

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 | 75 |
| (ii) That Designated Competent Body has not withdrawn its endorsement of the applicant. | |

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 endorsing 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 bodies 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 | 5 | Under 28 years of age | 20 |

| | | | | | | | |
|-----------------|----|---|----|--|--|-----------------------|----|
| | | | | were earned in the UK | | | |
| 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- | 25 | | | | |

| | | | | | | | |
|--|--|-------------------------|----|--|--|--|--|
| | | £49,999.99 | | | | | |
| | | £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, which 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 |
|----------------------------------|--------|
|----------------------------------|--------|

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| <p>(a) The applicant has access to not less than £200,000, or</p> <p>(b) The applicant has access to not less than £50,000 from:</p> <ul style="list-style-type: none"> (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, 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 <p>(c) The applicant:</p> <ul style="list-style-type: none"> (i) is applying for leave to remain, (ii) has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant, and (iii) has access to not less than £50,000, or <p>(d) The applicant:</p> <ul style="list-style-type: none"> (i) is applying for leave to remain, (ii) has, or was last granted, leave as a Tier 1 (Post-Study Work) Migrant, (iii) was, on a date falling within the three months immediately prior to the date of application, <ul style="list-style-type: none"> (1) registered with HM Revenue and Customs as self-employed, or (2) registered as a new business in which he is a director, or (3) registered as a director of an existing business, (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 | 25 |
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|---|----|
| functions for the business, and | |
| (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; and
- (c) The money is either held in a UK regulated financial institution or is transferable to the UK.

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 stationery 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

(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: (a) registered with HM Revenue and Customs as self-employed, or (b) registered a new business in which he is a director, or (c) registered as a director of an existing business. | 20 |
| 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. | |
| On a date no earlier than three months prior to the date of application, the applicant was: | |
| (a) registered with HM revenue and Customs as self-employed, or (b) registered a new business in which he is a director, or (c) registered as a director of an existing business. | 15 |
| The applicant has: | |
| (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 (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. | 20 |
| 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: (a) registered with HM Revenue and Customs as self-employed, or (b) registered a new business in which he is a director, or (c) registered as a director of an existing business. | 20 |
| 2. | The applicant has: (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 (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 | 20 |

| | | |
|----|---|----|
| | <p>creating the equivalent of X new full time jobs where X is at least 2.</p> <p>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.</p> | |
| 3. | <p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified 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.</p> <p>The specified continuous period is:</p> <ul style="list-style-type: none"> (a) 3 years if the number of new full time jobs, X, referred to in row 2 above is at least 10, (b) 3 years if the applicant has: <ul style="list-style-type: none"> (i) established a new UK business that has had an income from business activity of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, or (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, or (c) 5 years in all other cases. | 35 |

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 |
|--|--------|
| <p>The applicant:</p> <p>(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</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million, and</p> <p>(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.</p> | 75 |

Table 8: Applications for entry clearance or leave to remain referred to in paragraph 56

| Assets and investment | Points |
|---|--------|
| <p>The applicant:</p> <p>(a) has money of his own under his control in the UK amounting to not less than £1 million, or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million, and</p> <p>(ii) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution.</p> | 30 |
| <p>The applicant has invested not less than £750,000 of his capital in the UK by way of UK Government bonds, share capital or loan capital in active and trading UK registered companies, subject to the restrictions set out in paragraph 65 below and has invested the remaining balance of £1,000,000 in the UK by the purchase of assets or by maintaining the money on deposit in a UK regulated financial institution.</p> | 30 |
| <p>The investment referred to above was made within 3 months of his entry to the UK (if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of 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</p> | 15 |

| | |
|--|--|
| <p>maintained for the whole of the remaining period of that leave;</p> <p>or</p> <p>The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.</p> | |
|--|--|

Table 9: applications for indefinite leave to remain

| Row | Asssets and investment | Points |
|-----|--|--------|
| 1. | <p>The applicant:</p> <p>(a) (i) has money of his own under his control in the UK amounting to not less than £10 million, or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £20 million, and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £10 million which has been loaned to him by a UK regulated financial institution,</p> <p>or</p> <p>(b) (i) has money of his own under his control in the UK amounting to not less than £5 million, or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £10 million, and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £5 million which has been loaned to him by a UK regulated financial institution,</p> <p>or</p> <p>(c) (i) has money of his own under his control in the UK amounting to not less than £1 million, or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million, and</p> <p>(2) has money under his control and disposable in the UK amounting to not less than £1 million which has been loaned to him by a UK regulated financial institution,</p> | 20 |
| 2. | The applicant has invested not less than 75% of the specified invested | 20 |

| | | |
|----|--|----|
| | <p>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.</p> <p>The specified invested amount is:</p> <ul style="list-style-type: none"> (a) £10,000,000 if the applicant scores points from row 1(a) above, (b) £5,000,000 if the applicant scores points from row 1(b) above, or (c) £1,000,000 if the applicant scores points from row 1(c) above. | |
| 3. | <p>The applicant has spent the specified continuous period lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant and/or as an Investor, of which the most recent period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <ul style="list-style-type: none"> (a) 2 years if the applicant scores points from row 1(a) above, (b) 3 years if the applicant scores points from row 1(b) above, or (c) 5 years if the applicant scores points from row 1(c) above. | 20 |
| 4. | <p>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.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <ul style="list-style-type: none"> (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 (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: | 25 |

| | |
|---|----|
| <ul style="list-style-type: none"> (a) has Highly Trusted Sponsor status under Tier 4 of the Points-Based System, (b) is an A-rated Sponsor under Tier 2 of the Points-Based System if a Tier 2 licence is held, (c) is an A-rated Sponsor under Tier 5 of the Points-Based System if a Tier 5 licence is held, and (d) has established processes and competence for identifying, nurturing and developing entrepreneurs among its undergraduate and postgraduate population. | |
| <p>(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),</p> <p>or</p> <p>(b) If the applicant's previous grant of leave was as a Tier 1 (Graduate Entrepreneur) Migrant, the endorsement is from the same institution which provided the endorsement for that previous grant of leave.</p> | 25 |
| <p>The endorsement must confirm that the institution has assessed the applicant and considers that:</p> <ul style="list-style-type: none"> (a) the applicant has a genuine, credible and innovative business idea, and (b) the applicant will spend the majority of his working time on developing business ventures, and (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 pupillage 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 | 30 |

| | |
|---|----|
| or | |
| Is a British Overseas Citizen, British Territories Overseas Citizen or British National (Overseas.) | |
| 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.