

Immigration Directorate Instructions

Chapter 6a

07 December 2016

Section 1 – Settlement – Tier 1

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1. Introduction

The following guidance is to be used by caseworkers in the assessment of applications for indefinite leave to remain for those with leave to remain in the UK as a Tier 1 (General) Migrant. This guidance also covers applicants affected by the HSMP Forum judicial review judgments.

Guidance on indefinite leave to remain for those with leave as a Tier 1 (Exceptional Talent) Migrant, Tier 1 (Entrepreneur) Migrant or Tier 1 (Investor) Migrant is now available in the modernised guidance.

Please note that this guidance reflects policy at the time of publication and is subject to change.

This guidance contains two points tables which are reproduced from Appendix A of the Immigration Rules. The tables are referred to by their table numbers within Appendix A.

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2. Forms

A person applying for indefinite leave to remain in any of the categories above must use the specified application form – SET(O).

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3. General Requirements for indefinite leave to remain as a Tier 1 Migrant

Applicants must meet all of the relevant requirements set out in the Immigration Rules to qualify for indefinite leave to remain. In addition to the individual requirements of each migration category within Tier 1 of the Points Based System, applicants are required to meet the general requirements set out in sections 4-6 below.

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4. Knowledge of Language and Life in the UK

Applicants for settlement who are over the age of 18 and under the age of 65, will be required to meet the Knowledge of Language and Life in the UK requirement, in accordance with Appendix KoLL of the Immigration Rules. There are very limited exceptions to this requirement, for example applicants affected by the HSMP Forum judicial review.

Please refer to the Knowledge of Language and Life in the UK for full guidance on this requirement.

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5. Criminality

From 6 April 2011, all applications for settlement, with the exception of applicants applying under the protection route, will be subject to a criminality requirement.

From 13 December 2012 applicants must not fall for refusal under the general grounds for refusal.

Please refer to the full criminality guidance within general grounds for refusal guidance for more information:

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6. Continuous residence requirement

Applicants must meet the requirement on continuous residence in the UK in order to qualify for indefinite leave to remain. The specified period will depend on which route the applicant is applying for indefinite leave to remain under.

For information on the specified period required for the Tier 1 migration categories and how to calculate the qualifying period of continuous leave, see guidance for more information.

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Route Specific Requirements

7. Tier 1 (General)

The Tier 1 (General) category closed to new applications on 6 April 2011. Consequently, with the exception of those listed below, applicants were no longer able to apply for leave to enter the UK as a Tier 1 (General) Migrant from overseas, or switch into the category while already in the UK.

Migrants who were granted leave to remain prior to 6 April 2011 as a:

- Tier 1 (General) Migrant
- Highly Skilled Migrant Programme (HSMP)
- Writer, Composer or Artist
- Self Employed Lawyer

continued to be able to apply in country for further leave to remain or indefinite leave to remain under Tier 1 (General).

On 6 April 2014 the Immigration Rules were amended to announce the closure of the route to extension applications from 5 April 2015 and to settlement applications from 5 April 2018.

On 6 November 2014, the Immigration Rules were amended to make sure all Tier 1 (General) applicants submitting an extension application were granted sufficient leave to take them to settlement. Caseworkers were not required to assess any absences from the UK when considering the correct length of leave to grant, as extended absences from the UK do not alter total the period of leave the applicant was **granted**.

Further Immigration Rule changes which may be required for Tier 1 (General) settlement applications as a result of these changes to grant periods will be considered at a future date and this guidance will be updated if applicable.

In addition to the general requirements for indefinite leave to remain listed in sections 4-6 above, applicants for indefinite leave to remain as a Tier 1 (General) Migrant must meet the specific requirements for this route. The full requirements for

someone applying for indefinite leave to remain as a Tier 1 (General) Migrant are detailed in Paragraph 245CD of the Immigration Rules and these are listed below.

To qualify for indefinite leave in this capacity, the applicant must meet the requirements listed below. If the applicant does not meet these requirements, the application will be refused.

