:<br>. www.cwjobs.co.uk<br>. www.developmag.com (games jobs only)<br>. www.edge-online.com (games jobs only)<br>. www.gamesindustry.biz (games jobs only) |
| 2132 Software professionals | . Project leader or senior systems analyst: £41,600<br>. Systems analyst: £31,200<br>. Senior test analyst: £33,200<br>. Senior network communications analyst or engineer: £41,300<br>. Network communications analyst or engineer: £29,100<br>. Senior network support engineer: £31,200<br>. Test analyst: £28,000<br>. Systems auditor: £34,600<br>. Training officer or lecturer: £36,300<br>. Technical author: £32,200<br>. Development team leader: £41,600<br>. Senior systems developer: £37,400<br>. Systems developer: £31,200<br>. Analyst programmer: £29,100<br>. Graduate developer: £22,300<br>. Senior programmer: £31,200<br>. Programmer: £26,000<br>. Systems architect or systems planner: £46,800<br>. Systems programmer: £31,200<br>. Senior software engineer: £37,400<br>. Software engineer: £30,100<br>. Software communications engineer: £36,400<br>. Software test engineer: £31,200<br>. Operations analyst: £27,000<br>. Hardware engineer: £20,800 | Professional journals: Any of the following publications:<br>. Computer Weekly<br>. Computing Magazine<br>. PC Pro<br>. Develop Magazine (games jobs only)<br>. Edge Magazine (games jobs only)<br>Milkround<br>Internet: Any of the following websites:<br>. www.cwjobs.co.uk<br>. www.developmag.com (games jobs only)<br>. www.edge-online.com (games jobs only)<br>. www.gamesindustry.biz (games jobs only)<br>. myjobscotland.gov.uk |

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| | . Engine programmer (computer and video games): £25,000<br>. Graphics programmer (computer and video games): £25,000<br>. Audio programmer (computer and video games): £25,000<br>. Network programmer (computer and video games): £30,000<br>. Gameplay programmer (computer and video games): £25,000<br>. Special effects programmer (computer and video games): £25,000<br>. Senior artist (computer and video games): £25,000<br>. Graphic artist (computer and video games): £20,000<br>. Special effects artist (computer and video games): £25,000<br>. Technical artist (computer and video games): £25,000<br>. Animator (computer and video games): £20,000 | |
| 2211 Medical practitioners | . Foundation year 1 (F1): £21,391<br>. Foundation year 2 (F2): £26,532<br>. Pre-registration house officer: £21,391<br>. House officer: £21,391<br>. Senior house officer: £26,532<br>. Speciality registrar (StR): £29,411<br>. Senior registrar: £29,364<br>. Speciality Doctor: £36,443<br>. Senior chief medical officer: £44,059<br>. Staff grade practitioner: £32,547<br>. Associate specialist: £35,977<br>. Consultant (new contract): £71,822 | Professional journals: Any of the following publications:<br>. British Medical Journal<br>. GMC News<br>. Hospital Doctor<br>. The Lancet<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com<br>. www.doctors.net.uk |
| 2212 Psychologists | . Posts at Agenda for Change band 4 or equivalent: £17,732<br>. Posts at Agenda for Change band 5 or equivalent: £20,710 | Professional journals: Any of the following publications:<br>. British Medical Journal<br>. The Psychologist<br>Milkround |

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| | . Posts at Agenda for Change band 6 or equivalent: £24,831<br>. Posts at Agenda for Change band 7 or equivalent: £29,789<br>. Posts at Agenda for Change band 8 or equivalent: £37,996 | Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk/index/.php?link=jobs<br>. www.psychapp.co.uk/<br>. www.mentalhealthjobs.co.uk/<br>. www.healthjobsuk.com |
| 2213 Pharmacists / pharmacologists | . Pharmacy technician (band 4 or equivalent): £17,732<br>. Pre-registration pharmacists (band 5 or equivalent): £20,710<br>. Pharmacist entry level (band 5 or equivalent): £20,710<br>. Pharmacist (Band 6 or equivalent): £24,831<br>. Pharmacist specialist (Band 7 or equivalent): £29,789<br>. Pharmacist advanced (Band 8a-b or equivalent): £37,996<br>. Pharmacist consultant (Band 8b-d or equivalent): £44,258 | Professional journals: Any of the following publications:<br>. The Pharmaceutical Journal<br>. Chemist & Druggist<br>. The New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk/index/.php?link=jobs<br>. www.healthjobsuk.com<br>. www.pharmacytraining.nhs.uk<br>. www.nes.scot.nhs.uk<br>. www.psni.org.uk/ |
| 2214 Ophthalmic opticians | **Private sector:**<br>. Pre-registration: £11,500<br>. Registered optometrists (starting salary): £26,000<br>. Registered optometrists with five years experience: £39,000<br>**Public sector:**<br>. Optometrist pre-registration (band 4): £17,732<br>. Optometrist (band 6): £24,831<br>. Optometrist specialist (band 7): £29,789<br>. Optometrist principal (band 8A): £37,996<br>. Optometrist consultant, head of service (band 8C): £53,256 | Professional journals: Any of the following publications:<br>. Optometry Today<br>. Optician<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.opticianjobs.net<br>. www.healthjobsuk.com |

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| 2215 Dental practitioners | . Vocational dental practitioner: £28,752<br>. Community dental officer band 1: £33,768<br>. Senior dental officer: £47,215<br>. Assistant clinical director: £64,122<br>. Clinical director: £62,741<br>. Senior house officer (SHO), hospital dental services: £27,116<br>. Specialist Registrar (SpR), hospital dental services: £30,231<br>. Consultant, hospital dental services: £82,590 | Professional journals: The following publication:<br>. British Dental Journal (BDJ)<br>Internet: Any of the following websites:<br>. www.bdjjobs.co.uk<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 2216 Veterinarians | . Newly qualified veterinary surgeon: £30,700<br>. Veterinary surgeon with five years' experience: £36,000<br>. Veterinary surgeon with twenty years' experience: £42,000 | Professional journals: Any of the following publications:<br>. Farmers Weekly<br>. The Veterinary Record<br>. Veterinary Times<br>Milkround<br>Internet: Any of the following websites:<br>. www.fwi.co.uk/jobs<br>. www.vetrecordjobs.com<br>. www.vbd.co.uk |
| 2312 Further education teaching professionals | **England**<br>. Unqualified lecturer: £18,030<br>. Qualified lecturer: £22,857<br>. Advanced teaching and training lecturer: £34,587<br>**Scotland**<br>£15.03 per hour<br>**Wales**<br>. Instructor, demonstrator and associate lecturer: £16,932<br>. Main grade lecturer: £20,257<br>. Upper pay spine lecturer: £31,875<br>**Northern Ireland**<br>. Lecturer: £21,072<br>. Senior lecturer: £30,552<br>. Principal lecturer: £37,662 | Professional journals: The following publication:<br>. Times Educational Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.fecareers.co.uk<br>. www.fejobs.com<br>. www.jobs.ac.uk<br>. www.teachFE.com<br>. www.tes.co.uk<br>. www.theeducationjob.com |
| 2313 Education | . School inspector in England: £58,169 | Professional journals: Any of the following publications: |

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| officers, school inspectors | . School inspector in Scotland (grade C2): £43,094<br>. School inspector in Wales (grade 6): £51,500<br>. School inspector in Northern Ireland (grade 6): £46,400<br>. Other posts: £14.46 per hour | . The Times Educational Supplement<br>. Golwg - National Welsh publication<br>Milkround<br>Internet: Any of the following websites:<br>. www.tes.co.uk<br>. www.jobsgopublic.com<br>. www.lgjobs.com/<br>. www.civilservice.gov.uk<br>. www.scotland.gov.uk<br>. www.theeducationjob.com<br>. myjobscotland.gov.uk |
| 2314 Secondary education teaching professionals | **Inner London**<br>. Unqualified teacher: £19,007<br>. Qualified teacher: £25,000<br>. Head teacher, other school leader: £42,559<br>**Outer London**<br>. Unqualified teacher: £17,953<br>. Qualified teacher: £24,000<br>. Head teacher, other school leader: £38,634<br>**London fringe**<br>. Unqualified teacher: £16,106<br>. Qualified teacher: £21,619<br>. Head teacher, other school leader: £36,781<br>**Elsewhere in England and Wales**<br>. Unqualified teacher: £15,113<br>. Qualified teacher: £20,627<br>. Head teacher, other school leader: £35,794<br>**Scotland**<br>. Probationer: £20,427<br>. Unpromoted teacher: £24,501<br>. Chartered teacher: £33,588<br>. Principal teacher £35,523<br>. Head teacher, deputy head teacher: £40,290 | Professional journals: The following publication:<br>. Times Educational Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.eteach.com<br>. www.schoolsrecruitment.education.gov.uk<br>. www.tes.co.uk<br>. www.theeducationjob.com<br>. myjobscotland.gov.uk |

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| | **Northern Ireland**<br>. Qualified teacher: £20,627<br>. Leadership Group: £35,794<br>These salary rates are based the following definitions of a full time teacher:<br>. **England, Wales and Northern Ireland:** Full time teachers are expected to work 195 days a year (190 of these must be working with pupils).<br>. **Scotland:** Full time teachers are expected to work 35 hours a week, 195 days a year over 39 weeks, with 5 days for in-service training | |
| 2315 Primary and nursery education teaching professionals | **Inner London**<br>. Unqualified teacher: £19,007<br>. Qualified teacher: £25,000<br>. Head teacher, other school leader: £42,559<br>**Outer London**<br>. Unqualified teacher: £17,953<br>. Qualified teacher: £24,000<br>. Head teacher, other school leader: £38,634<br>**London fringe**<br>. Unqualified teacher: £16,106<br>. Qualified teacher: £21,619<br>. Head teacher, other school leader: £36,781<br>**Elsewhere in England and Wales**<br>. Unqualified teacher: £15,113<br>. Qualified teacher: £20,627<br>. Head teacher, other school leader: £35,794<br>**Scotland**<br>. Probationer: £20,427<br>. Unpromoted teacher: £24,501<br>. Chartered teacher: £33,588 | Professional journals: The following publication:<br>. Times Educational Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.eteach.com<br>. www.schoolsrecruitment.education.gov.uk<br>. www.tes.co.uk<br>. www.theeducationjob.com<br>. myjobscotland.gov.uk |

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| | . Principal teacher £35,523<br>. Head teacher, deputy head teacher: £40,290<br>**Northern Ireland**<br>. Qualified teacher: £20,627<br>. Leadership Group: £35,794<br>These salary rates are based the following definitions of a full time teacher:<br>. **England, Wales and Northern Ireland:** Full time teachers are expected to work 195 days a year (190 of these must be working with pupils).<br>. **Scotland:** Full time teachers are expected to work 35 hours a week, 195 days a year over 39 weeks, with 5 days for in-service training | |
| 2316 Special needs education teaching professionals | **Inner London**<br>. Unqualified teacher: £19,007<br>. Qualified teacher: £25,000<br>. Head teacher, other school leader: £42,559<br>**Outer London**<br>. Unqualified teacher: £17,953<br>. Qualified teacher: £24,000<br>. Head teacher, other school leader: £38,634<br>**London fringe**<br>. Unqualified teacher: £16,106<br>. Qualified teacher: £21,619<br>. Head teacher, other school leader: £36,781<br>**Elsewhere in England and Wales**<br>. Unqualified teacher: £15,113<br>. Qualified teacher: £20,627<br>. Head teacher, other school leader: £35,794<br>**Scotland** | Professional journals: Any of the following publications:<br>. Guardian Educational Supplement<br>. Times Educational Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.eteach.com<br>. www.schoolsrecruitment.education.gov.uk<br>. www.tes.co.uk<br>. www.scotsman.com<br>. www.theherald.co.uk/jobs<br>. www.theeducationjob.com<br>. myjobscotland.gov.uk |

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| | . Probationer: £20,427<br>. Unpromoted teacher: £24,501<br>. Chartered teacher: £33,588<br>. Principal teacher £35,523<br>. Head teacher, deputy head teacher: £40,290<br>**Northern Ireland**<br>. Qualified teacher: £20,627<br>. Leadership Group: £35,794<br>These salary rates are based the following definitions of a full time teacher:<br>. **England, Wales and Northern Ireland:** Full time teachers are expected to work 195 days a year (190 of these must be working with pupils).<br>. **Scotland:** Full time teachers are expected to work 35 hours a week, 195 days a year over 39 weeks, with 5 days for in-service training<br>**Further education - England**<br>. Unqualified lecturer: £18,030<br>. Qualified lecturer: £22,857<br>. Advanced teaching and training lecturer: £34,587<br>**Further education - Scotland**<br>. All posts: £16.34 per hour<br>**Further education - Wales**<br>. Instructor, demonstrator and associate lecturer: £16,932<br>. Main grade lecturer: £20,257<br>. Upper pay spine lecturer: £31,875<br>**Further education - Northern Ireland**<br>. Lecturer: £21,072<br>. Senior lecturer: £30,552<br>. Principal lecturer: £37,662 | |
| 2317 Registrars and | £13.02 per hour | Professional journals: The following publication: |

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| senior administrators of educational establishments | | . Times Higher Education Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.schoolsrecruitment.education.gov.uk<br>. www.timeshighereducation.co.uk<br>. www.theeducationjob.com |
| 2319 Teaching professionals not elsewhere classified | £13.22 per hour | Milkround<br>Internet: Any of the following websites:<br>. www.schoolsrecruitment.education.gov.uk<br>. www.theeducationjob.com |
| 2411 Solicitors and lawyers, judges and coroners | **Solicitors and Lawyers (Greater London)**<br>. Trainee solicitor: £18,121<br>. Newly qualified solicitor or lawyer: £39,000<br>. Solicitor or lawyer with 3 years' experience: £47,000<br>. Newly qualified in-house solicitor or lawyer: £45,000<br>. In-house solicitor or lawyer with 3 years' experience: £65,000<br>**Solicitors and Lawyers (Scotland)**<br>. Trainee solicitor: £14,000<br>. Qualified solicitor: £20,000<br>. Equity partner: £114,000<br>. Trainee, Crown Prosecution Service: £17,888<br>. Qualified Crown prosecutor: £30,138<br>. Principal prosecutor: £37,522<br>**Solicitors and Lawyers (elsewhere in the UK)**<br>. Trainee solicitor (England outside Greater London): £16,650<br>. Trainee solicitor (Wales): £17,171<br>. Newly qualified solicitor or lawyer: £23,000<br>. Solicitor or lawyer with 3 years' | Professional journals: Any of the following publications:<br>. The Law Society Gazette<br>. Legal Week<br>. The Lawyer<br>. Scottish Law Gazette<br>. The Scots Law Times<br>. Counsel Magazine (for barristers only)<br>Milkround<br>Internet: Any of the following websites:<br>. www.lawgazette.co.uk<br>. www.legalweek.com<br>. www.thelawyer.com<br>. www.lawsociety.org.uk<br>. www.journalonline.co.uk<br>. www.lawscot.org.uk<br>. www.totallylegal.com<br>. www.pupillages.com (for barristers only)<br>. www.counselmagazine.co.uk (for barristers only) |

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| | experience: £28,000<br>. Newly qualified in-house solicitor or lawyer: £25,000<br>. In-house solicitor or lawyer with 3 years' experience: £35,000<br>**Barristers**<br>. Pupils in London: £12,000<br>. Pupils in the rest of the UK: £12,000<br>. Newly qualified barristers (post pupilage) in London: £30,000<br>. Newly qualified barristers (post pupilage) in the rest of the UK: £25,000<br>. Qualified barrister with 3 years experience obtained post-pupilage, in London: £35,000<br>. Qualified barrister with 3 years experience obtained post-pupilage, rest of UK: £30,500<br><br>**Coroners and Judges (throughout the UK)**<br>. Coroners: £68,000<br>. Group 7 judges: £88,109<br>. Group 6 judges: £106,812<br>. Group 5 judges: £133,100<br>. Group 4 judges: £140,875<br>. Group 3 judges: £188,900<br>. Group 2 judges: £198,700<br>. Group 1 judges: £205,700 | |
| 2419 Legal professionals not elsewhere classified | £13.73 per hour | Milkround<br>Internet: The following website:<br>. myjobscotland.gov.uk |
| 2421 Chartered and certified accountants | . ACCA Part 1 qualified: £14,000<br>. ACCA Part 2 qualified: £17,000<br>. ACCA Part 3 qualified: £20,000<br>. Trainee in public practice, Foundation: £13,000<br>. Trainee in public practice, Advanced: | Professional journals: Any of the following publications:<br>. Accounting & Business<br>. Accounting, Auditing & Accountability<br>. Financial Accountant<br>Milkround<br>Internet: Any of the following websites: |

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| | £16,000<br>. Newly fully qualified: £27,000<br>. Fully qualified with post-qualification experience: £33,000 | . www.accaglobal.com<br>. www.efinancialcareers.co.uk<br>. www.ifa.org.uk<br>. myjobscotland.gov.uk |
| 2422 Management accountants | £15.81 per hour | Professional journals: Any of the following publications:<br>. Accountancy<br>. Accountancy Age<br>Milkround<br>Internet: Any of the following websites:<br>. www.accountancyagejobs.com<br>. www.accountancyjobsonline.co.uk<br>. www.accountingweb.co.uk<br>. www.cimaglobal.com<br>. www.efinancialcareers.co.uk<br>. www.totallyfinancial.com |
| 2423 Management consultants, actuaries, economists and statisticians | . Actuaries: £42,500<br>. Consultants: £43,000<br>. Other jobs: £15.20 per hour | Professional journals: Any of the following publications:<br>**Management Consultants**<br>. Consulting Magazine<br>. The Economist<br>. Management Consultancy Magazine<br>. People Management<br>. Top Consultant<br>**Actuaries**<br>. The Actuary<br>**Economists**<br>. The Business Economist<br>. The Economist<br>**Statisticians**<br>. Health Service Journal<br>. New Scientist<br>. RSS News<br>. Times Educational Supplement<br>Milkround<br>Internet: Any of the following websites:<br>. www.consultingmag.com<br>. www.economist.com<br>. www.bestcompaniesguide.co.uk<br>. www.exec-appointments.com |

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| | | . www.top-consultant.com<br>. www.actuaries.org.uk (for actuary jobs only)<br>. www.efinancialcareers.co.uk<br>. www.thesupplycurve.com (for economist and statistician<br>jobs only)<br>. www.hsj.co.uk (for healthcare statisticians only)<br>. www.newscientistjobs.com (for statisticians only)<br>. www.pharmiweb.com (for healthcare statisticians only)<br>. www.tes.co.uk (for education statisticians only) |
| 2431 Architects | . Part 1: £17,000 (for a 35 hour week)<br>. Part 2: £21,000 (for a 35 hour week)<br>. Part 3: £27,000 (for a 35 hour week)<br>. New graduate (newly registered): £29,000 (for a 35 hour week)<br>. Architect with 3-5 years' experience: £34,000 (for a 35 hour week)<br>. Senior architect £36,000: (for a 35 hour week) | Professional journals: Any of the following publications:<br>. Architects (RIBA Directory of Practise)<br>. Architects Journal<br>. Architectural Review<br>. Building<br>. Building Design<br>. Perspective<br>Tier 2 Section F Occupational Codes of Practice - Version 06/12: Valid from 14/06/2012.<br>Page 17 of 37<br>. RIBA Journal<br>. The Chartered Architect (Scotland)<br>. TARGETjobs Construction & Building Services<br>. TARGETjobs Property<br>. Touchstone (Wales)<br>Milkround (Part 1 and Part 2 architects only)<br>Internet: Any of the following websites:<br>. www.arb.org.uk<br>. www.architecturecentre.net<br>. www.arplus.com<br>. www.ajplus.co.uk<br>. www.building.co.uk<br>. www.bd4jobs.co.uk<br>. www.careersinconstruction.com<br>. www.ribajournal.com<br>. www.ribaappointments.com<br>. myjobscotland.gov.uk |