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7.1 Requirements for indefinite leave to remain – paragraph 245CD

The requirements are:

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

Further information see general grounds for refusal is available at:

(c) Unless the application is being made under terms of the HSMP ILR Judicial Review Policy Document, the applicant must have spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a Tier 1 (General) Migrant, in any combination of the following categories:

- (i) as a Tier 1 (General) Migrant
- (ii) as a Highly Skilled Migrant
- (iii) as a Work Permit Holder
- (iv) as an Innovator
- (v) as a Self-Employed Lawyer
- (vi) as a Writer, Composer or Artist
- (vii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant
- (viii) as a Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010, or as a work permit holder where the work permit was granted because the applicant was the subject of an intra-company transfer

(d) If the applicant has or has had leave as a Highly Skilled Migrant, a Writer, Composer or Artist, a Self-employed Lawyer or as a Tier 1 (General) Migrant

under the rules in place **before** 19 July 2010, and has not been granted leave in any categories other than these under the rules in place since 19 July 2010, the applicant must have 75 points under paragraphs 7 to 34 of Appendix A.

(e) Where the application is being made under terms of the HSMP ILR Judicial Review Policy Document, the applicant must have a continuous period of 4 years lawful leave in the UK, of which the most recent must have been spent with leave as a Tier 1 (General) Migrant, in any combination of the following categories:

- (i) as a Tier 1 (General) Migrant
- (ii) as a Highly Skilled Migrant
- (iii) as a Work permit Holder
- (iv) as an Innovator

(f) Where the application is being made under terms of the HSMP ILR Judicial Review Policy Document, the applicant must be economically active in the UK, in employment or self-employment or both.

(g) In all other cases than those referred to in (d) or (e) above, the applicant must have 80 points under paragraphs 7 to 34 of Appendix A.

(h) The applicant must have met the Knowledge of Language and Life in the UK requirement in accordance with Appendix KoLL of the Immigration Rules unless the applicant is under the age of 18, or aged 65 or over at the time the application is made, or the applicant is applying under the terms of the HSMP ILR Judicial Review Policy Document.

(i) The applicant must not be in the UK in breach of immigration laws except that any period of overstaying allowed under the Immigration Rules will be disregarded, unless the applicant meets the conditions in (f) above.

Further information see overstaying.

(j) The applicant must provide the specified documents in paragraph 245CD-SD to evidence the reason for the absences set out in paragraph 245AAA, unless the applicant meets the conditions in (f) above.

Further information on specified documents see ILR – calculating continuous period in the UK.

(k) For the purposes of sub-paragraph (c), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a category equivalent to those set out in (c)(i) to (viii) may be included in the continuous period of 5 years lawful residence in the UK, provided that:

(i) the most recent period of leave was granted in the UK as a Tier 1 (General) Migrant; and

(ii) any period of leave granted in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man as a work permit holder or a Tier 2 Migrant was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 6 April 2011, National Qualifications Framework level 4 or above or from 14 June 2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach).

(iii) In any such case, references to the "UK" in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man, as the case may be.

(l) For the purposes of paragraph (e), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man in a category equivalent to those set out in (e)(i) to (iv) may be included in the continuous period of 5 years (or 4 years as the case may be) lawful residence in the UK, provided that:

(i) the most recent period of leave was granted in the UK as a Tier 1 (General) Migrant; and

(ii) any period of leave granted in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man as a work permit holder or a Tier 2 Migrant was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 6 April 2011, National Qualifications Framework level 4 or above or from 14 June 2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach).

See [Crown Dependencies](#) for further information on equivalent immigration routes.

Tier 1 (General) Migrants

This section contains 2 points tables. Applicants will be required to claim either 75 or 80 points from either Table 2 or Table 3, depending on the date of application for their initial grant of leave:

For applications before 6 April 2010: applicants must score 75 points from Table 2

For applications between 6 April 2010 and 19 July 2010: applicants must score 75 points from Table 3

For applications after 19 July 2010: applicants must score 80 points from Table 3.

For information on the evidence required to demonstrate that the applicant meets the requirements above, see Annex A (1) of this document.

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
Bachelor's degree*	30
Master's degree	35
PhD	50

Previous earnings	Points
£16,000-£17,999.99**	5
£18,000-£19,999.99 (see paragraph 22 below)	10
£20,000-£22,999.99	15
£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

UK Experience	Points
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If £16,000 or more of the previous earnings for which points are claimed were earned in the UK	5
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Age (at date of application for first grant)	Points
Under 28 years of age	20
28 or 29 years of age	10
30 or 31 years of age	5

These tables are reproduced from Table 2 of Appendix A of the Immigration Rules.

An applicant will be awarded no points for a Bachelor's degree if:

- (a) their 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) they 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) their 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.

An applicant will be awarded no points for previous earnings of less than £20,000 if:

- (a) their 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) they 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) their 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.

Table 3: All other applications for leave to remain and indefinite leave to remain as a Tier 1 (General) Migrant

Qualification	Points
Bachelor's degree	30
Master's degree	35
PhD	45

Previous earnings	Points
£25,000-£29,999.99	5
£30,000-£34,999.99	15
£35,000-£39,999.99	20
£40,000-£49,999.99	25
£50,000-£54,999.99	30
£55,000-£64,999.99	35
£65,000-£74,999.99	40
£75,000-£149,999.99	45
150,000 or more	80

UK Experience	Points
If £25,000 or more of the previous earnings for which points are claimed were earned in the UK	5

Age (at date of application for first grant)	Points
Under 30 years of age	20
30 to 34 years of age	10
35 to 39 years of age	5

These tables are reproduced from Table 3 of Appendix A of the Immigration Rules.

Previous earnings

Specified evidence must be provided as evidence of earnings.

If the applicant has claimed point for previous earnings these must be from genuine employment. If the caseworker is not satisfied, points for those earnings must not be awarded.

In making this assessment, the caseworker must assess on the balance of probabilities and may take into account the following factors:

- the evidence the applicant has submitted

- whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in the applicant's financial transactions or records without being earned;
- whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading
- verification of previous earnings claims with declarations made in respect of the applicant to other government departments, including declarations made in respect of earnings claimed by the applicant in previous applications
- the applicant's previous educational and business experience (or lack thereof) in relation to the claimed business activity
- the applicant's immigration history and previous activity in the UK
- where the nature of the applicant's employment or business requires him to have mandatory accreditation, registration or insurance, whether that accreditation, registration or insurance has been obtained
- any payments made by the applicant to other parties
- any other relevant information

The caseworker is able to:

- request additional information and evidence, and refuse the application if the information or evidence is not provided: any requested documents must be received by the Secretary of State at the address specified in the request within 28 working days of the date the request is sent
- request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation

UK Experience

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.

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

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.

Specified documents must be provided as evidence of age.

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7.2 Conditions of leave as a Tier 1 (General) Migrant

One of the requirements that must be satisfied in order to grant indefinite leave to remain is that the applicant does not fall for refusal under the **general grounds for refusal**.

Therefore, in order to qualify for indefinite leave to remain an applicant must not have breached the conditions of the preceding grant of leave to remain. Where an applicant is found to be in breach of those conditions, the application would fall for refusal on general grounds.

See General Grounds for Refusal for further information.

Leave to remain under this route is subject to the following conditions:

- (i) no recourse to public funds,
- (ii) registration with the police, if this is required by paragraph 326 of these Rules, and
- (iii) no employment as a Doctor or Dentist in Training, unless the applicant:
 - (1) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System;
 - (2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or
 - (3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training,
- (iv) no employment as a professional sportsperson (including as a sports coach).

In addition, applicants who are currently on an NHS Foundation Programme or are working as a Doctor or Dentist in Training and were previously granted free access to the labour market (leave granted on Code 1 conditions only) are also not subject to such employment restrictions.

In order to qualify for this exemption the applicant should provide the following evidence in addition to the documents specified in the relevant Tier 1 guidance notes:

To prove that they are on the Foundation Programme- a letter from their programme provider confirming that:

- the applicant has a place on a Foundation Programme
- the Foundation Programme is recognised by the medical community
- the place on the Foundation Programme is full time

To prove that they are working as a Doctor or Dentist in Training, the applicant must provide a letter from the NHS Trust employing them, confirming that they are working in a post/programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post.