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| 2432 Town planners | £20,000 | Professional journals: The following publication:<br>. Planning<br>Milkround<br>Internet: Any of the following websites:<br>. Local government websites<br>. www.planningresource.co.uk<br>. www.lgtalent.com<br>. myjobscotland.gov.uk |
| 2433 Quantity surveyors | . New graduate: £17,000<br>. Chartered surveyor: £25,000<br>. Associate surveyor: £35,000 | Professional journals: Any of the following publications:<br>. Building<br>. Construction News<br>. Contract Journal<br>. Estates Gazette<br>. GET Engineering<br>. Inside Careers: Engineering & Technology<br>. TARGETjobs Construction & Building Services<br>. TARGETjobs Engineering<br>. TARGETjobs Quantity Surveying & Building Surveying including Commercial Management<br>. Local Government Jobs<br>. Opportunities: the Public Sector Recruitment Weekly<br>. Property Week<br>. QS Week<br>. RICS Business<br>. RICS Directory<br>. RICS Construction Journal<br>Milkround<br>Internet: Any of the following websites:<br>. Websites of the professional journals above<br>. www.ricsrecruit.com<br>. www.careersinconstruction.com<br>. www.building4jobs.co.uk<br>. www.lgjobs.com<br>. myjobscotland.gov.uk |
| 2434 Chartered surveyors (not quantity surveyors) | . New graduate: £18,500<br>. Fully qualified: £35,000 | Professional journals: Any of the following publications:<br>. Building<br>. Construction News |

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| | | . Surveyor<br>. Property Week<br>. Estates Gazette<br>. Building Engineer<br>Tier 2 Section F Occupational Codes of Practice - Version 06/12: Valid from 14/06/2012.<br>Page 19 of 37<br>. Town & Country Planning<br>. New Builder<br>. RICS Journals<br>. RICS Business<br>Milkround<br>Internet: Any of the following websites:<br>. Websites of the professional journals above<br>. www.lgjobs.com<br>. www.macdonaldandcompany.com<br>. www.planningresource.co.uk<br>. www.matchtech.com<br>. www.tedrecruitment.com<br>. www.ricsrecruit.com<br>. myjobscotland.gov.uk |
| 2441 Public service administrative professionals | £19.17 per hour | Milkround<br>Internet: The following website:<br>. www.civilservice.gov.uk |
| 2442 Social workers | . Social worker entry level (band 5 or equivalent): £20,710<br>. Social worker (band 6 or equivalent): £24,831<br>. Social worker specialist or team manager (band 7 or equivalent): £29,789 | Professional journals: Any of the following publications:<br>. Community Care Magazine<br>. Professional Social Work<br>. Social Work Today<br>Milkround<br>Internet: Any of the following websites:<br>. www.baswjobs.com<br>. www.communitycare.co.uk/jobs<br>. www.ecarers.com<br>. www.lgjobs.com<br>. www.jobs.nhs.uk<br>. www.jobs.scot.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.n-i.nhs.uk |

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| | | . www.healthjobsuk.com<br>. myjobscotland.gov.uk |
| 2443 Probation officers | £13.29 per hour | Professional journals: The following publication:<br>. Probation Bulletin<br>Milkround<br>Internet: Any of the following websites:<br>. www.justice.gov.uk<br>. www.pbni.org.uk<br>. Local authority websites |
| 2451 Librarians | £9.71 per hour | Professional journals: Any of the following publications:<br>. Library and Information Gazette<br>. Managing Information<br>Milkround<br>Internet: Any of the following websites:<br>. www.cilip.org.uk<br>. lisjobnet.com/lisjobnet<br>. myjobscotland.gov.uk |
| 2452 Archivists and curators | £12.03 per hour | Professional journals: The following publication:<br>. ARC Recruitment / ARC Recruitment Plus<br>Milkround<br>Internet: Any of the following websites:<br>. www.archives.org.uk<br>. www.mla.gov.uk/aboutus/jobs |
| 3211 Nurses | . Supervised practice nurse (band 3 or equivalent): £15,190<br>Points will be awarded for the guaranteed annual salary that will be paid when the applicant achieves Nursing and Midwifery Council registration, provided he has a guaranteed job offer from his Sponsor on completion of the supervised practice placement. If the applicant has not achieved NMC registration after nine months, his leave may be curtailed.<br>. Qualified nurse (band 5 or equivalent): £20,710<br>. District nurse (band 6 or equivalent): | Professional journals: Any of the following publications:<br>. Nursing Times<br>. Nursing Standard<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.nurses.co.uk<br>. www.staffnurse.com<br>. www.healthjobsuk.com |

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| | £24,831<br>. Community psychiatric nurse (band 6 or equivalent): £24,831<br>. Community mental nurse (band 6 or equivalent): £24,831<br>. Nurse specialist (band 6 or equivalent): £24,831<br>. Nurse team leader (band 6 or equivalent): £24,831<br>. Specialist theatre nurse (band 6 or equivalent): £24,831<br>. Nurse team manager (band 7 or equivalent): £29,789<br>. Nurse advanced (band 7 or equivalent): £29,789<br>. Nurse consultant (band 8 or equivalent): £37,996<br>. Modern matron (band 8 or equivalent): £37,996 | |
| 3212 Midwives | . Supervised practice midwife (band 3 or equivalent): £15,190<br>Points will be awarded for the guaranteed annual salary that will be paid when the applicant achieves Nursing and Midwifery Council registration, provided he has a guaranteed job offer from his Sponsor on completion of the supervised practice placement. If the applicant has not achieved NMC registration after nine months, his leave may be curtailed.<br>. Midwife entry level (band 5 or equivalent): £20,710<br>. Community, hospital, integrated midwife (band 6 or equivalent): £24,831<br>. Midwife higher level or team manager (band 7 or equivalent): £29,789<br>. Midwife consultant (band 8 or | Professional journals: Any of the following publications:<br>. Nursing Times<br>. Nursing Standard<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |

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| | equivalent): £37,996 | |
| 3214 Medical radiographers | . Clinical support worker higher level (radiography): £15,190<br>. Assistant practitioner (radiography): £17,732<br>. Radiographer (therapeutic): £20,710<br>. Radiographer (diagnostic): £20,710<br>. Radiographer specialist (diagnostic therapeutic): £24,831<br>. Radiographer advanced: £29,789<br>. Radiographer specialist (reporting sonographer): £29,789<br>. Radiographer team manager: £29,789<br>. Radiographer principal: £37,996<br>. Radiographer consultant (therapy): £37,996<br>. Radiographer consultant (diagnostic): £44,258 | Professional journals: Any of the following publications:<br>. Synergy news<br>. RAD Magazine<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3215 Chiropodists | . Clinical support worker higher level (band 3 or equivalent): £15,190<br>. Technician or assistant practitioner (band 4 or equivalent): £17,732<br>. Podiatrist (band 5 or equivalent): £20,710<br>. Podiatrist specialist (band 6 or equivalent): £24,831<br>. Principal podiatrist or head of service (band 7 or equivalent): £29,789<br>. Registrar or consultant surgeon (band 7 or equivalent): £29,789<br>. Consultant surgeon head of service (band 8 or equivalent): £37,996 | Professional journals: Any of the following publications:<br>. Podiatry Now<br>. The Chiropody Review<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3221 Physiotherapists | . Assistant practitioner (band 4 or equivalent): £17,732<br>. Physiotherapist (band 5 or equivalent): £20,710<br>. Physiotherapist specialist (band 6 or equivalent): £24,831 | Professional journals: Any of the following publications:<br>. Frontline<br>. Therapy Weekly<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/ |

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| | . Physiotherapist team manager (band 7 or equivalent): £29,789<br>. Consultant or principal physiotherapist (band 8 or equivalent): £36,996 | . www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com<br>. www.csp.org.uk<br>. www.healthjobsuk.com |
| 3222 Occupational therapists | . Occupational therapist (band 5 or equivalent): £20,710<br>. Occupational therapist specialist (band 6 or equivalent): £24,831<br>. Occupational therapist advanced (band 7 or equivalent): £29,789<br>. Principal or consultant occupational therapist (band 8 or equivalent): £37,996 | Professional journals: Any of the following publications:<br>. British Journal of Occupational Therapy<br>. Occupational Therapy News<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.occupationaltherapist.com<br>. www.healthjobsuk.com |
| 3223 Speech and language therapists | . Posts at Agenda for Change band 5 or equivalent: £20,710<br>. Posts at Agenda for Change band 6 or equivalent: £24,831<br>. Posts at Agenda for Change band 7 or equivalent: £29,789<br>. Posts at Agenda for Change band 8 or equivalent: £37,996 | Professional journals: The following publication:<br>. Royal College of Speech and Language Therapists Bulletin<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.rcslt.org<br>. www.healthjobsuk.com |
| 3229 Therapists not elsewhere classified | £13.38 per hour | Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3415 Musicians<br>. Musicians must be established in the industry as a musician. Whether the level of the musician is | Payment should be commensurate with industry standards; the salary should be at least at the level of appropriate UK rates and of at least the minimum salary for Tier 2 of £20,000. The salary must also meet National Minimum Wage regulations. | Internet: Any of the following websites:<br>. www.abo.org.uk<br>. www.musicalchairs.info<br>. www.thestage.co.uk |

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| appropriate should be determined by the Sponsor in consultation with relevant representatives of the industry in the UK. Evidence of this consultation must be retained by the Sponsor.<br>Recognised representatives are:<br>. Musicians Union<br>. Association of British Orchestras<br>. The Society of London Theatre<br>. Theatrical Management Association | | |
| 3416 Arts officers, producers and directors<br>. Arts officers, producers and directors must be established in the relevant industry at the highest level. Examples include producers and directors in theatre or opera. Whether the level of the job is appropriate should be determined by the sponsor in | Payment should be commensurate with the relevant industry standards in the United Kingdom and of at least the minimum salary for Tier 2 of £20,000 | Details of the Resident Labour Market Test requirements for arts officers, producers and directors in the film industry are set out in the creative sector code of practice in Table 5.<br>Arts officer roles and producer/director roles in theatre and opera must be advertised in accordance with standard industry practice through at least one of the following:<br>. Arts Professional<br>. Gig incorporating International Arts Manager<br>. The Stage<br>. www.artsjobsonline.com<br>. www.jobs.guardian.co.uk |

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| consultation with relevant representatives of the industry in the United Kingdom. Evidence of this consultation must be retained by the sponsor.<br>Recognised representatives are:<br>. Broadcasting entertainment cinematograph and theatre union (BECTU)<br>. Equity<br>. Independent Theatre Council (ITC)<br>. National Campaign for the Arts (NCA)<br>. Producers alliance for cinema and television (PACT)<br>. Production Guild<br>. Society of London Theatre (SOLT)<br>. Theatrical Management Association (TMA) | | |
| 3431 Journalists, newspaper and periodical editors | . Journalist with 1-2 years' experience: £18,000<br>. Journalist with 3-5 years' experience: £24,000<br>. Journalist with 5-10 years' experience: £30,000<br>. Journalist with more than 10 years' experience: £40,000 | Professional journals: Any of the following publications:<br>. Press Gazette<br>. Haymarket Publishing (Media Week)<br>Internet: Any of the following websites:<br>. Benn's Media Directory<br>. Hold the Front Page<br>. Media UK - internet directory<br>. Newspaper Society (lists groups with in-company training schemes) |

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| | | . Press Gazette<br>. Writers and Artists Yearbook |
| 3432 Broadcasting associate professionals<br>. Broadcasting associate professionals who work in the television industry must be established at the highest level in the television industry. Whether the level of the job is appropriate should be determined by the Sponsor following consultation with the relevant representatives of the industry in the UK. Evidence of this consultation must be retained by the Sponsor.<br>Representatives are:<br>. Broadcasting entertainment cinematograph and theatre union (BECTU)<br>. Producers alliance for cinema and television (PACT)<br>. The Production Guild | Payment should be commensurate with the relevant industry standards in the United Kingdom and of at least the minimum salary for Tier 2 of £20,000 | Details of the Resident Labour Market Test requirements for broadcasting associate professionals who work in the television industry are set out in the creative sector code of practice in Table 5.<br>No other media for other jobs |
| 3433 Public relations officers | . Information officer: £16,000<br>. Senior information officer: £26,000<br>. Press officer: £22,000 | Internet: Any of the following websites:<br>. PR Week<br>. Press Gazette |

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| | . Senior press officer: £32,000<br>. Public relations consultant: £36,300<br>. Publicity assistant: £16,000 | . PRCA Yearbook<br>. Chartered Institute of Public Relations (CIPR)<br>. Hollis Publishing Ltd<br>. myjobscotland.gov.uk |
| 3512 Aircraft pilots and flight engineers | . Fixed wing commercial jet pilots: £34,000 per annum<br>. Helicopter pilots: £30,000 per annum | Professional journals: Any of the following publications:<br>. Pilot Magazine<br>. Flight International<br>. Flyer<br>. Aviation Week<br>Milkround (through air training schools)<br>Internet: Any of the following websites:<br>. www.pilotweb.aero<br>. www.ppjn.com<br>. www.flightinternational.com<br>. www.aviationnow.com<br>. www.balpa.org |
| 3532 Brokers | £15.93 per hour | Professional journals: Any of the following publications:<br>. Insurance Age<br>. Insurance Brokers Monthly<br>. Insurance Day<br>. Insurance Times<br>. The Insurance Week<br>. Professional Broking<br>Milkround<br>Internet: Any of the following websites:<br>. www.broking.co.uk<br>. www.efinancialcareers.com<br>. www.ft.com<br>. www.insurancejobs.co.uk<br>. www.insurancetimes.co.uk<br>. www.jobsfinancial.com |
| 3534 Finance and investment analysts / advisers | £13.86 per hour | Milkround<br>Internet: Any of the following websites:<br>. www.efinancialcareers.com<br>. www.ft.com<br>. www.jobsfinancial.com |
| 3535 Taxation experts | £13.31 per hour | Milkround<br>Internet: Any of the following websites: |

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| | | . www.hmrc.gov.uk<br>. www.efinancialcareers.com |
| 3565 Inspectors of factories, utilities and trading standards | £13.03 per hour | Milkround |
| 3568 Environmental health officers | £13.23 per hour | Professional journals: Any of the following publications:<br>. Environmental Health Practitioner - CIEH<br>. Environmental Health News - CIEH<br>. Environmental Health News<br>. Environmental Health Scotland<br>Milkround<br>Internet: The following website:<br>. www.ehn-jobs.com |

**Table 3: Occupations skilled to National Qualifications Framework level 4 or above**

| SOC Code and Description | Appropriate salary rate | Resident Labour Market Test - additional media |
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| All occupations in Table 1 | As stated in Table 1 | As stated in Table 1 |
| All occupations in Table 2 | As stated in Table 2 | As stated in Table 2 |
| 1142 Customer care managers | £12.51 per hour | Professional journals: Any of the following publications:<br>. Customer First<br>. Customer Strategy<br>Milkround<br>Internet: Any of the following websites:<br>. www.icsjobsboard.com<br>. myjobscotland.gov.uk |
| 1152 Office managers | £11.64 per hour | Professional journals: Any of the following publications:<br>. Professional Manager<br>. Management Today<br>Milkround<br>Internet: The following website:<br>. myjobscotland.gov.uk |
| 1174 Security managers | £12.53 per hour | Milkround |
| 1183 Healthcare | . Practice Management (small | Professional journals: The following |

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| practice managers | practice): £20,710<br>. Practice Manager (group practice): £24,831 | publication:<br>. Health Service Journal<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.firstpracticemanagement.co.uk<br>. www.hsj.co.uk<br>. www.healthjobsuk.com |
| 1185 Residential and day care managers | £11.43 per hour | Professional journals: Any of the following publications:<br>. Community Care<br>. Opportunities<br>. Professional Social Work<br>. Social Work Today<br>Milkround<br>Internet: Any of the following websites:<br>. www.baswjobs.com<br>. www.communitycare.co.uk/jobs<br>. www.ecarers.com<br>. www.lgjobs.com<br>. www.greatsocialcare.co.uk<br>. www.jobsgopublic.com/socialcarecareers<br>. www.opportunities.co.uk<br>. www.healthjobsuk.com<br>. myjobscotland.gov.uk |
| 1219 Managers in animal husbandry, forestry and fishing not elsewhere classified | . Fish farm managers: £18,000<br>. Forestry managers: £25,000<br>. Racehorse trainers: £25,000<br>. Assistant racehorse trainers: £15,000 | Professional journals: Any of the following publications:<br>. Fish Farmer (Fish farm manager jobs only)<br>. Fish farming International (Fish farm manager jobs only)<br>. Forestry Journal (Forestry manager jobs only) |

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| | | . Racing Post (Racehorse training jobs only)<br>. Horse and Hound (Racehorse training jobs only)<br>. Horse and Rider (Racehorse training jobs only)<br>Internet: Any of the following websites:<br>. www.britishtrout.co.uk (Fish farm manager jobs only)<br>. www.ifm.org.uk (Fish farm manager jobs only)<br>. www.environment-agency.gov.uk (Fish farm manager jobs only)<br>. www.arbjobs.com (Forestry manager jobs only)<br>. www.forestry.gov.uk (Forestry manager jobs only)<br>. www.forestserviceni.gov.uk (Forestry manager jobs only)<br>. www.animal-job.co.uk (Animal husbandry management jobs only)<br>. www.racingpost.com (Racehorse training jobs only)<br>. www.horseandhound.co.uk (Racehorse training jobs only)<br>. www.horseandrideruk.com (Racehorse training jobs only)<br>. www.biaza.org.uk (Zoo manager jobs only)<br>. www.zoonewsdigest.com (Zoo manager jobs only)<br>. www.countryside-jobs.com<br>. www.land-force.com<br>. www.defra.gov.uk<br>. www.LGjobs.com<br>. www.newscientistjobs.co.uk |

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| 1222 Conference and exhibition managers | . Conference manager: £20,000<br>. Events manager: £19,000<br>. Hospitality manager: £18,600 | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: Any of the following websites:<br>. www.caterer .com |
| 1231 Property, housing and land managers | £12.53 per hour | No other media |
| 1235 Recycling and refuse disposal managers | £12.76 per hour | No other media |
| 1239 Managers and proprietors in other services not elsewhere classified | £10.55 per hour | No other media |
| 3121 Architectural technologists and town planning technicians | . Town planning technicians: £10.99 per hour<br>. Junior architectural technologist: £14,000<br>. Technologist with 3-5 years experience: £20,500<br>. Senior technologist: £29,000<br>(annual salaries, based on an average of 40 hours per week) | Professional journals: Any of the following publications:<br>**Architectural technologists**<br>. Architects (RIBA Directory of Practices)<br>. Architectural Review<br>. Architectural Technology<br>. The Architectural Technology Careers Handbook<br>. Building Design Magazine<br>. Management Today<br>. RIBA Journal<br>. TARGETjobs Construction & Building Services<br>**Town planning technicians**<br>. Estates Gazette<br>. Building<br>. Planning<br>. Contract Journal<br>. Opportunities: the Public Sector |

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| | | Recruitment Weekly<br>. Local Government Jobs<br>Internet: Any of the following websites:<br>. Websites of the professional journals above<br>. www.ribaappointments.com (architectural technologists)<br>. info.architectsjournal.co.uk (architectural technologists)<br>. www.ciat.org.uk/en/careers/ (architectural technologists)<br>. www.ciob.org.uk/topics/foaas (architectural technologists)<br>. www.rias.org.uk (architectural technologists)<br>. www.lgjobs.com (town planning technicians)<br>. jobs.planningresource.co.uk (town planning technicians)<br>. www.acenetrecruit.co.uk |
| 3123 Building inspectors | £13.31 per hour | Professional journals: Any of the following publications:<br>. Building<br>. Building Control Journal<br>. Building Engineer<br>. Construction News<br>Internet: Any of the following websites:<br>. www.building4jobs.com<br>. www.careersinconstruction.com<br>. www.propertyweek.com<br>. www.propertyjobs.co.uk |
| 3131 IT operations technicians | . Senior systems administrator: £33,200<br>. Systems administrator: £28,000<br>. Network controller or network administrator: £26,000<br>. Network support engineer: | Professional journals: Any of the following publications:<br>. Computer Weekly<br>. Computing Magazine<br>. PC Pro<br>. Develop Magazine (games jobs only)<br>. Edge Magazine (games jobs only) |

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| | £27,000<br>. Webmaster or web administrator: £28,000<br>. Asset manager (computer and video games): £20,000 | Internet: Any of the following websites:<br>. www.cwjobs.co.uk<br>. www.developmag.com (games jobs only)<br>. www.edge-online.com (games jobs only)<br>. www.gamesindustry.biz (games jobs only) |
| 3213 Paramedics | . Posts at Agenda for Change band 5 or equivalent: £20,710<br>. Posts at Agenda for Change band 6 or equivalent: £24,831 | Professional journals: Any of the following publications:<br>. Ambulance UK<br>. British Paramedic Association<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3218 Medical and dental technicians | . Posts at agenda for change band 3 or equivalent: £15,190<br>. Posts at agenda for change band 4 or equivalent: £17,732<br>. Posts at agenda for change band 5 or equivalent: £20,710<br>. Posts at agenda for change band 6 or equivalent: £24,831<br>. Posts at agenda for change band 7 or equivalent: £29,789 | Professional journals: Any of the following publications:<br>. The Dental Technician<br>. Dental Guide<br>. Medical Laboratory World<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3319 Protective service associate professionals not elsewhere classified | £11.49 per hour | No other media |
| 3411 Artists<br>. Animators in film and television must be | . Artists: £9.98 per hour<br>. Animators: Payment commensurate with the relevant industry standards in the | Details of the Resident Labour Market Test requirements for animators within film and television are set out in the creative sector code of practice for workers in film and |