7.3 Continuous period of 5 years

The Home Office requires Tier 1 (General) migrants to provide evidence of all absences from the UK during the continuous period that were due to compelling or compassionate reasons. For more information see ILR – calculating continuous period in the UK.

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7.4 Supporting evidence required

Please refer to Annex A (1) of this document for details of the supporting evidence required for applications for indefinite leave for Tier 1 (General) Migrants.

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7.5 Applicants affected by the HSMP Forum judicial review judgments

The HSMP Forum Ltd brought 2 separate judicial reviews against the Secretary of State for the Home Department (SSHD).

The first of these was on the grounds that migrants who joined the Highly Skilled Migrant Programme (HSMP) before December 2006 had a legitimate expectation that they would not be affected by any subsequent revisions to the HSMP criteria after they entered the scheme. On 8 April 2008 the High Court ruled in the favour of the HSMP Forum Ltd on this point and remedies were published in the [HSMP Forum Ltd Judicial Review Policy Document](#).

The second judicial review was brought on the grounds that the first judgment included ILR and that consequently the remedies put in place after the first High Court ruling should have allowed those HSMP participants who commenced their

journey on HSMP prior to 3 April 2006 to gain ILR after four years rather than five. On 6 April 2009 the High Court ruled in favour of the HSMP Forum Ltd on this and remedies were published in the HSMP Indefinite Leave to Remain (ILR) judicial review policy document.

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Consideration of applications covered by the High Court ruling of 6 April 2009

In order to be covered by the High Court ruling an applicant must:

- have received a HSMP approval letter issued on the basis of an application made on or before 3 April 2006
- have been granted entry clearance or Leave to Remain (LtR) on the basis of that letter

Where an applicant meets the above criteria their application should be assessed under the following requirements:

- a. The migrant has spent a continuous period of 4 years lawfully in the UK, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder (under paragraphs 128 to 133 of the Immigration Rules), leave as an Innovator (under paragraphs 210A to 210F of the Immigration Rules) or leave as a Tier 1 (General) migrant.
- b. The migrant applied to enter onto the HSMP before the qualifying period for Indefinite Leave to Remain (ILR) was increased from 4 to 5 years on 3 April 2006, and was successful in that application.
- c. Throughout the 4 years spent in the UK the migrant has been able to maintain and accommodate themselves and any dependants adequately without recourse to public funds.
- d. The migrant is lawfully economically active in the UK in employment, self-employment or a combination of both.

In considering whether an application meets the continuous residence requirement, consideration should be given to where leave has been deemed as spent under HSMP by virtue of the first judicial review remedies. This allowed the following periods to be included in any calculation of continuous residence:

- any valid leave obtained prior to the April 2008 judgment
- Tier 1 (General) leave issued under the terms of the HSMP Forum Ltd Judicial Review Policy document
- the time between the end of the applicant's HSMP leave and the start of the Tier 1 (General) leave issued under the terms of the policy document
- any valid subsequent leave

Caseworkers will be able to identify those applicants who have been granted Tier 1 (General) leave under the terms of the first policy document by reference to the title of the case type on CID and from the associated case comments. The case type prefix will be Tier 1 (Gateway), for those granted further leave in the UK. Those approved further leave at post overseas under the terms of this policy document can be identified by reference to the case comments on CRS (International Group's database of visa applications). In addition, applicants affected by the judgment have been advised to submit their approval letter issued in light of the High Court judgment with any subsequent application for settlement.

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Refusals of applications made under the HSMP Indefinite Leave to Remain (ILR) Judicial Review Policy Document.

Where an application is considered as falling for refusal on one of the HSMP specific criteria, caseworkers should refer the case through their senior caseworker (SCW) to email Economic Migration Policy. You must provide the following information:

- applicant's name
- reference number (so the application can be identified on GCID)
- reason application is being considered for refusal

Where the application falls for refusal **solely** on general grounds the application can be refused in the usual manner without referring to employment policy.