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| established in the industry at the highest level and meet the requirement of the Tier 2 and 5 creative code of practice for workers in film and television | United Kingdom and of at least the minimum salary for Tier 2 of £20,000 | television in Table 5. |
| 3412 Authors, writers<br>. Scriptwriters in the film and television industry must be established at the highest level in the industry. Whether the level of the job is appropriate should be determined by the sponsor following consultation with the Writers' Guild of Great Britain. Evidence of this consultation must be retained by the sponsor. | . Authors and writers: £11.21 per hour<br>. Payment of scriptwriters should be commensurate with the relevant industry standards in the United Kingdom and at least at the level of appropriate rates as on the writers' guild of Great Britain website and of at least the minimum<br>salary for Tier 2 of £20,000. | Details of the Resident Labour Market Test requirements for scriptwriters in the film and television industry are set out in the creative sector code of practice for workers in film and television in Table 5. |
| 3413 Actors, entertainers<br>. The minimum level required for the job of an actor working in | Payment should be commensurate with industry standards and of at least the minimum salary for Tier 2 of £20,000. For jobs which are covered by the Tier 2 and 5 | Details of the Resident Labour Market Test requirements for actors and entertainers in film and television, and in the theatre and opera are set out in the creative sector code of practice in Table 5.<br>No other media for other roles |

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| theatre, opera, film and television is that he has to be established in the industry as an actor.<br>. The minimum level for the job of entertainer working in theatre, opera, film and television is that he should either have performed at the highest level and have established a reputation in his profession or be engaged to perform or do work which only he can do.<br>Whether the level of the job is appropriate should be determined by the Sponsor by consulting with the relevant representatives of the industry in the United Kingdom. Evidence of this consultation must be retained by the Sponsor. | creative codes of practice for performers in theatre or opera or performers in film and television,<br>details on the agreed minimum salaries are set out in Table 5.<br>For other entertainers, the salary should be at least at the level of appropriate UK rates in this sector as on the Equity website and of at least the minimum<br>salary for Tier 2 of £20,000. The salary must also meet the National Minimum<br>Wage Regulations. | |

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| Recognised representatives are:<br>**Theatre**<br>. Equity<br>. Independent Theatre Council (ITC)<br>. National Campaign for the Arts (NCA)<br>. Society of London Theatre (SOLT)<br>. Theatrical Management Association (TMA)<br>**Film and television**<br>. Equity<br>. Producers Alliance for Cinema and Television (PACT) | | |
| 3414 Dancers and choreographers<br>. Dancers and choreographers must be established at the highest level in the relevant industry as a dancer or choereographer. Whether the level of the job is appropriate | Payment of dancers and choreographers should be commensurate with the relevant industry standards and of at least the minimum salary for Tier 2 of £20,000.<br>More details on the agreed minimum salaries for dancers in ballet, dance<br>forms other than ballet, and in theatre or opera are set out in the creative sector code of practice in Table 5.<br>Payment of choreographers | Details of the Resident Labour Market Test requirements for dancers are set out in the creative sector code of practice in Table 5.<br>Choreographer roles must be advertised in accordance with standard industry practice through at least one of the following:<br>. Dance agencies<br>. The Stage<br>. Dance Europe<br>. Juice<br>. The Spotlight Link<br>. Equity's Job Information Service |

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| should be determined by the Sponsor in consultation with relevant representatives of the industry in the UK. Evidence of this consultation must be retained by the sponsor. Recognised representatives are:<br>. Equity<br>. Independent Theatre Council (ITC)<br>. National Campaign for the Arts (NCA)<br>. Society of London Theatre (SOLT)<br>. Theatrical Management Association (TMA) | must be at least at the level of appropriate United Kingdom rates in this sector as stated on the Equity website. | |
| 3422 Product, clothing and related designers | . Product designer: £25,537 (based on a 44 hour week)<br>. Fashion designer: £22,000 (based on a 40 hour week)<br>. Textile designer: £25,000 (based on a 40 hour week) | Professional journals: Any of the following publications:<br>. Drapers<br>. Design Week<br>. The Designer<br>Tier 2 Section C Occupational Codes of Practice - Version: 06/12: Valid from 14/06/2012<br>Page 27 of 75<br>. Blueprint<br>. Crafts |

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| | | . Creative Review<br>. Textile Horizons<br>. Textile Month<br>. New Design<br>. RIBA Journal (interior or furniture designers only)<br>. Fashion Weekly (fashion designers only)<br>. Fashion Business International (fashion designers only)<br>. I.D. Magazine (furniture designers only)<br>Internet: Any of the following websites:<br>. www.mad.co.uk (interior designers only)<br>. www.theappointment.co.uk (fashion designers only)<br>. www.designcouncil.org.uk (fashion designers only)<br>. www.retailcareers.co.uk (fashion designers only)<br>. www.retailchoice.com (fashion designers only)<br>. www.inretail.co.uk (fashion designers only)<br>. www.coroflot.com (product designers only)<br>. www.jimfinder.com (product designers only)<br>. www.justengineers.net (product designers only)<br>. www.thecareerengineer.com (product designers only)<br>. www.retailcareers.co.uk (furniture designers only)<br>. www.cabinet-maker.co.uk (furniture designers only)<br>. www.thebcfa.com (furniture designers only)<br>. www.csd.org.uk<br>. www.newdesignmagazine.co.uk |

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| 3442 Sports officials | £9.11 per hour | |
| 3513 Ship and hovercraft officers | No data available, appropriate rate considered to have been met where the application meets the<br>minimum Tier 2 salary of £20,000. | Milkround |
| 3531 Estimators, valuers and assessors | £11.03 per hour | Professional journals: The following publication:<br>. Lloyd's List (for Marine Surveyors)<br>Milkround<br>Internet: Any of the following websites:<br>. www.shiptalk.com (for Marine Surveyors)<br>. www.marine-jobs.co.uk (for Marine Surveyors)<br>. www.nautilusint.org (for Marine Surveyors) |
| 3537 Financial and accounting technicians | £13.09 per hour | Professional journals: Any of the following publications:<br>. Accounting & Business<br>. Accounting, Auditing & Accountability<br>. Financial Accountant<br>Milkround<br>Internet: Any of the following websites:<br>. www.accaglobal.com<br>. www.ifa.org.uk |
| 3539 Business and related associate professionals not elsewhere classified | £11.00 per hour | Milkround |
| 3541 Buyers and purchasing officers | £11.44 per hour | Professional journals: Any of the following publications:<br>. Campaign (for media buyers)<br>. Creative Review (for media buyers) |

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| | | . Drapers (for retail fashion buyers)<br>. Marketing (for media buyers)<br>. Marketing Week (for media buyers)<br>. Media Week (for media buyers)<br>. Retail Week (for retail buyers)<br>. Supply Management<br>Milkround<br>Internet: Any of the following websites:<br>. www.theappointment.co.uk<br>. www.careersinfoodanddrink.co.uk<br>. www.cips-gpa.com<br>. www.hays.co.uk<br>. www.inretail.co.uk<br>. www.ipa.co.uk<br>. www.jobsinretail.co.uk<br>. www.mad.co.uk<br>. www.retailcareers.co.uk<br>. www.retailchoice.com<br>. www.retail-week.com<br>. www.supplymanagement.com<br>. www.talismanretail.co.uk |
| 3543 Marketing associate professionals | £11.01 per hour | Milkround |
| 3551 Conservation and environmental protection officers | £12.07 per hour | Professional journals: Any of the following publications:<br>. In Practice<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.acre-resources.co.uk<br>. www.ccw.gov.uk<br>. www.countryside-jobs.com<br>. www.environment-agency.gov.uk<br>. www.environmentjobs.co.uk<br>. www.groundwork.org.uk<br>. www.growing-careers.com<br>. www.ieem.org.uk |

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| | | . www.land-force.com<br>. www.lgjobs.com<br>. www.newscientistjobs.com<br>. www.ntjobs.org.uk<br>. www.sepa.org.uk |
| 3561 Public service associate professionals | £11.43 per hour | Milkround |
| 3564 Careers advisers and vocational guidance specialists | £11.90 per hour | Milkround |
| 3566 Statutory examiners | £11.69 per hour | Milkround |
| 3567 Occupational hygienists and safety officers (health and safety) | £12.57 per hour | Milkround<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |

**Table 4: Occupations skilled to National Qualifications Framework level 3 or above**

**Table 4: Occupations skilled to National Qualifications Framework level 3 or above**

| SOC Code and Description | Appropriate salary rate | Resident Labour Market Test - additional media |
|---|---|---|
| All occupations in Table 1 | As stated in Table 1 | As stated in Table 1 |
| All occupations in Table 2 | As stated in Table 2 | As stated in Table 2 |
| All occupations in Table 3 | As stated in Table 3 | As stated in Table 3 |
| 1162 Storage and warehouse managers | £10.03 per hour | Professional journals: Any of the following publications:<br>. Logistics Manager<br>. Storage Handling Distribution<br>. Warehouse<br>Milkround<br>Internet: Any of the following websites:<br>. www.bjdgroup.com<br>. www.careersinlogistics.co.uk<br>. www.ciltuk.org.uk |

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| | | . jobs.foodmanufacture.co.uk<br>. www.mvp-search.com<br>. www.supplychainrecruit.com |
| 1163 Retail and wholesale managers | £8.18 per hour | Professional journals: Any of the following publications:<br>. The Appointment<br>. The Grocer<br>. Retail Week<br>Milkround<br>Internet: Any of the following websites:<br>. www.theappointment.co.uk<br>. jobs.thegrocer.co.uk<br>. www.inretail.co.uk<br>. www.jobsinretail.co.uk<br>. www.retailcareers.co.uk<br>. www.retailmoves.com<br>. www.retail-week.com<br>. www.talkingretail.com |
| 1211 Farm managers | £9.26 per hour | Professional journals: Any of the following publications:<br>. Farmers Guardian<br>. Farmers Weekly<br>. Farming Life<br>. Poultry World<br>. The Scottish Farmer<br>. Harper's Wine & Spirit Trade Review (for viticulturist jobs only)<br>Internet: Any of the following websites:<br>. www.farmersguardian.com<br>. www.fwi.co.uk<br>. www.growing-careers.com<br>. www.harpers.co.uk (for viticulturist jobs)<br>. www.land-force.com<br>. www.thescottishfarmer.co.uk |
| 1221 Hotel and accommodation managers | . Hotel general manager (4-star and above): £25,000<br>. Hotel general manager (3-star and below): £19,700<br>. Hotel reception manager (4-star and above): £17,000 | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: The following website:<br>. www.caterer.com |

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| | . Hotel reception manager (3-star and below): £15,000<br>. Front of house manager: £23,000 | |
| 1223 Restaurant and catering managers - **ONLY** the following jobs in this occupation code:<br>. Restaurant manager or catering manager<br>. Banqueting manager<br>. Fast food restaurant manager<br>. Hotel food and beverage manager<br>. Assistant restaurant manager, establishments with 80 or more covers (covers being the maximum number of customers that can be seated at any one time) | . Restaurant manager: £18,000<br>. Banqueting manager or catering manager: £18,000<br>. Fast food restaurant manager: £18,000<br>. Hotel food and beverage manager: £16,000<br>. Assistant restaurant manager, establishment with 80 or more covers: £7.21 per hour | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: The following website:<br>. www.caterer.com |
| 1224 Publicans and managers of licensed premises - **ONLY** the following jobs in this occupation code:<br>. Publican<br>. Licensee or pub manager | . Publican: £25,000<br>. Licensee or pub manager: £17,000 | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: The following website:<br>. www.caterer.com |
| 1225 Leisure and sports managers | . Leisure centre manager or sports centre manager: £25,000<br>. Riding school manager: £20,000 | Professional journals: The following publication:<br>. Horse and Hound (Riding school managers only)<br>Internet: Any of the following websites:<br>. www.leisureopportunities.co.uk<br>. British Horse Society (Riding school managers only)<br>. Horse and Hound (Riding school managers only)<br>. Leisure Jobs<br>. Leisure Opportunities<br>. www.equinetourism.co.uk (Riding school managers |

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| | | only) |
| 1226 Travel agency managers | £9.27 per hour | Professional journals: Any of the following publications:<br>. ABTA Magazine<br>. Travel Trade Gazette UK and Ireland<br>. Travel Weekly<br>Internet: Any of the following websites:<br>. www.abta.com<br>. www.e-tid.com<br>. www.newfrontiers.co.uk<br>. www.tandtrecruitsolutions.co.uk<br>. www.traveljobsearch.com<br>. www.traveltradejobs.com<br>. www.travelweekly.co.uk<br>. www.ttglive.com<br>. www.uksp.co.uk |
| 1232 Garage managers and proprietors | £10.35 per hour | Professional journals: Any of the following publications:<br>. Automotive News<br>. Motor Industry Magazine<br>. Motor Trader<br>. AM (Automotive Management)<br>Internet: Any of the following websites:<br>. www.autojob.co.uk<br>. www.motor.org.uk/magazine<br>. www.am-online.com |
| 1233 Hairdressing and beauty salon managers and proprietors | £8.65 per hour | Professional journals: Any of the following publications:<br>. Health & Beauty Salon<br>. Professional Beauty<br>. International Therapist<br>. Hairdresser's Journal<br>Internet: Any of the following websites:<br>. www.hji.co.uk<br>. www.leisurejobs.co.uk |
| 1234 Shopkeepers and wholesale / retail dealers | £6.57 per hour | Professional journals: Any of the following publications:<br>. The Appointment<br>. The Grocer<br>. Retail Week<br>Internet: Any of the following websites:<br>. www.retail-week.com |

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| | | . www.theappointment.co.uk |
| 3111 Laboratory technicians | £8.36 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Milkround<br>Internet: Any of the following websites:<br>. www.jobs.ac.uk<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 3112 Electrical / electronics technicians | £10.56 per hour | No other media |
| 3113 Engineering technicians | £12.56 per hour | Professional journals: The following publication:<br>. The Engineer<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.theengineer.co.uk<br>. www.engineeringjobsnet.co.uk |
| 3114 Building and civil engineering technicians | . New entrant civil engineering technician: £17,000<br>. New entrant building technician: £14,500<br>. Civil engineering technician with 3-5 years experience: £20,000<br>. Building technician with 3-5 years experience: £17,000<br>. Senior building or civil engineering technician: £25,000<br>(annual salaries, based on an average of 40 hours per week) | Professional journals: Any of the following publications:<br>. Building<br>. Building Design<br>. Civic and Public Building Specifier<br>. Construction News<br>. Contract Journal<br>. Forum for the Built Environment.<br>. New Civil Engineer<br>. Public Sector Building<br>. RIBA Journal<br>. The Builder<br>. The Builder Magazine<br>. The Engineer<br>. The Structural Engineer<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. www.engineeringjobsnet.co.uk<br>. www.icerecruit.com<br>. www.theengineer.co.uk |
| 3115 Quality assurance technicians | £9.80 per hour | No other media |

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| 3119 Science and engineering technicians not elsewhere classified | £9.49 per hour | Professional journals: Any of the following publications:<br>. Nature<br>. New Scientist<br>Internet: Any of the following websites:<br>. www.naturejobs.com<br>. www.newscientistjobs.com |
| 3122 Draughtspersons | £10.36 per hour | Professional journals: Any of the following publications:<br>. Architects Journal<br>. Contracts Journal<br>Internet: Any of the following websites:<br>. www.acenetrecruit.co.uk<br>. info.architectsjournal.co.uk<br>. www.engineeringjobs.co.uk |
| 3132 IT user support technicians - **ONLY** the following jobs in this occupation code:<br>. Senior PC support analyst<br>. Senior PC support<br>. Technical pre- or post-sales support<br>. Senior database administrator or analyst<br>. Database administrator or analyst | . Senior PC support analyst: £26,000<br>. Senior PC support: £24,900<br>. Technical pre- or post-sales support: £41,600<br>. Senior database administrator or analyst: £41,600<br>. Database administrator or analyst: £31,200 | Professional journals: Any of the following publications:<br>. Computer Weekly<br>. Computing Magazine<br>. PC Pro<br>Internet: Any of the following websites:<br>. www.cwjobs.co.uk |
| 3216 Dispensing opticians | . Qualified dispensing optician: £18,000<br>. Practice managers: £30,000<br>. Dispensing opticians with a specialist qualification in contact lens fitting: £30,000 | Professional journals: Any of the following publications:<br>. Optician<br>. Optometry Today<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.abdo.org.uk<br>. www.opticianjobs.net |
| 3217 Pharmaceutical dispensers - **ONLY** the following jobs in this | . Pharmacy technician (band 4 or equivalent): £17,732<br>. Pharmacy technician higher level (band | Professional journals: The following publication:<br>. Pharmaceutical Journal<br>Internet: Any of the following websites: |

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| occupation code:<br>. Pharmacy technician posts at NHS Agenda for Change band 4 or equivalent or above | 5 or equivalent): £20,710 | . www.pjonline.com<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 3231 Youth and community workers | £10.31 per hour | Professional journals: The following publications:<br>. Children and Young People Now<br>Internet: Any of the following websites:<br>. www.cypnow.co.uk<br>. myjobscotland.gov.uk |
| 3232 Housing and welfare officers | £10.03 per hour | Professional journals: Any of the following publications:<br>. Community Care<br>. Inside Housing<br>Internet: Any of the following websites:<br>. www.housingnews.co.uk<br>. www.insidehousing.co.uk |
| 3312 Police officers (sergeant and below) | £14.53 per hour | No other media |
| 3313 Fire service officers (leading fire officer and below) | £12.72 per hour | No other media |
| 3421 Graphic designers | £9.79 per hour | Professional journals: Any of the following publications:<br>. Blueprint<br>. Campaign<br>. Creative Review<br>. Design Week<br>. Eye<br>. Grafik<br>. The Designer<br>. New Design<br>Internet: The following website:<br>. www.csd.org.uk |
| 3434 Photographers and audio-visual equipment operators - **ONLY** the following jobs in this occupation code: | . Audio visual technician: £16,000<br>. Senior audio visual technician: £20,000<br>. Photographer: £20,000<br>. Press photographer (regional): £15,000<br>. Press photographer (national): £20,000 | Professional journals: Any of the following publications:<br>. Ariel - BBC<br>. Broadcast<br>. Zerb - Guild of Television Cameramen<br>. Press Gazette |

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| . Audio visual technician<br>. Senior audio visual technician<br>. Photographer<br>. Press photographer (regional)<br>. Press photographer (National)<br>. Film technician<br>. Sound recordist<br>. Camera operator (film, television production) | . Film technician: £16,000<br>. Sound recordist: £18,000<br>. Camera operator (film, television production): £14,000 | . British Journal of Photography<br>Internet: Any of the following websites:<br>. BBC Jobs<br>. Grapevine Jobs<br>. Ariel (BBC internal publication)<br>. Press Gazette<br>. British Journal of Photography<br>. Freelance Photographer's Market Handbook<br>. Benn's Media Directory<br>. Hold the Front Page<br>. Creative Opportunities<br>. PACT Directory of Independent Producers |
| 3443 Fitness instructors | £6.83 per hour | No other media |
| 3449 Sports and fitness occupations not elsewhere classified | No data available, appropriate rate considered to have been met where the application meets the Tier 2 minimum salary of £20,000 | |
| 3511 Air traffic controllers | £21.32 per hour | Professional journals: Any of the following publications:<br>. Air Traffic Management<br>. Flight International<br>Internet: Any of the following websites:<br>. www.flightglobal.com<br>. www.nats.co.uk |
| 3520 Legal associate professionals | £9.94 per hour | Milkround |
| 3533 Insurance underwriters | £11.44 per hour | Professional journals: Any of the following publications:<br>. Insurance Age<br>. Insurance Day<br>. Insurance Times<br>. The Insurance Week<br>. Post Magazine<br>Milkround<br>Internet: Any of the following websites:<br>. www.efinancialcareers.com<br>. www.ft.com<br>. www.insurancejobs.co.uk<br>. www.insurancetimes.co.uk<br>. www.jobsfinancial.com |

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| | | . www.postonline.co.uk |
| 3536 Importers, exporters | £9.24 per hour | Professional journals: Any of the following publications:<br>. International Freight Weekly<br>. Air Cargo News<br>Milkround<br>Internet: Any of the following websites:<br>. aircargonews.net<br>. www.careersinlogistics.co.uk<br>. www.ifw-net.com |
| 3542 Sales representatives | £9.20 per hour | Milkround |
| 3544 Estate agents, auctioneers | £9.12 per hour | Milkround |
| 3552 Countryside and park rangers | £8.40 per hour | Professional journals: The following publication:<br>. The Environment Post<br>Milkround<br>Internet: Any of the following websites:<br>. www.countryside-jobs.com<br>. www.environmentjob.co.uk<br>. www.growing-careers.com<br>. www.land-force.com<br>. www.lgjobs.com<br>. www.wildlifetrusts.org<br>. myjobscotland.gov.uk |
| 3562 Personnel and industrial relations officers | £9.71 per hour | Milkround |
| 3563 Vocational and industrial trainers and instructors | £10.44 per hour | Milkround |
| 4111 Civil Service executive officers | £10.97 per hour | No other media |
| 4114 Officers of non-governmental organisations | £9.56 per hour | No other media |
| 4134 Transport and distribution clerks | £8.95 per hour | No other media |
| 4137 Market research interviewers | £7.00 per hour | No other media |
| 4214 Company secretaries | £7.02 per hour | No other media |
| 4215 Personal assistants | £8.81 per hour | No other media |

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| and other secretaries | | |
| 5111 Farmers - **ONLY** the following jobs in this occupation code:<br>. Herd managers<br>. Livestock breeders<br>. Pig breeders<br>. Agricultural contractor jobs that require an NQF level 3 in Agricultural Crop Production, Mixed Farming or Livestock Production, or an NPTC Advanced National Certificate in Agriculture | . Farming jobs in England and Wales: £7.39 per hour<br>. Farming jobs in Scotland: £7.14 per hour<br>. Farming jobs in Northern Ireland: £6.98 per hour | Professional journals: Any of the following publications:<br>. Farmers Guardian<br>. Farmers Weekly<br>. Farming Life<br>. The Scottish Farmer<br>Internet: Any of the following websites:<br>. www.farmersguardian.com<br>. www.fwi.co.uk<br>. www.growing-careers.com<br>. www.land-force.com |
| 5112 Horticultural trades - **ONLY** the following jobs in this occupation code:<br>. Horticultural foreman<br>. Horticultural nursery supervisor<br>. Horticultural technician<br>. Nursery stock production technician or specialist | . Horticultural foreman or nursery supervisor: £40,000<br>. Horticultural technician: £25,000<br>. Nursery stock production technician or specialist: £25,000 | Professional journals: The following publication:<br>. The Horticulturalist<br>Internet: Any of the following websites:<br>. www.bloominggoodjobs.com<br>. www.growing-careers.com<br>. www.land-force.com<br>. www.LGjobs.com |
| 5113 Gardeners and groundsmen / groundswomen - **ONLY** the following jobs in this occupation code:<br>. Gardening Team Supervisor or Manager<br>. Head Greenkeeper<br>. Landscaper jobs, where the job requires a Registration of Land-Based<br>. Operatives (ROLO) Gold Card | . Head greenkeeper - London (30 mile radius): £33,593<br>. Head greenkeeper - South East England, Essex, Hertfordshire: £32,289<br>. Head greenkeeper - Rest of United Kingdom: £29,822<br>. Ground manager: £28,100<br>. Head groundsperson: £23,965<br>. Deputy head groundsperson: £19,160<br>. Other jobs in this occupation code: £6.96 per hour | Professional journals: Any of the following publications:<br>. Greenkeeper International<br>. Greenkeeping<br>. The Groundsman<br>. Horticulture Week<br>. The Horticulturist<br>. Leisure Manager<br>. Nurseryman and Garden Centre<br>. Pitchcare<br>. The Plantsman<br>. Professional Landscaper and Groundsman<br>. Recreation Management<br>Internet: Any of the following websites:<br>. www.bali.co.uk |

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| . Ground Managers and Head Grounds-person<br>. Garden Designer (although the majority of these jobs are self-employed) | | . www.bigga.org.uk (Head greenkeepers only)<br>. www.gscl.co.uk<br>. www.growing-careers.com<br>. www.iog.org<br>. www.land-force.com<br>. www.leisureopportunities.co.uk<br>. www.LGtalent.com<br>. www.LGjobs.com<br>. www.pitchcare.com |
| 5119 Agricultural and fishing trades not elsewhere classified - **ONLY** the following jobs in this occupation code:<br>. Fishing vessel skippers in inshore areas, and limited and unlimited<br>. offshore areas<br>. Fishing vessel mates in unlimited offshore areas<br>. Forest officers and forest or woodland managers<br>. Supervising tree surgeons and supervising arbori-culturists / arborists<br>. Head gamekeepers, head river keepers and head ghillies<br>. Head lad and travelling head lad for horseracing stables<br>. Head groom for horseracing stables and performance horse stud farms<br>. Competition groom<br>. Stud hand, stallion handler, foaling specialists in | . Horseracing stable staff: £6.61 per hour<br>. Other jobs in this occupation: £7.55 per hour | Professional journals: Any of the following publications:<br>. The Chartered Forester (Forest / woodland manager jobs only)<br>. Forestry Journal (Forest / woodland manager jobs only)<br>. Quarterly Journal of Forestry (Forest / woodland manager jobs only)<br>. Scottish Forestry (Forest / woodland manager jobs only)<br>. Keeping the Balance (Gamekeeper and river keeper / ghillie jobs only)<br>. Countryman's Weekly (Gamekeeper and river keeper / ghillie jobs only)<br>. Deer (Gamekeeper and river keeper / ghillie jobs only)<br>. Sporting Shooter (Gamekeeper and river keeper / ghillie jobs only)<br>. Horse and Hound (Horse racing and performance horse jobs only)<br>. Horse and Rider (Horse racing and performance horse jobs only)<br>. Racing Post (Horse racing and performance horse jobs only)<br>Internet: Any of the following websites:<br>. www.seafish.org (Fishing vessel jobs only)<br>. www.arbjobs.com (Forestry related jobs only)<br>. www.charteredforesters.org (Forestry related jobs only)<br>. www.countryside-jobs.com (Forestry related jobs |

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| performance horse<br>. stud farms<br>. Head riding instructor<br>. Work rider | | only)<br>. www.forestryjournal.co.uk (Forestry related jobs only)<br>. www.trees.org.uk (Forestry related jobs only)<br>. www.nationalgamekeepers.org.uk (Gamekeeper and river keeper /<br>ghillie jobs only)<br>. www.shootinguk.co.uk (Gamekeeper and river keeper / ghillie jobs only)<br>. www.horseandhound.co.uk (Horse racing and performance horse jobs only)<br>. www.horseandrideruk.com (Horse racing and performance horse jobs only)<br>. www.racingpost.com (Horse racing and performance horse jobs only) |
| 5211 Smiths and forge workers | . Farriers: £30,000 based on a 40 hour week<br>. Blacksmiths: £15,000, based on a 37 hour week | Professional journals: The following publication:<br>. Forge Magazine<br>Internet: Any of the following websites:<br>. www.farrier-reg.gov.uk<br>. www.forgemagazine.co.uk<br>. www.land-force.com |
| 5212 Moulders, core makers, die casters - **ONLY** the following jobs in this occupation code:<br>. Jobs which require an engineering technician registered with the Engineering Council<br>. Jobs which require an NQF level 3 qualification in Materials Processing and Finishing<br>. Foundry or casting shop foremen | . Moulder: £9.28 per hour<br>. Core Maker: £9.64 per hour<br>. Die Caster: £7.62 per hour | Professional journals: Any of the following publications:<br>. Foundry Trade Journal<br>. Cast Metal and Diecasting Times<br>Internet: The following website:<br>. www.icme.org.uk |
| 5213 Sheet metal workers | £9.30 per hour | No other media |
| 5214 Metal plate workers, shipwrights, riveters - **ONLY** | £9.59 per hour | Professional journals: Any of the following publications:<br>. The Engineer |

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| the following jobs in this occupation code:<br>. Jobs which require successful completion of the National Apprenticeship Scheme for Engineering Construction (NASEC)<br>. Jobs which require successful completion of an Advanced Modern Apprenticeship in fabrication or welding | | . Engineering<br>Internet: Any of the following websites:<br>. www.theengineer.co.uk<br>. www.engineeringnet.co.uk |
| 5215 Welding trades - **ONLY** the following jobs in this occupation code:<br>. High integrity pipe welders where the job requires three or more years related on-the-job experience<br>. Welding foreman<br>. Welding engineer or consultant<br>. Welding fitter<br>. Welding supervisor<br>. Welding technician<br>. Jobs that require a completed Modern Apprenticeship with NQF level 3 in Fabrication and Welding at level 3, Welding (Pipework) at level 3 or Welding (Plate) at level 3 and a completed Welder Approval Test | . High integrity pipe welder: £11.91 per hour<br>. Other welding trades: £8.66 per hour | Professional journals: Any of the following publications:<br>. Materials World<br>. NDT News<br>. Professional Engineering<br>. Welding & Cutting<br>Internet: Any of the following websites:<br>. www.bindt.org<br>. www.engineeringjobsnet.co.uk<br>. www.justengineers.net<br>. ndtcabin.com<br>. www.oilcareers.com<br>. www.theengineer.co.uk<br>. www.ukwelder.com |
| 5216 Pipe fitters - **ONLY** the | £11.61 per hour | Internet: Any of the following websites: |

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| following jobs in this occupation code:<br>. All Pipe fitter/welder jobs that require an Engineering Services Gold SKILLcard in Heating and Ventilation Fitting / Welding | | . www.apexes.co.uk<br>. www.buildingservicesjobs.co.uk<br>. www.careersinconstruction.com |
| 5221 Metal machining setters and setter-operators | £9.69 per hour | No other media |
| 5222 Tool makers, tool fitters and markers-out | £9.34 per hour | No other media |
| 5223 Metal working production and maintenance fitters - **ONLY** the following jobs in this occupation code:<br>. Aircraft engineers<br>. Fitter, turner or millwright jobs that require a completed Engineering Advanced Apprenticeship with an NQF level 3 qualification in Engineering Maintenance or Engineering Technology and Maintenance<br>. licensed and military certifying engineer / inspector technician<br>. airframe fitter | £9.96 per hour | Professional journals: Any of the following publications:<br>. Flight International (aircraft engineers only)<br>. Association of Licensed Aircraft Engineers Tech-Log (licensed aircraft engineers only)<br>Internet: Any of the following websites:<br>. www.justengineers.net<br>. www.theengineer.co.uk/Jobs /Aerospace.htm<br>. www.engineeringjobsnet.co.uk |
| 5224 Precision instrument makers and repairers | £8.97 per hour | No other media |
| 5231 Motor mechanics, auto engineers | £8.51 per hour | No other media |
| 5232 Vehicle body builders | £8.67 per hour | No other media |

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| and repairers | | |
| 5233 Auto electricians | No data available, appropriate rate considered to have been met where the application meets the Tier 2 minimum salary of £20,000 | No other media |
| 5234 Vehicle spray painters | £8.72 per hour | No other media |
| 5241 Electricians, electrical fitters - **ONLY** the following jobs in this occupation code:<br>. Electricians, as defined by the joint industry board (JIB) or the Scottish joint industry board (SJIB) grading definitions<br>. Approved electricians, as defined by the JIB / SJIB grading definitions<br>. Technicians, as defined by the JIB / SJIB grating definitions | **London**<br>. Electrician (or equivalent specialist grade) £13.28 per hour<br>. Approved electrician (or equivalent specialist grade) £14.49 per hour<br>. Technician (or equivalent specialist grade) £16.41 per hour<br>**Elsewhere in England, Wales and Northern Ireland**<br>. Electrician (or equivalent specialist grade) £11.86 per hour<br>. Approved electrician (or equivalent specialist grade) £12.94 per hour<br>. Technician (or equivalent specialist grade) £14.65 per hour<br>**Scotland**<br>. Electrician (or equivalent specialist grade) £10.93 per hour<br>. Approved electrician (or equivalent specialist grade) £12.00 per hour<br>. Technician (or equivalent specialist grade) £13.70 per hour | Professional journals: The following publication:<br>. Electrical and Mechanical Contractor<br>Internet: The following website:<br>. www.emconline.co.uk |
| 5242 Tele-communications engineers | £12.10 per hour | No other media |
| 5243 Lines repairers and cable jointers - **ONLY** the following jobs in this occupation code:<br>. LE1-equivalent line workers and cable jointers (Chargehands or Leadhands) | £12.33 per hour | Professional journals: The following publication:<br>. Utility week<br>Internet: Any of the following websites:<br>. www.utilityjobsearch.com<br>. www.justutilities.net |

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| 5244 TV, video and audio engineers | £7.89 per hour | No other media |
| 5245 Computer engineers, installation and maintenance | £9.97 per hour | No other media |
| 5249 Electrical / electronics engineers not elsewhere classified | £10.12 per hour | No other media |
| 5311 Steel erectors | £8.79 per hour | No other media |
| 5312 Bricklayers, masons - **ONLY** the following jobs in this occupation code:<br>. Architectural Stone Carver<br>. Stonemason<br>. Bricklayer, where the job requires NQF level 3 in Bricklaying or Trowel Trades | £23,000 (for a 39 hour week) | Professional journals: Any of the following publications:<br>. Architects Journal<br>. The Builder Magazine<br>. The Builder<br>. Building<br>. Building Design<br>. Civic and Public Building Specifier<br>. Contract Journal<br>. Construction Management<br>. Construction Europe<br>. Construction News<br>. Forum for the Built Environment.<br>. International Construction<br>. Natural Stone Specialist<br>. Public Sector Building<br>. RIBA Journal<br>. Dabs Magazine<br>Internet: Any of the following websites:<br>. Websites of the professional journals above<br>. www.constructionjobsnet.co.uk<br>. www.namm.org.uk |
| 5313 Roofers, roof tilers and slaters | £8.36 per hour | No other media |
| 5314 Plumbers, heating and ventilating engineers | £10.51 per hour | No other media |
| 5319 Construction trades not elsewhere classified | £9.39 per hour | No other media |
| 5411 Weavers and knitters | No data available, the appropriate rate is considered to have been met where the application meets the Tier 2 minimum | No other media |

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| | salary of £20,000 | |
| 5412 Upholsterers | £7.25 per hour | No other media |
| 5413 Leather and related trades | £7.16 per hour | No other media |
| 5414 Tailors and dressmakers - **ONLY** the following jobs in this occupation code:<br>. Bespoke or handcraft tailor jobs that require a completed Bespoke Tailoring Apprenticeship leading to an NQF level 3 in Bespoke Cutting and Tailoring<br>. Jobs that require a completed Modern Apprenticeship in Handicraft Tailoring leading to an NQF level 3 in Apparel Manufacturing Technology. | . Bespoke or handcraft tailor (Saville Row level tailoring, London): £40,000<br>. Bespoke or handcraft tailor (elsewhere in the United Kingdom): £20,000<br>. Dressmaker: £20,000 | Professional journals: Any of the following publications:<br>. Drapers<br>. Textile Month<br>. Textile Horizons<br>Internet: The following websites:<br>. www.drapersonline.com |
| 5419 Textiles, garments and related trades not elsewhere classified - **ONLY** the following jobs in this occupation code:<br>. Jobs that require Licentiateship (LTI) or Associateship (Ctext ATI) of the Textile Institute<br>. Pattern cutter jobs that require an ABC Level 3 Certificate in Pattern Cutting or an NQF level 3 in Apparel Technology | . Pattern Cutter £18,000<br>. Pattern Grader £16,000 | Professional journals: Any of the following publications:<br>. Drapers<br>. Textile Horizons<br>. Textile Month<br>. Textiles |

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| . Head pattern graders<br>. Pattern grader jobs that require a completed Advanced Apprenticeship in Textiles | | |
| 5421 Originators, compositors and print preparers | £8.39 per hour | No other media |
| 5422 Printers | £10.15 per hour | No other media |
| 5423 Bookbinders and print finishers | £7.28 per hour | No other media |
| 5424 Screen printers - **ONLY** the following jobs in this occupation code:<br>. Jobs that require a completed Modern Apprenticeship with an NQF 3 in Machine Printing, or an NQF level 3 in Printmaking Skills, Screen Printing or Screen Printing Skills. | £6.25 per hour | Professional journals: Any of the following publications:<br>. Artyfacts: Vacancies Bulletin<br>. a-n Magazine<br>. Printmaking Today<br>. Creative Opportunities<br>. MAiLOUT<br>. ArtsJobs<br>. FESPA World<br>. Sign World<br>. ImageReports<br>. Print Week<br>. Printing World<br>. Screen Process & Digital Imaging<br>. The Print Business<br>Internet: Any of the following websites:<br>. www.a-n.co.uk<br>. www.artscouncil.org.uk<br>. www.cellopress.co.uk<br>. www.mailout.co<br>. www.jobsinprint.com<br>. www.printmaker.co.uk/pmc<br>. jobs.printweek.com<br>. jobs.tes.co.uk<br>. www.timeshighereducation.co.uk |
| 5431 Butchers, meat cutters | £9.00 per hour | No other media |
| 5432 Bakers, flour | £6.95 per hour | No other media |

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| confectioners | | |
| 5433 Fishmongers, poultry dressers - **ONLY** the following jobs in this occupation code:<br>. Manual filleters of frozen fish, where the job requires an individual with three or more years' related on-the-job paid experience<br>. Machine-trained operatives in the fish processing industry, where the job requires an individual with three or more years' related on-the-job paid experience<br>. Quality controllers in the fish processing industry, where the job requires an individual with three or more years' related on-the-job paid experience. | £7.21 per hour | Professional journals: Any of the following publications:<br>. Meat Trades Journal<br>. Food Trader for Butchers<br>. Food Manufacture<br>Internet: The following website:<br>. www.foodmanjobs.co.uk |
| 5434 Chefs, cooks - **ONLY** the following jobs in this occupation code:<br>. Skilled chef positions where the pay is at least equal to the appropriate salary rates shown and the job requires three or more years relevant experience | . Head chef: £9.62 per hour<br>. Second chef: £8.65 per hour<br>. Other skilled chef: £8.45 per hour<br>(The above rates apply after any deductions for accommodation, meals etc. Any overtime must also be paid at the above rates.) | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: Any of the following websites:<br>. www.caterer.com<br>. www.caterweb.co.uk |
| 5491 Glass and ceramics makers, decorators and finishers | £8.25 per hour | No other media |

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| 5492 Furniture makers, other craft woodworkers | £7.64 per hour | No other media |
| 5493 Pattern makers (moulds) | No data available, appropriate rate considered to have been met where the application meets the Tier 2 minimum salary of £20,000 | No other media |
| 5494 Musical instrument makers and tuners | No data available, appropriate rate considered to have been met where the application meets the Tier 2 minimum salary of £20,000 | No other media |
| 5495 Goldsmiths, silversmiths, precious stone workers | £20,000 | Professional journals: Any of the following publications:<br>. The Jeweller<br>. Jewellery Focus<br>. Retail Jeweller<br>Internet: Any of the following websites:<br>. www.a-n.co.uk<br>. benchpeg.com<br>. www.bja.org.uk<br>. www.jackson-maine.com<br>. www.jewelleryjobs.com<br>. www.jeweller-recruitment.co.uk |
| 5496 Floral arrangers, florists - **ONLY** the following jobs in this occupation code:<br>. Florist managers and shop managers who manage purchasing and relationships with suppliers, manage and develop staff, and ensure that the business meets health and safety standards and other legal requirements<br>. Senior florists and floral designers who manage | . Florist managers: £12.34 per hour<br>. Senior florists and floral designers: £7.80 per hour | Professional journals: The following publication:<br>. The Florist and Wholesale Buyer |