Consideration of applications covered by the High Court ruling of April 2008

In addition to those covered by the second judgment (detailed above) there is a separate group who applied to enter the HSMP between the change in the ILR Rules in April 2006 and the change in the HSMP extension criteria in November 2006.

Applicants who fall into this category (and are not included in the second judgment) will still be required to meet the continuous leave requirement as specified in the Immigration Rules (currently 5 years). However, due to the fact that some of this cohort may have spent time not covered by HSMP leave as a direct result of the changes to the extension rules, the following factors should be considered when calculating continuous residence for this group:

- any valid leave obtained prior to the judgment
- Tier 1 (General) leave issued under the terms of the HSMP Forum Ltd Judicial Review Policy document
- the time between the end of the applicant's HSMP leave and the start of the Tier 1 (General) leave issued under the terms of the policy document
- any valid subsequent leave

Caseworkers will be able to identify those applicants who have been granted Tier 1 (General) leave under the terms of this policy document by reference to the title of the case type on CID and from the associated case comments. The case type prefix

will be Tier 1 (Gateway), for those granted further leave in the UK. Those approved further leave at post overseas under the terms of this policy document can be identified by reference to the case comments on CRS (UKVI International's database of visa applications). In addition, applicants affected by the judgment have been advised to submit their approval letter issued in light of the High Court judgment with any subsequent application for settlement.

7.6 Granting settlement as a Tier 1 (General) Migrant

If all the above requirements have been met, settlement may be granted

Any application for indefinite leave to remain as a Tier 1 (General) Migrant will be subject to the policy in place at the time of the application for indefinite leave to remain.

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8. Tier 1 (Entrepreneur)

To qualify for indefinite leave in this capacity, the applicant must meet the requirements listed in the Tier 1 (Entrepreneur) guidance.

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9. Tier 1 (Investor)

To qualify for indefinite leave in this capacity, the applicant must meet the requirements listed in the Tier 1 (Investor) guidance.

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10. Tier 1 (Exceptional Talent)

To qualify for indefinite leave in this capacity, the applicant must meet the requirements listed in the Tier 1 (Exceptional Talent) guidance.

Annex A – Supporting Evidence Required

1. Tier 1 (General) Migrants

Applicants applying for indefinite leave to remain on completing 5 years' continuous stay in the UK (or 4 years where the application is being made under terms of the HSMP ILR Judicial Review Policy Document) should provide the following supporting evidence:

For applications made under the terms of the HSMP ILR Judicial Review Policy Document

Evidence that the applicant is economically active in the UK in employment or self-employment or both at the time the application is made. This evidence should take the form of documents showing the applicant's personal earnings (if they are employed) or the progress of the business (if they are self-employed).

Some examples of this may be:

- for a salaried employee, formal payslips or on company headed paper: if the payslips are not provided on company headed paper or they receive their payslips on line, the payslips should be stamped and signed by the employer or alternatively a letter should be provided on the employer's company headed paper confirming the applicant's earnings both at the time of their application for further leave to remain and now
- if an applicant has worked in a self-employed capacity and has chosen to keep their earnings within the company structure, a letter from their accountant may be provided or alternatively evidence to show their company is actively trading in the UK at the time the application is made

For applicants who are not applying under the terms of the HSMP ILR Judicial Review Policy Document,

Qualifications

Documents required

An applicant who has previously been given permission to stay in the UK under Tier 1 (General) or the Highly Skilled Migrant Programme, and previously scored points for the same qualification for which they wish to claim points in their current application, does not need to send evidence of their qualification again.

The specified documents are as follows:

(i) Original certificate of award of the qualification.

This document must be the original (not a copy) and must clearly show the:

- applicant's name
- title of the award

- date of the award
- name of the awarding institution

The Home Office will not accept original **provisional** certificates. The original certificate of award must always be provided unless the applicant is awaiting graduation having successfully completed their degree; or the applicant no longer has the certificate and the institution who issued the certificate is unable to produce a replacement. In which case the applicant should send:

(ii) An original academic reference from the institution that is awarding the degree together with an original academic transcript.