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| the production and design of formal displays | | |
| 5499 Hand craft occupations not elsewhere classified | £7.21 per hour | No other media |
| 6111 Nursing auxiliaries and assistants - **ONLY** the following jobs in this occupation code:<br>. Posts at NHS Agenda for Change band 3 or equivalent or above | . Posts at Agenda for Change band 3 or equivalent: £15,190<br>. Posts at Agenda for Change band 4 or equivalent: £17,732 | Professional journals: Any of the following publications:<br>. Nursing Times<br>. Nursing Standard<br>Internet: Any of the following websites:<br>. nursingstandard.rcnpublishing.co.uk<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.healthjobsuk.com |
| 6113 Dental nurses - **ONLY** the following jobs in this occupation code:<br>. Registered dental nursing posts that require registration with the General Dental Council (GDC). Dental nurse is a protected title. | . Dental Nurse Entry level (band 3 or equivalent): £15,190<br>. Dental Nurse (band 4 or equivalent): £17,732<br>. Dental Nurse Team Leader (band 5 or equivalent): £20,710<br>. Dental Nurse specialist (band 5 or equivalent): £20,710<br>. Dental Nurse Team Manager (band 6 or equivalent): £24,831<br>. Dental Nurse Tutor (band 6 or equivalent): £24,831 | Professional journals: Any of the following publications:<br>. British Dental Nurses Journal<br>. Dental Nursing<br>. Dental Practice<br>. The Probe<br>Internet: Any of the following websites:<br>. www.jobs.nhs.uk<br>. www.wales.nhs.uk/jobs/<br>. www.jobs.scot.nhs.uk<br>. www.n-i.nhs.uk<br>. www.badn.org.uk/<br>. www.healthjobsuk.com |
| 6114 Houseparents and residential wardens | £8.20 per hour | No other media |
| 6115 Care assistants and home carers - **ONLY** the following jobs in this occupation code:<br>. In **England** and **Northern Ireland**, skilled senior care worker positions where the job:<br>- includes supervisory | . Applications where the applicant has, or has previously had, leave as a work permit holder to work as a senior care worker: £7.02 per hour<br>. All other applications: £7.80 per hour | Internet: The following website:<br>. www.healthjobsuk.com |

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| responsibilities (see below); and<br>- requires at least a relevant NQF level 2 or equivalent qualification in care; and<br>- requires two or more years relevant experience.<br>(The two years experience does not include experience gained whilst on a work placement studying for a qualification.)<br>. In **Scotland**, skilled senior care worker positions where the job:<br>- includes supervisory responsibilities (see below); and<br>- requires at least a relevant NQF level 3 or equivalent qualification in care; and<br>- requires registration with the Scottish Social Services Council as a Supervisor (This may need to be done after entry to the United Kingdom but must be done before starting work).<br>. In **England, Northern Ireland** and **Scotland**, "supervisory responsibilities" requires | | |

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| that, as part of their regular daily duties, the individual will have responsibility for front line supervision and monitoring of care workers and care assistants, be in charge of a shift of workers and take responsibility for the smooth running of the service whilst they are on duty. They will respond to emergencies and provide guidance and support to care workers.<br>. In **Wales**, skilled senior care worker positions where the job:<br>- requires working at NQF level 3 (Functions and job responsibilities will depend on the size of provision and the staffing structure and must be established by the sponsor.); and<br>- requires at least a relevant NQF level 3 or equivalent qualification in care; and<br>- requires registration with the Care Council for Wales as an Assistant Manager / Senior Care Worker / Senior Care Officer / | | |

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| Senior Care Assistant (This may need to be done after entry to the United Kingdom but must be done before starting work). | | |
| 6121 Nursery nurses - **ONLY** the following jobs in this occupation code:<br>. Nursery nurse / practitioner<br>. Nursery supervisor<br>. Nursery room leader<br>. Montessori teacher | £6.00 per hour | Professional journals: The following publication:<br>. Nursery World<br>Milkround<br>Internet: Any of the following websites:<br>. www.cypnowjobs.co.uk<br>. www.lgjobs.com<br>. www.nurseryworldjobs.co.uk |
| 6123 Playgroup leaders / assistants - **ONLY** the following jobs in this occupation code:<br>. Playgroup leader<br>. Playgroup supervisor | £6.90 per hour | Professional journals: The following publication:<br>. Nursery World<br>Milkround<br>Internet: Any of the following websites:<br>. www.cypnowjobs.co.uk<br>. www.lgjobs.com<br>. www.nurseryworldjobs.co.uk |
| 6131 Veterinary nurses | £6.26 per hour | Professional journals: The following publication:<br>. The Veterinary Record<br>Internet: Any of the following websites:<br>. www.synergyvets.com<br>. www.vetsandnursesjobline.com |
| 6214 Air travel assistants | £8.87 per hour | No other media |
| 6215 Rail travel assistants | £10.91 per hour | No other media |
| 7125 Merchandisers and window dressers | £6.10 per hour | No other media |
| 8124 Energy plant operatives | £10.31 per hour | No other media |
| 8126 Water and sewerage plant operatives | £9.64 per hour | No other media |
| 8215 Driving instructors | No data available, appropriate rate considered to have been met where the application meets the<br>Tier 2 minimum salary of £20,000. | No other media |
| 8217 Seafarers (merchant | . Merchant navy master: £40,000 | Professional journals: Any of the following publications: |

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| navy); barge, lighter and boat operatives - **ONLY** the following jobs in this occupation code:<br>. Merchant navy master<br>. Merchant navy chief officer<br>. Merchant navy 2nd officer<br>. Merchant navy 3rd officer<br>. Merchant navy chief engineer officer<br>. Merchant navy 2nd engineer officer<br>. Merchant navy 3rd engineer officer<br>. Merchant navy 4th engineer officer<br>. Officer of the watch<br>. Chief mate<br>. Ship master | . Merchant navy chief officer: £34,000<br>. Merchant navy 2nd officer: £26,000<br>. Merchant navy 3rd officer: £23,000<br>. Merchant navy chief engineer officer: £60,000<br>. Merchant navy 2nd engineer officer: £40,000<br>. Merchant navy 3rd engineer officer: £28,000<br>. Merchant navy 4th engineer officer: £24,000<br>. Officer of the watch: £20,000<br>. Chief mate: £30,000<br>. Ship master: £40,000 | . Nautilus UK Telegraph<br>. Lloyd's List<br>Internet: The following website:<br>. www.lloydslist.com |
| 9119 Fishing and agriculture related occupations not elsewhere classified - **ONLY** the following jobs in this occupation code:<br>. Sheep Shearers with a recognised qualification equivalent to British Wool Marketing Board (BWMB) Bronze, Silver or Gold Seal<br>. Chick sexers (vent sexers) | . Sheep shearer: 65p per sheep (a highly skilled shearer will be able to shear up to 400 sheep a day, making potential daily earnings of £260)<br>. Chick sexer (vent sexer): £30,000 per annum (based on a rate of £3.00 per 100 chicks examined) | Professional journals: Any of the following publications:<br>. Farmers Weekly (sheep shearers only)<br>. Poultry World (chick sexers only)<br>Internet: Any of the following websites:<br>. www.nfu.org.uk<br>. www.land-force.com |
| 9224 Waiters, Waitresses - **ONLY** the following jobs in this occupation code:<br>. Head waiter or waitress, establishments with 80 or more covers (covers being the maximum | . Head waiter or waitress: £18,000<br>. Sommelier: £18,000 | Professional journals: Any of the following publications:<br>. Caterer & Hotelkeeper<br>. Hospitality Magazine (The Magazine for Hospitality Management Professionals)<br>Internet: Any of the following websites:<br>. www.caterer.com<br>. www.caterweb.co.uk |

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| number of customers that can be seated at any one time)<br>. Sommelier | | |

## Table 5: Creative sector codes of practice

| **Ballet** | |
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| **Appropriate salary rate** | Payment should be commensurate with industry standards set out at: www.equity.org.uk; www.itc-arts.org; www.solt.co.uk; and www.tmauk.org. |
| **Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market** | **1. The dancer is required for continuity**<br>The applicant has worked for a period of one month or more during the past year on the same production outside the EEA 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 EEA. The Sponsor must be able to supply proof that the dancer is currently working, or has worked, on the same production outside the EEA 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.<br>**2. The dancer has international status**<br>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 dancer has international status, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.<br>**3. The dancer is engaged by a unit company**<br>A unit company is a ballet company which exists in a country outside the EEA and has put on at least one production in that country. The Sponsor must be able to supply 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 applicant is engaged by the unit company for the production in the UK, e.g. contract of employment.<br>**4. The dancer is recruited from a specified school for a specified company**<br>The applicant is recruited from:<br>(a) the English National Ballet School for English National Ballet;<br>(b) the Royal Ballet School for the Royal Ballet; or<br>(c) the Royal Ballet School or Elmhurst School for Dance for Birmingham Royal Ballet.<br>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. |
| **Required advertising media for other posts** | At least one of:<br>. The Stage<br>. Dance Europe<br>. The Spotlight Link |

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| | . Dancing Times<br>. Equity's Job Information Service |
| **Dancers (in dance forms other than ballet)** | |
| **Appropriate salary rate** | Payment should be commensurate with industry standards set out at: www.equity.org.uk; www.itc-arts.org; www.solt.co.uk; and www.tmauk.org. |
| **Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market** | **1. The dancer is required for continuity**<br>The applicant has worked for a period of one month or more during the past year on the same production outside the EEA 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 EEA. The Sponsor must be able to supply proof that the dancer is currently working or has worked on the same production outside the EEA 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.<br>**2. The dancer has international status**<br>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 dancer has international status, e.g. press cuttings, awards, publicity material, television/radio interviews, programmes.<br>**3. The dancer is engaged by a unit company**<br>A unit company is a dance company which exists in a country outside the EEA and has put on at least one production in that country. The Sponsor must be able to supply 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.<br>**4. The dancer performs in a certain style unlikely to be available in the EEA**<br>It would not be reasonable to expect the sponsor to engage an EEA national because a style is required which would be unlikely to be available in the EEA labour force. The Sponsor must be able to supply proof that:<br>(a) a certain style is required; and<br>(b) the individual performs in that style, e.g. press cuttings, awards, publicity material, proof of training. |
| **Required advertising media for other posts** | At least one of:<br>. Dance agencies<br>. The Stage<br>. Dance Europe<br>. Juice<br>. The Spotlight Link<br>. Equity's Job Information Service |
| **Performers in film and television** | |
| **Appropriate salary rate** | Payment should be at least at the level of the appropriate UK market rates, which can be obtained from Equity at www.equity.org.uk or from 020 767 00246. No worker may be paid less than the national |

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| | minimum wage. |
| **Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market** | **1. The work is for continuity**<br>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 migrant 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 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.<br>**2. The performer has international status**<br>The Sponsor must be able to provide proof the applicant is known internationally, or they has 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.<br>**3. Highly specialist or unusual roles**<br>For certain highly specialist or unusual roles, it may not be possible or reasonable to recruit from the EEA 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 EEA as set out in category 3 to a reasonable degree. However, it is recognised that the extent of such searches within the EEA shall be proportionate to the rarity and specialty of the attributes of the role. The Sponsor must be able to provide proof:<br>. that the role requires certain highly specialist attributes; and<br>. that the performer possesses those attributes; and<br>. of the casting process and casting considerations; and<br>. of reasonable and appropriate searches in the EEA (if applicable); and<br>. a list of any EEA candidates who were unavailable at the required time.<br>**4. Featured guest in an entertainment programme, or subject of a factual programme**<br>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 professional variety show, or scheduled to be subject of an arts programme or documentary. The Sponsor must be able to provide:<br>. A formal letter from the broadcaster or producer or copy of the relevant section of the commissioning |

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| | agreement confirming the reason the migrant is required (e.g. to feature in an entertainment programme); and<br>. The name of the programme concerned; and<br>. Details of any recording or filming schedules.<br>**5. Performers who are tied to the finance of the production**<br>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.<br>**6. Performers who do not meet the key criteria but who are commercially important**<br>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:<br>. the details of the performer(s) required, role, description of the production; and<br>. the reasons why the role has not been advertised; and,<br>. a formal letter in support of the migrant from a financier or distributor; and<br>. 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.<br>**7. International Co-productions**<br>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:<br>. Provisional approval from the UK Film Council certification department that the film is being structured as an official co-production; or<br>. Interim certification from the UK Film Council Certification Department. |
| **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 or Spotlight magazine. |
| **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 standards. |
| **Performers in theatre or opera** | |
| **Appropriate salary rate** | Payment should be commensurate with industry standards set out at: www.equity.org.uk; www.itc-arts.org; www.solt.co.uk; and www.tmauk.org. |

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| **Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market** | **1. The performer is required for continuity**<br>The applicant has worked for a period of one month or more during the past year, on the same production outside the EEA 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 EEA. The Sponsor must be able to provide proof that the performer is currently working, or has worked, on the same production outside the EEA 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.<br>**2. The performer has international status**<br>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.<br>**3. The performer is engaged by a unit company**<br>A unit company is a theatre or opera company which exists in a country outside the EEA 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.<br>**4. The performer has a certain attribute unlikely to be available in the EEA**<br>The role requires an attribute which would be unlikely to be available in the EEA labour force, e.g. a certain physical appearance, physical talent, or linguistic or vocal skill. The Sponsor must be able to provide proof that<br>(a) the role requires a certain attribute; and<br>(b) the individual has that attribute.<br>**5. The performer is the subject of an exchange under one of the UK theatre industry's exchange programmes**<br>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: Stephen Spence at sspence@equity.org.uk or on 020 76700233. |
| **Required advertising media for other posts** | At least one of:<br>. The Stage<br>. PCR<br>. Spotlight<br>. agents<br>. Equity's Job Information Service |
| **Workers in film and television** | |
| **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 www.pact.co.uk and www.bectu.org.uk. No worker may be paid less than the national minimum wage. |

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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**<br>The applicant must possess the skills and experience of a Senior Creative Grade for the following roles:<br>. Producer<br>. Director<br>. Director of Photography (Cinematographer)<br>. Production Designer<br>. Costumer Designer<br>. Hair/Make Up Supervisor<br>. Editor<br>. Composer<br>. Visual Effects Supervisor<br>. Sound Designer<br>. Script Writer<br>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.<br>**2. The worker is required for production continuity**<br>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:<br>. 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<br>. 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<br>. In the circumstances where more than one additional worker is sponsored, the case must be set out in supporting documentation from the Sponsor.<br>**3. Other key creative workers**<br>The applicant must be providing key creative input and has a significant previous working relationship with a Senior Creative Grade as listed in Category 1. A "significant" 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. |

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| | The UK Border Agency 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.<br>The UK Border Agency 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.<br>Sponsors must be able to provide:<br>. 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<br>. 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<br>. 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.<br>**4. The role is highly specialist, where advertising is demonstrably not appropriate**<br>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 the sponsor to undertake a resident labour market search e.g. in relation to 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.<br>**5. International Co-productions**<br>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:<br>. Provisional approval from the UK Film Council certification department that the film is being structured as an official co-production; or<br>. Interim certification from the UK Film Council Certification Department. |
| **Required advertising media for other posts** | . **For roles where formal advertising is not the usual industry practice for recruiting for a particular role:**<br>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 |

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| | which it has searched the resident labour market, this should be for a least a period of two weeks.<br>. **Where formal advertising is usual for a role:**<br>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.<br>Under this category, in the case of camera, editing and grip grades, and 1st Assistant Directors, the UK Border Agency 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.<br>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 UK Border Agency will promptly notify the Production Guild of the issuing of a certificate of sponsorship and the Production Guild may request sight of the evidence in support for such roles. |
| **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 have demonstrable international status i.e. are known worldwide for international box office success.<br>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.<br>Sponsors issuing certificates to migrants under this category must be able to supply proof that:<br>. the migrant 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<br>. the migrant works only as a personal assistant to the Director/Producer and does not undertake creative or technical duties; and<br>. the Director or Producer is of international status i.e. known worldwide , or they have demonstrable box-office appeal worldwide.<br>. 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<br>. the Director or Producer has international status e.g. press cuttings, awards, accolades, publicity material, television/radio interviews, film and TV credits; or, documentary proof that they have demonstrable worldwide box-office appeal through box office figures for films they have led. |

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# Appendix K: Shortage Occupation List

1. Where these Rules refer to jobs which appear on the Shortage Occupation List, this means only those specific jobs within each Standard Occupational Classification code stated in Tables 1 and 2 below and, where stated, where the further specified criteria are met.

2. Jobs which appear on the United Kingdom Shortage Occupation List are set out in Table 1.

3. Jobs which appear on the Scotland Only Shortage Occupation List are set out in Table 2.

## Table 1: United Kingdom Shortage Occupation List

| **Related occupation title and Standard Occupational Classification code** | **Job titles included on the United Kingdom Shortage Occupation List and further specified criteria** |
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| Directors and chief executives of major organisations (1112) | **ONLY** the following jobs in this occupation code:<br><br>the following jobs in the decommissioning and waste management areas of the nuclear industry:<br>- managing director<br>- programme director<br>- site director |
| Production, works and maintenance managers (1121) | **ONLY** the following job in this occupation code:<br><br>project manager in the electricity transmission and distribution industry |
| Managers in mining and energy (1123) | **ONLY** the following jobs in this occupation code:<br><br>site manager in the electricity transmission and distribution industry |
| Biological scientists and biochemists (2112) | **ONLY** the following jobs in this occupation code:<br><br>cardiac physiologist<br>clinical neurophysiologist<br>clinical vascular scientist<br>respiratory physiologist<br>sleep physiologist<br><br>A voluntary register for Sleep Physiologists (also known as Respiratory Physiologists) and Clinical Physiologists is held by the Registration Council for Clinical Physiologists (RCCP). If an individual is a member of the |

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| | RCCP, the sponsor must retain evidence of their registration and provide it to UK Border Agency on Request.<br><br>Sponsors must retain evidence of the individual's HPC registration and provide this to the UK Border Agency on request. (Registration may need to be done after the individual has entered the United Kingdom but must be done before starting work). |
| Physicists, geologists and meteorologists (2113) | **ONLY** the following jobs in this occupation code:<br><br>hydro geologist<br>geophysicist<br>geoscientist<br>geophysical specialist<br>engineering geophysicist<br>engineering geomorphologist<br>geologist<br>geochemist<br>environmental scientist<br>technical services manager in the decommissioning and waste areas of the nuclear industry<br>nuclear medicine scientist<br>radiotherapy physicist<br>staff working in diagnostic radiology (including magnetic resonance imaging) |
| Civil engineers (2121) | **ONLY** the following jobs in this occupation code:<br><br>geotechnical design engineer<br>geotechnical specialist<br>reservoir panel engineer<br>rock mechanics engineer<br>soil mechanics engineer<br>geomechanics engineer<br>mining geotechnical engineer<br>mining and coal engineer<br>wells engineer<br>tunnelling engineer<br>petroleum engineer |

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| | drilling engineer<br>completions engineer<br>fluids engineer<br>reservoir engineer<br>offshore and subsea engineer<br>control and instrument engineer<br>process safety engineer |
| Mechanical engineers (2122) | **ONLY** the following job in this occupation code:<br><br>mechanical engineer in the aerospace sector |
| Electrical engineers (2123) | **ONLY** the following jobs in this occupation code:<br><br>all electrical engineers in the oil and gas industry<br>the following jobs in the electricity transmission and distribution industry:<br>- power system engineer<br>- control engineer<br>- protection engineer |
| Chemical engineers (2125) | **ALL** jobs in this occupation code |
| Design and development engineers (2126) | **ONLY** the following jobs in this occupation code:<br><br>design engineer in the electricity transmission and distribution industry<br>simulation development engineer |
| Production and process engineers (2127) | **ONLY** the following jobs in this occupation code:<br><br>manufacturing engineer (process planning) in the aerospace sector<br>technical services representative in the aerospace sector |
| Planning and quality control engineers (2128) | **ONLY** the following jobs in this occupation code:<br><br>the following jobs in the electricity transmission and distribution industry:<br>- planning / development engineer |

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| | - quality, health, safety and environment (QHSE) engineer |
| Engineering professionals not elsewhere classified (2129) | **ONLY** the following jobs in this occupation code:<br><br>geoenvironmental specialist<br>geoenvironmental engineer<br>contaminated land engineer<br>landfill engineer<br>metallurgical / mineral processing engineer<br>the following jobs in the aerospace sector:<br>- aerothermal engineer<br>- stress engineer<br>- chief of engineering<br>- advance tool and fixturing engineer<br>the following jobs in the decommissioning and waste management areas of the nuclear industry:<br>- operations manager<br>- decommissioning specialist manager<br>- project / planning engineer<br>- radioactive waste manager<br>- radiological protection advisor<br>the following jobs in the electricity transmission and distribution industry:<br>- project engineer<br>- proposals engineer |
| Software professionals (2132) | **ONLY** the following jobs in this occupation code:<br><br>the following jobs in visual effects and 2D / 3D computer animation for film, television or video games:<br>- software developer<br>- systems engineer<br>- shader writer |
| Medical practitioners (2211) | **ONLY** the following jobs in this occupation code:<br><br>Consultants in the following specialities:<br>- clinical neurophysiology<br>- emergency medicine<br>- genito-urinary medicine<br>- haematology |

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| | - neurology<br>- occupational medicine<br>Consultants in the following specialities of psychiatry:<br>- forensic psychiatry<br>- general psychiatry<br>- learning disabilities psychiatry<br>- old age psychiatry<br>Non-consultant, non-training, medical staff posts in the following specialities:<br>- anaesthetics<br>- paediatrics<br>- general medicine specialities delivering acute care services (intensive care medicine, general internal medicine (acute))<br>- emergency medicine<br>- general surgery<br>- obstetrics and gynaecology<br>- trauma and orthopaedic surgery<br>ST4 level trainees in paediatrics |
| Secondary education teaching professionals (2314) | **ONLY** the following jobs in this occupation code:<br>secondary education teachers in the subjects of maths or pure sciences (physics and / or chemistry) |
| Special needs education teaching professionals (2316) | **ONLY** the following jobs in this occupation code:<br>all teaching posts in special schools |
| Management consultants, actuaries, economists and statisticians (2423) | **ONLY** the following jobs in this occupation code:<br>qualified actuaries working in the life assurance, general insurance, and health and care sectors |
| Social workers (2442) | **ONLY** the following job in this occupation code:<br>social worker in children's and family services |
| Engineering Technicians (3113) | **ONLY** the following job in this occupation code: |

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| | the following jobs in the electricity transmission and distribution industry:<br>- commissioning engineer<br>- substation electrical engineer |
| Nurses (3211) | **ONLY** the following jobs in this occupation code:<br><br>specialist nurse working in operating theatres<br>operating department practitioner<br>specialist nurse working in neonatal intensive care units<br><br>Sponsors must retain evidence of the individual's provisional / full NMC registration and provide this to the UK Border Agency on request. |
| Medical radiographers (3214) | **ONLY** the following jobs in this occupation code:<br><br>HPC-registered diagnostic radiographer<br>HPC-registered therapeutic radiographer<br>sonographer<br><br>Sponsors must retain evidence of the individual's HPC registration and provide this to the UK Border Agency on request. (Registration may need to be done after the individual has entered the United Kingdom but must be done before starting work). |
| Medical and dental technicians (3218) | **ONLY** the following jobs in this occupation code:<br><br>nuclear medicine technologist<br>radiotherapy technologist |
| Artists (3411) | **ONLY** the following job in this occupation code:<br><br>animator in visual effects and 2D / 3D computer animation for film, television or video games |
| Dancers and choreographers (3414) | **ONLY** the following jobs in this occupation code: |

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| | skilled classical ballet dancers who meet the standard required by internationally recognised United Kingdom ballet companies (e.g. Birmingham Royal Ballet, English National Ballet, Northern Ballet Theatre, The Royal Ballet and Scottish Ballet). The company must either:<br>- have performed at or been invited to perform at venues of the calibre of the Royal Opera House, Sadler's Wells or Barbican, either in the United Kingdom or overseas; or<br>- attract dancers and/or choreographers and other artists from other countries; or<br>- be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales)<br>skilled contemporary dancers who meet the standard required by internationally recognised United Kingdom contemporary dance companies (e.g. Shobana Jeyasingh Dance Company, Scottish Dance Theatre and Rambert Dance Company). The company must either:<br>- have performed at or been invited to perform at venues of the calibre of Sadler's Wells, the Southbank Centre or The Place, either in the United Kingdom or overseas; or<br>- attract dancers and/or choreographers and other artists from all over the world; or<br>- be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales) |
| Musicians (3415) | **ONLY** the following job in this occupation code:<br><br>skilled orchestral musicians who meet the standard required by internationally recognised United Kingdom orchestras (e.g. London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra, and Royal Philharmonic Orchestra) |
| Arts officers, producers and directors (3416) | **ONLY** the following jobs in this occupation code:<br><br>the following roles within visual effects and 2D |

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| | / 3D computer animation for film, television or video games:<br>- 2D supervisor<br>- 3D supervisor<br>- computer graphics supervisor<br>- producer<br>- production manager<br>- technical director<br>- visual effects supervisor |
| Graphic designers (3421) | **ONLY** the following jobs in this occupation code:<br><br>the following roles within visual effects and 2D / 3D computer animation for film, television or video games:<br>- compositing artist<br>- matte painter<br>- modeller<br>- rigger<br>- stereo artist<br>- texture artist |
| Buyers and purchasing officers (3541) | **ONLY** the following job in this occupation code:<br><br>manufacturing engineer (purchasing) in the aerospace sector |
| Welding trades (5215) | **ONLY** the following job in this occupation code:<br><br>high integrity pipe welder where the job requires three or more years relevant experience<br><br>Sponsors must retain references from the individual's past employer(s) detailing three or more years' relevant experience and provide these to the UK Border Agency on request.<br>Sponsors must also retain relevant evidence to enable them to justify the following:<br><br>1) - Why does the job require someone with at least five years' previous experience in a role of at least equivalent |

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| | status? What elements of the job require this experience and why?<br><br>2) - Why could the job not be carried out to the required standard by someone with less experience?<br><br>3) - How would you expect a settled worker to gain this experience before being appointed to the post? |
| Metal working production and maintenance fitters (5223) | **ONLY** the following job in this occupation code:<br><br>licensed and military certifying engineer / inspector technician |
| Line repairers and cable jointers (5243) | **ONLY** the following job in this occupation code:<br><br>overhead linesworker in the electricity transmission and distribution industry, working on high voltage lines that carry at least 275,000 volts |
| Chefs, cooks (5434) | **ONLY** the following job in this occupation code:<br><br>skilled chef where:<br><br>- the pay is at least £28,260 per year after deductions for accommodation, meals etc; and<br><br>- the job requires five or more years relevant experience in a role of at least equivalent status to the one they are entering; and<br><br>- the job is not in either a fast food outlet, a standard fare outlet, or an establishment which provides a take-away service; and<br><br>- the job is in one of the following roles:<br><br>o executive chef - limited to one per establishment<br><br>o head chef - limited to one per establishment<br><br>o sous chef - limited to one for every four kitchen staff per establishment |

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| | o specialist chef - limited to one per speciality per establishment<br><br>A fast food outlet is one where food is prepared in bulk for speed of service, rather than to individual order.<br><br>A standard fare outlet is one where the menu is designed centrally for outlets in a chain / franchise, rather than by a chef or chefs in the individual restaurant. Standard fare outlets also include those where dishes and / or cooking sauces are bought in ready-made, rather than prepared from fresh / raw ingredients.<br><br>Sponsors must retain references from the individual's past employer(s) detailing five or more years' relevant experience in a role of at least equivalent status and provide these to the UK Border Agency on request.<br><br>Sponsors must also retain relevant evidence to enable them to justify the following:<br><br>1) - Why does the job require someone with at least five years' previous experience in a role of at least equivalent status? What elements of the job require this experience and why?<br><br>2) - Why could the job not be carried out to the required standard by someone with less experience?<br><br>3) - How would you expect a settled worker to gain this experience before being appointed to the post? |

## Table 2: Scotland Only Shortage Occupation List

| **Related occupation title and Standard Occupational Classification code** | **Job titles included on the United Kingdom Shortage Occupation List and further specified criteria** |
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| All | **ALL** job titles and occupations on the United Kingdom Shortage Occupation List |
| Medical practitioners (2211) | **ONLY** the following jobs in this occupation code:<br><br>**ALL** jobs on the UK shortage occupation list<br>ST3, ST5 and ST6 level trainees in |

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| | paediatrics (ST4 level trainees in paediatrics are included on the UK shortage occupation list)<br>Staff grade and Associate Specialist (SAS) doctors in paediatrics<br>consultants in paediatrics |

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# Appendix L: Designated Competent Body criteria for Tier 1 (Exceptional Talent) applications

## Criteria for endorsement by The Royal Society, The Royal Academy of Engineering or The British Academy

1. The applicant must:

(a) satisfy all of the mandatory "Exceptional Talent (world leader) criteria, and at least one of the qualifying criteria, in the table below, or

(b) satisfy all of the "Exceptional Promise (potential world leader)" criteria in the table below.

| Exceptional Talent (world leader) | Exceptional Promise (potential world leader) |
|---|---|
| **Mandatory** | **Mandatory** |
| The applicant must:<br>Be an active researcher in a relevant field, typically within a university, research institute or within industry;<br>Have a PhD or equivalent research experience;<br>Provide a dated letter of personal recommendation from an eminent person resident in the UK who is familiar with his work and his contribution to his field, and is qualified to assess his claim to be a world leader in his field;<br>Meet one or more of the following Qualifying Criteria. | The applicant must:<br>Be an active researcher in a relevant field, typically within a university, research institute or within industry;<br>Have a PhD or equivalent research experience (including industrial research);<br>Provide a dated letter of personal recommendation from an eminent person resident in the UK who is familiar with his work and his contribution to his field, and is qualified to assess his claim that he has the potential to be a world leader in his field;<br>Be at an early stage in his career;<br>Have been awarded, hold, or have held in the past five years, a prestigious UK-based Research Fellowship, or an international Fellowship or advanced research post judged by the competent bodies to be of equivalent standing. |
| **Qualifying** | |
| Be a member of his national academy or a foreign member of academies of other countries (in particular any of the | |

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| UK national academies);<br>Have been awarded a prestigious internationally recognised prize;<br>Provide a written recommendation from a reputable UK organisation concerned with research in his field. The datedletter must be written by an authorised senior member of the organisation, such as a Chief Executive, Vice-Chancellor or similar, on official paper. | |

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2. The applicant must provide the following documents:

(a) A completed Designated Competent Bodies' Tier 1 (Exceptional Talent) application form;

(b) A short curriculum vitae outlining his career and publication history (of no more than 3 A4 sides in length);

(c) A mandatory letter of recommendation from an eminent person resident in the UK who is familiar with his work and his contribution to his field, and is qualified to assess his claim to be a world leader or a potential world leader in his field. The letter should include be dated and details of how the eminent person knows the applicant; the applicant's achievements in the specialist field, and how in the opinion of the eminent person the applicant exhibits exceptional talent; how the applicant would benefit from living in the UK; and the contribution they would make to UK research excellence and to wider society.

(d) Evidence in relation to at least one of the qualifying criteria listed above.

3. The documents in paragraph 2 above must be:

(a) Hard copy,

(b) Printed (not hand-written), and

(c) Written in English or accompanied by authorised English translations.

4. When assessing applicants the Designated Competent Bodies will take into consideration the following:

(a) The applicant's track record/career history (including his international standing, the significance of his publications, prizes and research funding awarded, patents, and the impact of past innovation activity, in a company, academia or as an individual);

(b) The strength of the supporting statements in the letter of personal recommendation, and evidence in relation to qualifying criteria, including a written recommendation from a reputable UK organisation concerned with research in the applicant's field (if relevant);

(c) The expected benefits of the applicant's presence in the UK in terms of the contribution to UK research excellence and to wider society, including potential economic benefits from exploitation of intellectual capital; and

(d) The additional factors in the table below.

| **Exceptional Talent (world leader)** | **Exceptional Promise (potential world leader)** |
|---|---|
| Whether the applicant is the winner of a prestigious prize or award;<br>Whether the applicant has secured significant funding for his work in the past ten years;<br>Whether the applicant is regarded as a world leader in your field. | Whether the applicant has provided evidence sufficient to demonstrate that he has the potential to be a future world leader in the field;<br>The level of additional funding secured during or following tenure of a relevant fellowship;<br>Whether he can provide evidence of a relevant prize or award for early career researchers;<br>The significance of his contribution to his field relative to his career stage. |

## Criteria for endorsement by The Arts Council

5. Unless the applicant's work is in the film, television, animation, post production and visual effects industry, the applicant must provide evidence that his work is of exceptional quality and has international recognition (this is different from being known in one country). This must consist of no more than ten documents in total (such documents can include for example, web links) to support two or more of the following:

(1) examples of significant media recognition, articles or reviews from national publications or broadcasting companies in at least one country other than his country of residence. Event listings or advertisements are not acceptable.

(2) international awards for excellence e.g. The Booker Prize, Grammy Award; and/or domestic awards in another country e.g. Tony Award. It remains for the Arts Council to judge whether a particular award provides appropriate evidence of international recognition in his field.

(3) proof of appearances, performances or exhibitions in contexts which are recognised as internationally significant in his field and/or extensive international distribution and audiences for his work.

6. If the applicant's work is in the film, television, animation, post production and visual effects industry, the applicant must:

(a) (i) Have, within the last five years from the year of application, received a Nomination for an Academy Award, BAFTA, Golden Globe or Emmy Award, or

(ii) At any time, have won an Academy Award, BAFTA, Golden Globe or Emmy Award,

and

(b) provide:

(i) full details of the production nominated/award including category and year of nomination/ award,

(ii) evidence of his involvement if the nomination/award was as part of a group, and

(iii) the credit he received for the nomination/ award

7. The applicant must provide 2 letters of endorsement from established arts/cultural organisations, institutions or companies with a national or international reputation. At least 1 of these should be from a UK body and both should be on headed notepaper and signed by the author. Acceptable organisations would be those which work with many international artists each year and are widely acknowledged as possessing expertise in their field.

8. The letters of endorsement referred to in paragraph 7 must:

(a) Be written on headed paper by an authorised member of the organisation such as the Chief Executive, Artistic Director or Chair,

(b) Include details of the author's credentials (for example, a CV/resume) and how they know the applicant (personal relationship or reputation),

(c) Detail the applicant's achievements in their specialist field and how in the opinion of the author they exhibit exceptional talent,

(d) Describe how the applicant would benefit from living in the UK and the contribution they could make to the cultural life of the nation, and

(e) Include full contact details of the author including personal email address and direct telephone number so that personal contact can be made.

9. The documents in paragraph 5 to 8 above must be:

(a) Hard copy,

(b) Printed (not hand-written), and

(c) Written in English or accompanied by authorised English translations.

10. When assessing applicants, The Arts Council will review the documentation and letters of endorsement provided and make an assessment of the extent to which they provide clear evidence that the applicant meets the stated criteria. Film, television, animation, post production and visual effects applications will be referred to Pact (the UK trade association for independent feature film, television, digital, children's and animation media companies), for review and recommendation.

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## Appendix M: Sports Governing Bodies for Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) applications

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.

| Sport | Governing body |
|---|---|
| Archery | Grand National Archery Society |
| Athletics | UK Athletics |
| Badminton | Badminton England |
| Badminton | Badminton Scotland |
| Baseball | BaseballSoftball UK |
| Basketball | Basketball England |
| Basketball | Basketball Ireland |
| Boxing | British Boxing Board of Control |
| Canoeing | British Canoe Union |
| Chinese Martial Arts | British Council for Chinese Martial Arts |
| Cricket | ECB |
| Cricket | Cricket Scotland |
| Cricket | Cricket Ireland |
| Curling | Royal Caledonian Curling Club |
| Cycling | British Cycling |
| Equestrianism | British Horse Society |
| Fencing | British Fencing |
| Field Hockey England | England Hockey |
| Field Hockey Scotland | Scottish Hockey Union |
| Field Hockey Wales | Welsh Hockey Union |
| Field Hockey Ireland | Irish Hockey Association |
| Football England | The Football Association |
| Football Scotland | Scottish Football Association |
| Football Wales | The Football Association of Wales |
| Football Northern Ireland | Irish Football Association |
| Gymnastics | British Gymnastics |
| Handball | British Handball Association |
| Ice Hockey | Ice Hockey (UK) |
| Ice Skating | National Ice Skating Association of Great Britain and Northern Ireland |
| Jockeys and Trainers | British Horseracing Authority |
| Judo | British Judo Association |
| Kabbadi | England Kabaddi Federation (UK) Registered |

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| Lacrosse | English Lacrosse |
| Motorcycling (except speedway) | Auto-cycle Union |
| Motorsports | The Royal Automobile Club Motor Sports Association Ltd |
| Netball | Welsh Netball Association |
| Netball | England Netball |
| Netball | Netball Northern Ireland |
| Polo | Hurlingham Polo Association |
| Rowing | British Rowing |
| Rugby League | Rugby Football League |
| Rugby Union England | Rugby Football Union |
| Rugby Union Scotland | Scottish Rugby Union |
| Rugby Union Wales | Welsh Rugby Union |
| Rugby Union Ireland | Ulster Rugby |
| Shooting | British Shooting |
| Snooker | World Snooker |
| Speedway | British Speedway Promoters Association |
| Squash and racketball | England Squash and Racketball |
| Swimming, water polo, diving and synchronised swimming | British Swimming |
| Table Tennis | English Table Tennis Federation |
| Tennis | Lawn Tennis Association |
| Triathlon | British Triathlon |
| Volleyball England | Volleyball England |
| Water Skiing | British Water Ski |
| Wrestling | British Wrestling Association |

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## Appendix N: Approved Tier 5 government authorised exchange schemes

| **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 | AIESEC | Work experience | All UK |

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| | participate every year. It develops the leadership skills of recent graduates from overseas, with typically at least a years' experience in management (marketing, finance, sales), technical (IT, engineering) and development (charity) through work with UK companies and organisations. | | programme<br><br>Maximum<br><br>12 months | |
| American Institute for Foreign Study (AIFS) | A programme for US undergraduate education majors and postgraduate students run jointly with the Institute of Education, with whom they spend an initial 4 weeks and followed by around 10 weeks undertaking placements working with teachers in English secondary schools. | AIFS (UK) Ltd | Work<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | England |
| 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<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | All 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<br><br>and training<br><br>programmes<br><br>Maximum<br><br>24 months | All UK |
| BOND business internships | The British Overseas Industrial Placement scheme (BOND) is a UK Trade & Investment initiative whereby high quality professionals, | British Council | Work<br><br>experience<br><br>programme<br><br>Maximum | All UK |

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| | selected through the British Council offices overseas, are assigned to UK companies for up to a year. Participants gain an understanding of UK business practices and the programme aims to foster links between them and the British business community. | | 12 months | |
| 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<br>Maximum 12 months | All UK |
| Broadening Horizons | The Broadening Horizons scheme brings to the UK Taiwanese teachers who are professionally qualified to teach Mandarin as a second language, to provide children at participating schools with a unique opportunity to study Mandarin Chinese and to explore the culture of Taiwan, which also brings benefits to teachers and language assistants. | The Sir Bernard Lovell Language School | Work experience programme<br>Maximum 12 months | England |
| 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 benefit from work experience opportunities (internships) for eligible students and recent graduates. | BUNAC | Work experience programme<br>Maximum 12 months | All UK |

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| Cabinet Office Interchange Programme | | Cabinet Office | Work experience programme Maximum 12 months | All UK |
| Chatham House Fellowship | The scheme provides opportunities, generally for those who are overseas government employees and normally for a year, to undertake research relevant to their government position. | The Royal Institute of International Affairs (Chatham House) | Research and training programmes Maximum 24 months | All UK |
| Chevening Programme | The programme includes scholars and researchers attending the UK Environment Programme's World Conservation Monitoring Centre in Cambridge, the Oxford Centre for Islamic Studies and the Clore Leadership programme. | Association of Commonwealth Universities (ACU) | Research and training programmes Maximum 24 months | All UK |
| City Fellowships Scheme | The scheme aims to strengthen Anglo-American financial relations by bringing young minority financiers from the US to the City of London to work at Goldman Sachs and Morgan Stanley. | Sponsors for Educational Opportunity (SEO) London | Work experience programme Maximum 12 months | All UK |
| Commonwealth Exchange Programme | The programme offers teachers the opportunity to work in different 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 | Commonwealth Youth Exchange Council (CYEC) | Work experience programme Maximum 12 months | All UK |

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| | September to August. Those to Australia and New Zealand run from January to December. | | | |
| Commonwealth Scholarships and Fellowships Plan | This is an annual scheme made available to developing Commonwealth countries by the Commonwealth Scholarships Commission. Participants undertake academic, medical or professional research fellowships. | British Council | Research and training programmes<br>Maximum 24 months | All UK |
| Competition Commission and US Federal Trade Commission scheme | A work exchange scheme with the USA, primarily with the Federal Trade Commission and the Journal of Economists, to promote cooperation and mutual understanding with the objective of learning from one another's expertise in competition regulation. | Competition Commission | Work experience programme<br>Maximum 12 months | All UK |
| Defence Academy | | Defence Academy | Research and training programmes<br>Maximum 24 months | All UK |
| Encouraging Dynamic Global Entrepreneurs (EDGE) | EDGE is a unique business development and entrepreneurial programme involving undergraduates from Scottish and overseas universities and 5th- and 6th-year school pupils. They work in consultancy teams implementing key business development for companies, providing experiential learning for students and | Scottish Enterprise | Work experience programme<br>Maximum 12 months | Scotland |

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| | businesses. | | | |
| Erasmus | Erasmus is a European Commission educational exchange programme for higher education students and teachers. It aims to increase student 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. | British Council Wales<br>British Council Scotland<br>British Council<br>British Council Northern Ireland | Work experience programme<br>Maximum 12 months | All UK |
| EU-China Managers Exchange and Training Programme (METP) | The programme is co-funded by the EU and the People's Republic of China with the aim of training Chinese and EU business managers, especially in small and medium-sized companies, in their languages, culture and business practices and to build networks. | Manchester Metropolitan University | Work experience programme<br>Maximum 12 months | All UK |
| European Voluntary Service (Youth in Action Programme) | Part of the European Union's Youth in Action Programme, funded by the European Commission, the EVS scheme offers people aged 18-30 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. | British Council | Work experience programme<br>Maximum 12 months | All UK |
| Finance Ministries and Central Banks schemes | The schemes includes secondments by employees of other central banks and | HM Treasury | Research and training | All UK |

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| | financial institutions, research fellowships and PhD research internships for economists who will undertake placements with the Bank of England for between 1 and 18 months' duration. | | programmes<br><br>Maximum<br><br>24 months | |
| 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<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | All UK |
| Foreign & Commonwealth Office | | Foreign & Commonwealth Office | Work<br><br>experience<br><br>programme<br><br>Maximum<br><br>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 language ability of the assistants and students in addition to expanding their cultural awareness. | British Council<br><br>Wales<br><br>British Council<br><br>Scotland<br><br>British Council<br><br>British Council<br><br>Northern<br><br>Ireland | Work<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | All UK |
| Fullbright UK-US Teacher Exchange Programme | Run by the British Council in collaboration with the US Department of State, the programme offers outstanding UK teachers the opportunity to trade places. Teachers can spend the autumn term or one full academic year teaching in the United States. | British Council<br><br>Wales<br><br>British Council<br><br>Scotland<br><br>British Council<br><br>British Council<br><br>Northern | Work<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | All UK |

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| | Exchanges involve elementary and secondary schools, including community and further education colleges throughout the US. | Ireland | | |
| 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<br>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 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. | Ecorys UK Ltd | Work experience programme<br>Maximum 12 months | All UK |
| 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<br>Maximum 12 months | All UK |
| HMC Projects in Central and Eastern Europe –Teachers' Work Exchange Scheme | This scheme offers teachers from Central and Eastern Europe a year of work experience in UK independent schools to enable | HMC Projects in Central and Eastern Europe | Work experience programme | All UK |

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| | them to experience the UK educational system. | | Maximum 12 months | |
| HMRC Exchange Scheme | The scheme facilitates the sharing of experience, working practices and organisational cultures between HM Revenue & Customs and tax, customs and similar administrations outside the EEA. | HM Revenue & Customs | Work experience programme Maximum 12 months | All UK |
| 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 |
| International Cross-Posting Programme for Kazakhstan | | 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 | ADS Group | Work experience programme Maximum | All UK |

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| | in cooperative programmes. | | 12 months | |
| International Exchange Programme (UK) Ltd | Providing international training and career development through guided practical work experience across the environmental and land-based sector. Programmes monitored and industry endorsed via individuals' IntSCA personal development programme, encouraging continued skills progression. | IEPUK Ltd | Work experience programme<br>Maximum 12 months | All UK |
| International Fire and Rescue Training Scheme | | The Fire Service College Executive Agency of the Department of Communities and Local Government (DCLG) | Research and training programmes<br>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<br>Maximum 12 months | Gardens or establishments linked to the Royal Botanic Gardens, Kew the Royal Horticultural Society's gardens. |
| International Internship Scheme | A scheme for young people and future business leaders from outside the EEA to experience working for UK companies in the UK working environment. | Fragomen LLP | Work experience programme<br>Maximum 12 months | All UK |
| International Science and Innovation Unit | | International Science and Innovation Unit | Work experience programme | All UK |

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| | | | Maximum<br>12 months | |
| 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 General Optical Council's (GOC) Register and practise optometry without supervision. | College of Optometrists | Research<br>and training<br>programmes<br>Maximum<br>24 months | All UK |
| Jiangsu Centre for Chinese Studies in Essex | 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 County of Essex and the Province of Jiangsu. | Essex County Council | Work<br>experience<br>programme<br>Maximum<br>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<br>experience<br>programme<br>Maimum 12<br>months | All UK |
| Law Society Tier 5 scheme for migrant lawyers | This scheme for migrant lawyers is open to law firms 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. | The Law Society of England and Wales | Work experience programme<br>Maximum<br>12 months | England and Wales |
| Leonardo da | Leonardo is part | Ecorys Ltd | Work | All UK |

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| Vinci | of the European Commission's Lifelong Learning Programme. UK organisations work with European partners to exchange best practice, increase staff expertise and 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. | | experience programme<br><br>Maximum<br><br>12 months | |
| London Organising Committee of the Olympic and Paralympic Olympic Games (LOCOG) | Secondment programme for employees of future organising committees, allowing them to undertake practical training and work experience working alongside London 2012 staff. They will then cascade this learning back to their home organising committee. | | Work experience programme<br><br>Maximum<br><br>12 months | All UK |
| 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<br><br>Maximum<br><br>12 months | All UK |
| Mandarin Teaching Programme (Scotland - University of Edinburgh) | The programme supports the teaching and learning of Mandarin Chinese and teaching about China through the Confucius Institute. The scheme supports the government's purpose of providing sustainable economic growth whilst also contributing to a number of stated national | University of Edinburgh | Work experience programme<br><br>Maximum<br><br>12 months | Scotland |

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| | outcomes, one of which is that young people are successful learners, confident individuals, effective contributors and responsible citizens. The scheme is also valued for the links Scottish institutions can build with China, one of Scotland's key partner countries. | | | |
| Mandarin Teachers Programme (Scotland - Strathclyde University) | Mandarin teachers will come to Scotland to support teaching and learning Mandarin Chinese and teaching about China in Confucius classroom hubs around Scotland. | Strathclyde University (Scotland's National Centre for Languages) | Work experience programme<br>Maximum 12 months | Scotland |
| Medical Training Initiative | The scheme allows post-graduate medical graduates to undertake a 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. | Academy of Medical Royal Colleges | Research and training programmes<br>Maximum 24 months | All UK |
| Medical Training Initiative for Dentistry | International Training Fellows: the Faculty of 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. | The Royal College of Surgeons of England | Research and training programmes<br>Maximum 24 months | England |

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| Mountbatten Programme | | Mountbatten Institute | Work experience programme<br>Maximum<br>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 with assembly members. | National Assembly for Wales | Work<br>experience<br>programme<br>Maximum<br>12 months | Wales |
| National Policing Improvement Agency (NPIA) | To support the NPIA in establishing a UK Police Training and Development Exchange Scheme, aligned to one of its core strategic aims of improving international police training and development partnerships. The aim is to increase shared good practice, improve interoperability and enhance the impact of UK international policing assistance aligned to HMG security and development priorities. | National Policing Improvement Agency (NPIA) | Work<br>experience<br>programme<br>Maximum<br>12 months | All UK |
| NHS Tayside International Staff Exchange Scheme | The scheme aims to share different ways of working and approaches to care needs. This would provide an insight into how different health systems operate and use this to develop local services. | NHS Tayside | Work<br>experience<br>programme<br>Maximum<br>12 months | All UK |
| NIM China Secondee Programme | | LGC Ltd | Work<br>experience<br>programme<br>Maximum<br>12 months | All UK |
| NPL Guest Worker and Secondment Scheme | This reciprocal scheme aims to encourage closer collaboration | National Physical Laboratory (NPL) | Research<br>and training | England |

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| | between UK and overseas organisations interested in metrology by allowing scientists, industrial experts and students to undertake placements with the NPL. | Management Limited | programmes<br><br>Maximum<br><br>24 months | |
| 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<br><br>and training<br><br>programmes<br><br>Maximum<br><br>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<br><br>experience<br><br>programme<br><br>Maximum<br><br>12 months | All UK |
| Royal Pharmaceutical Society international pre-registration scheme. | Pre-registration placements are supernumerary training positions, under the supervision of a pre-registration tutor, which enables the pre-registration trainee pharmacist to undergo training as mandated by the General Pharmaceutical Council (GPhC). | Royal Pharmaceutical Society | Research<br><br>and training<br><br>programmes<br><br>Maximum<br><br>24 months | All UK |
| Sponsored researchers | A scheme to enable higher education institutions to recruit sponsored researchers, or visiting academics giving lectures, acting as examiners or working on supernumerary research collaborations. Institutions do not need individual support from the Department for Business, Innovation and Skills to operate a scheme. | Higher education institutions | Research<br><br>and training<br><br>programmes<br><br>Maximum<br><br>24 months | All UK |

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| Sponsored Scientific Researcher Initiative | This scheme enables organisations to engage overseas postgraduate scientists in formal research projects and/or collaborations within an internationally recognised host institute or laboratory for sharing knowledge, experience and best practice, and enabling the individual to experience the social and cultural life of the United Kingdom. | RCUK Shared Service Centre | Research and training programmes<br>Maximum 24 months | All UK |
| The Ofgem International Staff Exchange Scheme | A scheme to promote cooperation and mutual understanding between Ofgem and similar regulatory agencies overseas. | Office of Gas & Electricity Markets (Ofgem) | Work experience programme<br>Maximum 12 months | England |
| 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<br>Maximum 12 months | All UK |
| UK-China Graduate Work Experience Programme | The programme brings together UK and Chinese employers and their top graduates, giving graduates an insight into life in another country and employers the chance to build relationships with the UK and China's top talent. | GTI Recruiting Solutions | Work experience programme<br>Maximum 12 months | All UK |

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| | Graduates take part in work placements with companies. For employers the programme is a way to access the UK and China's most promising talent, develop cultural links and raise the company's profile. | | | |
| UK-India Education and Research Initiative | This 5-year initiative is designed to facilitate education and research cooperation between the 2 countries through collaboration between schools, professional and technical skills, HE research and graduate work experience. | British Council<br>British Council<br>Wales<br>British Council<br>Scotland<br>British Council<br>N Ireland | Work<br>experience<br>programme<br>Maximum<br>12 months | England<br>Wales<br>Scotland<br>N Ireland |
| UK-India Graduate Work Experience Programme | Managed by GTI Recruiting Solutions on behalf of the UK India Education and Research Initiative, the programme gives Indian graduates the opportunity to take part in salaried internships with companies in the UK and a greater understanding of UK people, society and way of life. | GTI Recruiting Solutions | Work<br>experience<br>programme<br>Maximum<br>12 months | All UK |
| 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<br>and training<br>programmes<br>Maximum<br>24 months | All UK |
| 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 | British Council Wales | Work<br>experience<br>programme<br>Maximum<br>12 months | Wales |

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| | those suitable to work in activities which develop the use of Welsh in the wider social and business situations. | | | |

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## Appendix O: List of English language tests that have been approved by the UK Border Agency for English language requirements for limited leave to enter or remain under the Immigration Rules

Only the level(s) of Test specified for each Test are approved.

| English language test | Awarded by | Levels covered by test | Test validity | Documents required with application |
|---|---|---|---|---|
| Cambridge English: Key (also known as Key English Test) | Cambridge ESOL | A1<br>A2<br>B1 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Preliminary (also known as Preliminary English Test) | Cambridge ESOL | A2<br>B1<br>B2 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: First (also known as First Certificate in English) | Cambridge ESOL | B1<br>B2<br>C1 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide |

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| | | | | Statement of Entry if possible) |
| Cambridge English: Advanced (also known as Certificate in Advanced English) | Cambridge ESOL | B2<br>C1<br>C2 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Proficiency (also known as Certificate of Proficiency in English) | Cambridge ESOL | C1<br>C2 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Business Preliminary (also known as Business English Certificate Preliminary) | Cambridge ESOL | A2<br>B1<br>B2 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Business Vantage (also known as Business English Certificate Vantage) | Cambridge ESOL | B1<br>B2<br>C1 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Business Higher (also known as Business English Certificate Higher) | Cambridge ESOL | B2<br>C1<br>C2 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number |

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|---|---|---|---|---|
| | | | | (applicants should provide<br>Statement of Entry if possible) |
| Cambridge English Legal (also known as International Legal English Certificate) | Cambridge ESOL | B2<br>C1 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge English: Financial (also known as International Certificate in Financial English) | Cambridge ESOL | B2<br>C1 | No expiry | Certificate<br>Statement of results<br>Candidate ID number and<br>Candidate's secret number<br>(applicants should provide<br>Statement of Entry if possible) |
| Cambridge IGCSE English as<br>a First Language<br>(Syllabus 0500 & 0522) | Cambridge International Examinations | B1<br>B2 | No expiry | Certificate<br>Supplementary Certifying Statement with breakdown of component grades |
| Cambridge IGCSE English as<br>a Second Language<br>(Syllabus 0510 & 0511) | Cambridge International Examinations | A2<br>B1<br>B2 | No expiry | Certificate<br>Supplementary Certifying Statement with breakdown of component grades |
| ESOL Skills for Life Entry 1 | Cambridge ESOL | A1 | No expiry | Certificate<br>Statement of Results for each<br>component (reading, writing,<br>speaking, listening)<br>Name of test centre |
| ESOL Skills for Life Entry 2 | Cambridge ESOL | A2 | No expiry | Certificate<br>Statement of Results for each<br>component (reading, writing, |

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| | | | | speaking, listening)<br><br>Name of test centre |
| ESOL Skills for Life Entry 3 | Cambridge ESOL | B1 | No expiry | Certificate<br><br>Statement of Results for each component (reading, writing, speaking, listening)<br><br>Name of test centre |
| ESOL Skills for Life Level 1 | Cambridge ESOL | B2 | No expiry | Certificate<br><br>Statement of Results for each component (reading, writing, speaking, listening)<br><br>Name of test centre |
| ESOL Skills for Life Level 2 | Cambridge ESOL | C1 | No expiry | Certificate<br><br>Statement of Results for each component (reading, writing, speaking, listening)<br><br>Name of test centre |
| BULATS Online (certificated version)<br><br>Only tests taken with certifying BULATS agents detailed on the BULATS website | Cambridge ESOL | A1<br><br>A2<br><br>B1<br><br>B2<br><br>C1<br><br>C2 | 2 years | Certificate<br><br>Test report form for each component (reading, writing, speaking, listening)<br><br>Name of test centre<br><br>Country where test was taken |
| IELTS (Academic and General Training) | Cambridge ESOL | B1<br><br>B2<br><br>C1<br><br>C2 | 2 years | Test report form |

| | | | | |
|---|---|---|---|---|
| City & Guilds International Speaking and Listening IESOL Diploma at A1 level | City & Guilds | A1(spouse/partner) | No expiry | **One** of the following document combinations:<br><br>(1) 'International Speaking and Listening IESOL Diploma' certificate<br><br>**OR**<br><br>(2) ISESOL certificate<br>**plus** IESOL Listening (A1) certificate |
| City & Guilds International ESOL (IESOL) Diploma | City & Guilds | A1(spouse/partner) | No expiry | **One** of the following document combinations:<br><br>(1) IESOL Diploma certificate<br>**plus** IESOL notification of candidate results sheet<br><br>**OR**<br><br>(2) ISESOL certificate<br>**plus** IESOL certificate<br>**plus** IESOL notification of candidate results sheet<br><br>**OR**<br><br>(3) ISESOL certificate<br>**plus** IESOL notification of candidate results sheet |
| City & Guilds International ESOL (IESOL) Diploma | City & Guilds | A1 (all other categories)<br><br>A2<br><br>B1<br><br>B2<br><br>C1<br><br>C2 | No expiry | **One** of the following document combinations:<br><br>(1) IESOL Diploma certificate<br>**plus** IESOL notification of candidate results sheet<br><br>**OR**<br><br>(2) ISESOL certificate<br>**plus** IESOL certificate |

| | | | | |
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| | | | | **plus** IESOL notification of candidate results sheet |
| TOEIC | Educational Testing Service (ETS) | A1<br>A2<br>B1<br>B2<br>C1 | 2 years | Score report |
| TOEFL iBT Test | Educational Testing Service (ETS) | A1-B1<br>B1<br>B2<br>C1 | 2 years | Score report |
| Pearson Test of English Academic (PTE Academic) | Pearson | A1<br>A2<br>B1<br>B2<br>C1<br>C2 | 2 years | Print-out of online score report.<br>Scores must also be sent to the UK Border Agency online.<br>Pearson does not issue paper certificates. |
| Entry Level Certificate in ESOL Skills for Life | Trinity College London | A1<br>A2<br>B1 | For UK immigration purposes, the tests are valid for 2 years only | Summary slip and certificate |
| Level 1 Certificate in ESOL Skills for life | Trinity College London | B2 | For UK immigration purposes, the tests are valid for 2 years only | Summary slip and certificate |
| Level 2 Certificate in ESOL Skills for life | Trinity College London | C1 | For UK immigration purposes, the tests are valid for 2 years only | Summary slip and certificate |
| Integrated Skills in English | Trinity College London | A2<br>B1 | For UK immigration purposes, the tests are valid for 2 years only | Summary slip and certificate |

| | | | | |
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| | | B2<br>C1<br>C2 | | |
| Graded Examinations in Spoken English | Trinity College London | A1 | For UK immigration purposes, the tests are valid for 2 years only | Certificate |

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## Appendix P: Lists of financial institutions that do not satisfactorily verify financial statements, or whose financial statements are accepted

1. An institution may be included on the relevant list of those that do not satisfactorily verify financial statements if:

(a) on the basis of experience, that it does not verify financial statements to the UK Border Agency's satisfaction in more than 50 per cent of a sample of cases; or

(b) it does not participate in specified schemes or arrangements in the country of origin, where the UK Border Agency trusts the verification checks provided by banks that do participate in those schemes.

2. An institution may be (but is not required to be) included on the relevant list of those whose financial statemnts are accepted if it:

(a) is an international bank;

(b) is a national bank with a UK private banking presence;

(c) is a regulated national or state bank that provides a core banking service; or

(d) has a history of providing satisfactory verification checks to the UK Border Agency.

3. The addition or removal of each institution to or from the relevant lists will be considered on its own facts.

4. An applicant will not satisfy any requirement in these rules which requires him to provide documents if those documents relate to a financial institution on a list of those that do not satisfactorily verify financial statements.

5. Where stated in the lists below, the 'effective date' is the date from which the UK Border Agency will not accept financial statements relating to the stated institution.

6. The UK Border Agency will continue to verify financial information from other institutions on a case-by-case basis, and may refuse applications on the basis of these individual checks.

7. The following lists have been established:

- Appendix P(a): Financial institutions in Cameroon whose financial statements are accepted
- Appendix P(b): Financial institutions in India that do not satisfactorily verify financial statements
- Appendix P(c): Financial institutions in India whose financial statements are accepted
- Appendix P(d): Financial institutions in Ghana whose financial statements are accepted
- Appendix P(e): Financial institutions in Pakistan that do not satisfactorily verify financial statements and whose financial statements are accepted
- Appendix P(f): Financial institutions in Iran that do not satisfactorily verify financial statements and whose financial statements are accepted
- Appendix P(g): Financial institutions in the Philippines that do not satisfactorily verify financial statements
- Appendix P(h): Financial institutions in the Philippines whose financial statements are accepted
- Appendix P(i): Financial institutions in Bangladesh that do not satisfactorily verify financial statements
- Appendix P(j): Financial institutions in Bangladesh whose financial statements are accepted

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## Appendix Q: Statement of written terms and conditions of employment required in paragraph 245ZO(f)(ii) and paragraph 245 ZQ (e)(ii)

### Statement of the terms and conditions of employment of an overseas domestic worker in a diplomatic household in the United Kingdom

- This form must be completed and signed by the employer, signed by the overseas domestic worker and submitted with the entry clearance application or with the leave to remain application as required by paragraphs 245ZO (f) (ii) and 245ZQ (e) (ii) of the Immigration Rules.
- Please complete this form in capitals.
- **Name of employee:**
- **Name of employer:**
- **1. Job Title:**
- **2. Duties/Responsibilities:**
- **3. Date of start of employment in the UK:**
- **4. Employer's address in the UK:**
- **5. Employee's address in the UK (if different from 4 please explain):**

- **6. Employee's place of work in the UK (if different from 4 please explain):**
- **7. Rate of Pay per week/month:**
- **Note: By signing this document, the employer is declaring that the employee will be paid in accordance with the National Minimum Wage Act 1998 and any Regulations made under it for the duration of the employment.**
- **8. Hours of work per day/week:**
- Free periods per day:
- Free periods per week:
- **9. Sleeping accommodation:**
- **10. Holidays:**
- **11. Ending the employment:**
- Employee must give ..... weeks' notice if he/she decides to leave his/her job.
- Employee is entitled to ..... weeks' notice if the employer decides to dismiss him/her.
- Employee is employed on a fixed-term contract until (date) (if applicable) .....
- **Signed ..... Date ..... (Employer)**
- **I confirm that my conditions of employment are as described above:**
- **Signed ..... Date ..... (Employee).**

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## Appendix R: List of recognised festivals for which entry by amateur and professional entertainer visitors is permitted

Aberdeen International Youth Festival

Aldeburgh Festival and Snape Proms

Alnwick International Music Festival

Barbican Festivals (Summer, Autumn 1, Autumn 2, Only Connect).

Bath International Music Festival

BBC Proms

Belfast Festival at Queens

Bestival

Billingham International Folklore Festival

Birmingham International Jazz Festival

Breakin' Convention

Brighton Festival

Brighton Fringe

Brouhaha International Festival

Cambridge Folk Festival

Camp Bestival

Celtic Connections Festival

Cheltenham Festivals (Jazz/Science/Music/Literature)

City of London Festival

DaDa

Dance Umbrella

Edinburgh Festival Fringe

Edinburgh International Festival

Edinburgh International Jazz and Blues Festival

Edinburgh Military Tattoo

Festival Republic-Reading, Leeds, Latitude,

Glyndebourne

Greenbelt Festival

Hay Festival

Huddersfield Contemporary Music Festival

London Jazz

Live Nation (Wireless, Download, Hard Rock Calling)

Llangollen International Music Eisteddfod

London International Festival of Theatre

London 2012 Festival

Norfolk and Norwich Festival

Salisbury International Arts Festival

Southbank Centre (Meltdown)

T in the Park

V Festivals

WOMAD Festival

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## Appendix S: Highly Skilled Migrants Programme (HSMP) – qualifying for indefinite leave to remain after four years' continuous residence

1. In this appendix, all references to the Highly Skilled Migrants Programme refer to the scheme of that name that operated until 7 November 2006.

2. Paragraphs 4 - 16 of this appendix cover migrants who:

a. Received a Highly Skilled Migrants Programme approval letter issued on the basis of an application made before 3 April 2006; and

b. Were granted Entry Clearance or Leave to Remain on the basis of that letter; and

c. Fall into one of the following five categories:

i. Have already settled in the United Kingdom under Highly Skilled Migrants Programme or Tier 1 (General) on the basis of having completed five years continuous residence in a qualifying category;

ii. Have completed four years continuous residence in the United Kingdom in a qualifying category;

iii. Are coming up to having completed four years continuous residence in the United Kingdom in a qualifying category;

iv. Had applied for Indefinite Leave to Remain after four years, were refused, and either:

1. won an appeal against the refusal decision and were then granted permission to stay; or

2. did not appeal the refusal decision or their appeal was dismissed;

v. Those who have completed four years continuous residence in the United Kingdom in a qualifying category and have submitted an application for Further Leave to Remain (FLR).

3. Paragraph 17 of this appendix covers migrants who:

a. Received a Highly Skilled Migrants Programme approval letter issued on the basis of an application made between 3 April 2006 and 7 November 2006; and

b. Were granted Entry Clearance or Leave to Remain on the basis of that letter.

## Requirements for Indefinite Leave to Remain under the terms of this appendix for those groups covered by paragraph 2 of this appendix

4. The requirements for Indefinite Leave to Remain for a person qualifying for consideration under this appendix are that they:

a. have spent a continuous period of four years lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of the Immigration Rules), leave as an Innovator (under paragraphs 210A to 210F of the Immigration Rules) or leave as a Tier 1 (General) migrant;

b. had applied to enter onto the Highly Skilled Migrants Programme before the qualifying period for Indefinite Leave to Remain was increased from four to five years on 3 April 2006, and was successful in that application;

c. have throughout the period of five years maintained and accommodated themselves and any dependants adequately without recourse to public funds; and

d. are lawfully economically active in the United Kingdom in employment, self-employment or a combination of both.

## Those who have already settled in the United Kingdom under Highly Skilled Migrants Programme or Tier 1 (General) on the basis of having spent completed five years' continuous residence in the UK in a qualifying category

5. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and were subsequently required to make a second extension application in order to have completed five years continuous residence in the UK.

## Those who have completed four years' continuous residence in the United Kingdom in a qualifying category

6. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and were subsequently required to make a second extension application in order for them to complete the fifth years' continuous residence in the United Kingdom.

7. Migrants will be allowed to apply for Indefinite Leave to Remain after they have completed four years qualifying residence.

8. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

### Those who are coming up to having completed four years' continuous residence in the United Kingdom in a qualifying category

9. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, or a grant of two years where their application was made before 3 April 2006 but not approved until after this date, and then extended their initial year grant by either three or four years.

10. The migrants described in the paragraph above will be allowed to apply for Indefinite Leave to Remain after they have completed four years qualifying residence.

11. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

### Those who applied for settlement after four years, were refused, and either won an appeal against the refusal decision and were then granted permission to stay, or did not appeal the refusal decision or their appeal was dismissed

12. These migrants will be entitled to apply for their original Indefinite Leave to Remain application to be reviewed under the requirements set out in paragraph 4 of this appendix.

13. If the migrant meets the requirements of paragraph 4 of this appendix their leave will be varied to Indefinite Leave to Remain under the Highly Skilled Migrants Programme.

### Those who have completed four years' continuous residence in the United Kingdom in a qualifying category and have submitted an application for Further Leave to Remain

14. These migrants gained an initial grant of one year's leave under the Highly Skilled Migrants Programme requirements, then extended their initial year grant by a further three years, and have now made a second extension application in order to complete five years continuous residence in the United Kingdom.

15. The migrants described in the paragraph above will be invited to vary their application to an Indefinite Leave to Remain application under the terms of this appendix.

16. The requirements for Indefinite Leave to Remain will be those described in paragraph 4 of this appendix.

### Requirements for Indefinite Leave to Remain under the terms of this appendix, for those groups covered by paragraph 3 of this appendix

17. The requirements for Indefinite Leave to Remain for a person qualifying for consideration under this appendix are that they:

a. have spent a continuous period of five years lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of the Immigration Rules), leave as an Innovator (under paragraphs 210A to 210F of the Immigration Rules) or leave as a Tier 1 (General) migrant;

b. had applied to enter onto the Highly Skilled Migrants Programme between 03 April 2006, and 7 November 2006 and was successful in that application;

c. have throughout the period of five years maintained and accommodated themselves and any dependants adequately without recourse to public funds; and

d. are lawfully economically active in the United Kingdom in employment, self-employment or a combination of both.

### General Grounds for Refusal

18. Where the migrant falls for refusal under the General Grounds for Refusal in paragraphs 320-322 of the Immigration Rules, their application should be refused even if it otherwise qualifies under the terms of this appendix.

### Dependants

19. Dependants of migrants in the categories covered by this appendix will be granted leave in line with that granted to the main applicant in this appendix.

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## Appendix T - Tuberculosis screening

### Part 1 - applicable countries

Migrants applying to enter the UK for more than 6 months from the countries listed below must present at the time of application a valid medical certificate issued by a medical practitioner listed in Part 2 of this Appendix confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.

- Bangladesh
- Burkina Faso
- Cambodia
- Côte d'Ivoire
- Eritrea
- Ghana
- India
- Kenya
- Laos
- Lesotho
- Malaysia
- Nepal
- Niger
- Pakistan
- Somalia

- South Africa
- Sudan
- Swaziland
- Tanzania
- Togo
- Thailand
- The Philippines
- Zimbabwe

Applicants from Burkina Faso, Côte d'Ivoire, Niger, Togo are screened in Ghana, those from Eritrea and Somalia are screened in Kenya, those in Lesotho and Swaziland are screened in South Africa and those from Laos are screened in Thailand.

## Part 2 - list of screening clinics

Migrants applying to enter the UK for more than 6 months from the countries listed in Part 1 of this Appendix must present at the time of application a valid medical certificate issued by a medical practitioner from a medical clinic listed below confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.

### Bangladesh

Dhaka - International Organisation For Migration (IOM)
Migration Health Assessment Clinic (MHAC)
Prescription Point Ltd. (3rd Floor)
House 105, Road 12, Block E, Banani
Dhaka 1213, Bangladesh

Sylhet - International Organisation For Migration (IOM)
Migration Health Assessment Clinic (MHAC)
Medi-Aid Heart Centre
South Dorga Gate (Near Minar)
Dorga Moholla, Sylhet - 3100, Bangladesh

### Cambodia

Phnom Penh - International Organisation For Migration (IOM)
No.31, Street 71 Sangkat Boeun Keng Kang 1
Khan Cham Car Morn Phnom Penh, Cambodia
Tel: +855 12 900 131
Fax: +855 23 21 64 23

### Ghana

ACCRA - International Organisation For Migration (IOM)

# 17 Ridge Road

Roman Ridge

Tel: 030-7010251/53/54

**India**

Andhra Pradesh:

Centre For Migration Medicine (CMM)

#3-6-20, Street#19,

Himayatnagar,

Hyderabad, Ap-500029

Tel: (040) 29806789/ Mob: 08500777000

Email: Cmm.Uk@Migrationmedicine.Com

Gyd Diagnostics & Reference Laboratories Pvt Ltd

6-1-126 & 127/4,

Padmarao Nagar, (Lane Opposite Gharounda Supermarket),

Secunderabad, Andhra Pradesh, 500 025

Tel: (040) 42414142/ 43/ 44

Bangalore:

Elbit Medical Diagnostic Ltd

1 & ½ Indian Express Building Queens Road,

Banglore -560 001

Tel: (080) 40570000 / 41132461

Fortis Hospital

154/9 Bannerghatta Road,

Opp Iim-B

Bangalore -560076

Tel: (080) 66214166/66214444

Chandigarh:

Kansal Clinic

Kothi No.4, Phase 2,

Sector-54 Nr.Bassi Theatre,

Sas Nagar, 160 047,

Chandigarh

Tel: (0172) 2225124 / 2273587

National Medical And Dialysis Centre

516, Sector 10 -D

(Opposite Hotel Mountain View)

Chandigarh

Tel: (0172)-6652000/Mob: 08427661909

New Diagnostic Centre

Sector 20c,

Tribune Road,

Chandigarh

Max Super Special Speciality Hospital

New Civil Hospital,

Ph Iv, Mohali, Punjab -160055

Tel: (0172)-6652000/Mob: 08427661909

Chennai:

Osler Diagnostic Pvt Ltd

2 Maloney Road,

T Nagar,

Chennai 600017

Tel: (044) 2434 6424/ 5881/ (044) 2432 2189

The Apollo Heart Centre

156 Greams Road,

Chennai 600006

Tel: (044) 60601066 / 28296916/ Mob: 09551011666

Gujarat:

Apollo Hospitals International Ltd

Plot No.1 A, Bhat Gidc Estate, Ahmedabad

Gujarat, 382 428

Tel: (079) 66701800

Saviour Hospital

(Near Bharat Petrol Pump),

Lakhudi Circle Stadium Road,

Navrangpura,

Ahmedabad 380014

Tel: (079) 61908080/61908000/Mob: 09824053196

Apollo Clinic

Mann Complex

Opp. Shree Ram Petrol Pump

Anand Mahal Road, Adajan

Surat 395009

Tel: (0261) 2790202

Guwahati:

The Apollo Clinic

Kanchan Road, Bora Service,

G S Road, Guwahati

Tel: (0361) 2461473 / 2461474

Kerala:

Amrita Institute of Medical Sciences (AIMS)

Amrita Lane,

Edapally, Cochin,

Kerala

Tel: +91 (0) 484 280 1234, 285 1234, 400 1234

Kerala Institute Of Medical Sciences (Kims)

P.B. No 1, Anayara, Thiruvananthapuram,

Kerala, 695 029

Tel: (0471) 3041312

Kolkata:

Apollo Gleneagles Hospital Ltd

58 Canal Circular Road,

Kolkata 700054

Tel: (033) 23202122 / 23202040

Pulse Diagnostics Pty Ltd

75 Sarat Bose Road,

Kolkata 700019

Tel: (033) 24546142 / 21492603

Lucknow:

Medical Clinic

122 Faizabad Road,

(Near Indira Bridge)

Lucknow 226007

Tel: (0522) 2324656 / 2336629

National X-Ray Clinic

195/104 Jagat Narain Road,

Lucknow 226 003

Tel: (0522) 2253845

Ludhiana:

Dr Har Kamal Bagga/ Dr Wahiguru Pal Singh

3791/3a Jagjit Nagar Pakhowal Road,

Ludhiana 141 001, Punjab

Tel: (0161) 2459403/ Mob: 09814001200

Mob: (0161) 2458403/Mob: 91-09872266666

Dr U S Sidhu

82-A, Sarabha Nagar,

Near Pvr Cinema/Malhar Road,

Ludhiana 141 001, Punjab

Tel: 09779750340 (Preferred Contact) / (0161)-2450340

Dr Harminder Singh Pannu

B2412, Krishna Nagar, Opp. Aarti Cinema,

Ferozepur Road, 141 001

Tel: (0161) 2409036 / 2408108

S.P.S Apollo Hospitals

Sherpur Chowk,

G.T Road

Ludhiana 141 003

Tel: (0161) 6617100 / 6617111/ 6617222

Super X-Ray Clinic

2353/2 Krishana Nagar,

Ferozepur Road,

(Near Aarti Cinema)

Ludhiana 141 001

Tel: (0161) 240 8031 / 4629231

Mumbai:

Lilavati Hospital

A-791, Bandra Reclamation,

Bandra West, 400 050

Tel: (022) 26568000. Ext. No 8248 / 8283

Direct Line 26568248

Email Id: Visa@Lilavatihospital.Com

Clinical Diagnostic Centre, South Mumbai

A-2 Ben Nevis,

Bhulabhai Desai Road, Next To Tata Garden,

Mumbai400 036

Tel: (022) 61196200/ 23684764/ 65

Contact Person: Ms Theresa Ferrao

Clinical Diagnostic Centre, North Mumbai

A403 Floral Deck Plaza, C Cross Road, Midc,

Opp. Seepz Near Rolta Bhavan, Andheri (East),

Mumbai-400093

Tel: (022) 61196300 / 66972352/ 53

Contact Person: M Phadtare

Rele Clinic

10 Aa, Gita Building,

"A" Wing, Second Floor,

Pandita Ramabai Road,

Gamdevi, Mumbai 400 007

Tel: (022) 23613737 / 23613838

Insight Health Scan,

Geeta Building Pandit Ramabai Road, Grant Road,

Mumbai -400007

Tel: (022) 23694191/ 23695344

Nagpur:

Sanjiwani Chikitsa Kendra

Opposite City Post Office

Itwari

Nagpur 440 002

Tel: (071 2) 276 9494/ 2422996 / Mob: 09422102590

Sarda Imaging Clinic

70 Central Avenue

(Near The Gandhi Statue)

Itwari

Nagpur 440 002

Tel: (0712) 2766384 / 2769715 / 6612668

New Delhi:

Max Medcentre

N-110, Panchsheel Park

New Delhi 110 021

Tel: (011) 26499870 / Mob: 8800334457

Sadhu Vaswani Mission Medical Centre

4/27, Shanti Niketan

New Delhi 110 021

Tel: (011) 24111562/ 2411 4316/ 24111693

Pune:

Ruby Hall Clinic

40, Sassoon Road,

411 001 Pune

Tel: (020) 6645 5242 / 6645 5286 / 2616 3391

**Kenya**

Nairobi - International Organisation For Migration (Iom)

Doctors' Plaza Annex Nairobi Hospital Compound

Nairobi, Kenya

Tel: 00254 20 2718559

Fax: 00254 20 2718096

**Malaysia**

Kota Kinabalu:

Patient Relations Unit

Sabah Medical Centre (A Member of KPJ Healthcare Berhad),

Lorong Bersatu, Off Jalan Damai,

Luyang, 88300

Kota Kinabalu

Tel: 088-322192 088-322196 Fax: 088-2700939

Kuala Lumpur:

Health Screening Centre Gleneagles Hospital (Kuala Lumpur) Sdn. Bhd.

Tel: 603-4141 3282 Fax: 603-41413280,

Website: www.gleneagleskl.com.my

Life Care Diagnostic Medical Centre

Sdn. Bhd. 1st Floor, Wisma Life Care,

No. 5, Jalan Kerinchi,

Bangsar South,

59200 Kuala Lumpur

Customer Care Line: 1300 222 369

info@lifecare.com.my

Kuching:

Normah Medical Specialist Centre

Lot 937, Section 30 KTLD,

Jalan Tun Abdul Rahman,

Petra Jaya,

93050 Kuching, Sarawak

T: +60 82-440055

inquiry@normah.com

Penang:

Penang Aventist Hospital

465 Jalan Burma,

10350 Penang,

Tel (+604) 226 1566 Ext.202

Fax (+604) 229 3037

Website: www.pah.com.my".

**Nepal**

Kathmandu - International Organization for Migration (IOM)

IOM Migration Health Assessment Centre (MHAC)

Thirbam Sadak, Baluwatar-5,

House No. 768/4 Kathmandu

Phone: +977 01 4417219 and +977 01 4429599

Jhapa - International Organization for Migration (IOM)

SUB OFFICE IOM Resettlement Health Assessment Centre (RHAC)

Migration Health Division (MHD)

Devkota Chowk (New Vegetable Market),

Damak-11, Jhapa,

Postal Code: 57217

### Pakistan

Islamabad - International Organisation For Migration (Iom) Sub Office

Khurmrial Centre (Behind Ptcl Head Quarter),

G-8/4 Islamabad.

Call Centre For Appointments: Uan: +92 51 111 466 472

Lahore - International Organisation For Migration (Iom) Sub Office

1 - Ali Block, New Garden Town, Lahore.

Call Centre For Appointments: Uan: +92 51 111 466 472

Karachi - International Organisation For Migration (Iom) Sub Office

House # F-8/1, Kda Scheme I, Tipu Sultan Road,

Adjacent To Main Karsaz Road, Karachi

Call Centre For Appointments: Uan: +92 51 111 466 472

Mirpur - International Organisation For Migration (Iom) Sub Office

House # 6, Sector D/4, F2 Road, Block West,

Mirpur, Azad Kashmir.

Call Centre For Appointments: Uan: +92 51 111 466 472

### South Africa

Cape Town:

International Organization for Migration (IOM)

IOM Office in Cape Town 2nd Floor,

80 Strand Street, Cape Town

INTERCARE Medical and Dental Centre (Dr Bergman, Ross & Partners Radiologists)

1st Floor, Parow Shopping Centre,

Corner of Voortrekker and De La Rey Roads,

Parow 7500 Cape Town

www.intercare.co.za

Durban:

International Organization for Migration (IOM)
IOM Office in Durban Suite 1606 Commercial City Building,
40 Commercial Road (now known as AB XUMA), 4001 Durban

Malvern Medical and Dental Centre
(Dr Van Rensburg & Partners Southern Africa Inc. (26))
Corner of Ethelbert and Conabor Streets, Malvern 4093, Durban

Pretoria - International Organization for Migration (IOM)
IOM Office in Hatfield Corner of Arcadia and Festival Street,
The Hatmed Clinic (Dr Leonie Sholtz & Partners) Hatfield,
Pretoria, 454 Hilda Street,
Hatfield 0083, Pretoria

### Sudan

Khartoum - International Organisation For Migration (Iom)
Iom Sudan Mission, Amarat, Street 47, House 18, Block 11 Oe
Po Box 8322, Khartoum, Sudan
Tel: +249983570802
Fax: +24983569094

### Tanzania

Dar Es Salaam - International Organisation For Migration (Iom)
Slip Road, Off Chole, Plot #1365 - Msasani,
Po Box 9270 Dar Es Salaam, Tanzania
Tel: +255222602913
Fax: +255222602782

### Thailand

Bangkok - International Organisation For Migration (Iom)
8th Floor, Kasemkij Bldg, 120 Silom Road,
Bangrak District, Bangkok 10500 Thailand
Tel: +66 2 234 7950
Fax: +66 2 234 7956

### The Philippines

Manila - International Organization for Migration (IOM)
IOM Health Centre

15th Floor Trafalgar Plaza,

105 H.V. dela Costa Street,

Salcedo Village,

Makati City 1227,

Metro Manila

**Zimbabwe**

Harare - International Organization for Migration (IOM)

IOM Office Migration Health Division (MHD)

142 King George Road, Avondale, Harare

Diagnostic Imaging Centre (DIC) 17 Lanark Road, Belgravia, Harare

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