If the applicant is awaiting graduation but has successfully completed their degree or no longer has the certificate and the awarding institution is unable to issue a replacement, the applicant should send an original academic reference from the institution that is awarding the degree together with an original academic transcript.

The academic reference from the institution awarding the degree must be on the official headed paper of the institution and clearly show the:

- applicant's name
- title of award
- date of award, confirming that it has been/ will be awarded
- 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

The academic transcript must be on the institution's official paper and must show the:

- applicant's name
- name of the academic institution
- course title
- confirmation of the award

If the applicant cannot provide their original certificate for one of the reasons given above and is claiming points for a qualification with a significant research bias (frequently doctorates) they may not be able to provide an academic transcript. In these cases we will accept an academic reference alone. The academic reference must include all the information detailed above.

Where an applicant is relying on an overseas qualification, they must, in addition to the document or documents listed above, submit an original UK NARIC documentation confirming the equivalency of the level of their qualification.

Where an applicant is relying on a professional/vocational qualification they should, in addition to the document or documents listed above, submit an original letter from the appropriate UK professional body confirming the equivalence to UK academic levels of their qualification. This must clearly show:

- the name of the qualification, including the country and awarding body

- confirmation of which UK academic level this qualification is equivalent to

Previous earnings

Further information can be found in Appendix A of the Immigration Rules (table 2 and paragraphs 8 -23).

An applicant will be awarded no points for previous earnings of less than £20,000 if:

- (i) their 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
- (ii) they have had leave to remain as a Tier 1 (General) Migrant under the rules in place between 31 March 2009 and 5 April 2010, and
- (iii) their 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.

Earnings period you must assess

An applicant can claim points for the earnings they had previously made for their work.

The applicant can claim points for previous earnings in any single, consecutive 12-month period during the 15 months immediately before the date of applying. An applicant may claim points for a 12-month period of earnings outside of this 15 months if they can show that they have been:

- away from the workplace for a time during the last 12 months because of a period of maternity, shared parental or adoption-related absence

All the periods we specify are calendar months (for example 14 January – 13 February)

If an applicant claims for a period of earnings that is more than 12 months, or has not indicated a period for assessment of earnings, the Home Office will assess the most recent period of 12 months for which he/she has provided evidence.

Additionally, we will not consider evidence of earnings from a period outside the 15 months immediately before the application, except when an applicant is claiming a period of absence for maternity, shared parental or adoption-related absence.

An applicant does not have to be in continuous or full-time employment during the 12 months being assessed.

An applicant may claim for a period of earnings of less than 12 months if they have earned sufficient funds to claim the necessary points.

You must only consider actual earnings. You must never consider earnings claimed on a pro rata basis (for example when the applicant has worked part-time and tries to claim for what they might have earned if the work had been full-time).

You must be satisfied that the earnings are from genuine employment. If you are not satisfied, points for those earnings will not be awarded.

In making the assessment in paragraph 19(i) of Appendix A, you must assess on the balance of probabilities and may take into account the following factors:

- (i) the evidence the applicant has submitted;
- (ii) whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in the applicant's financial transactions or records without being earned;
- (iii) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading;
- (iv) verification of previous earnings claims with declarations made in respect of the applicant to other government departments, including declarations made in respect of earnings claimed by the applicant in previous applications;
- (v) the applicant's previous educational and business experience (or lack thereof) in relation to the claimed business activity;
- (vi) the applicant's immigration history and previous activity in the UK;
- (vii) where the nature of the applicant's employment or business requires him to have mandatory accreditation, registration or insurance, whether that accreditation, registration or insurance has been obtained;
- (viii) any payments made by the applicant to other parties; and
- (ix) any other relevant information.

To support the assessment you may:

- (i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Secretary of State at the address specified in the request within 28 working days of the date the request is sent, and
- (ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.

You may decide not to carry out the assessment if the application already falls for refusal on other grounds, but reserve the right to carry out this assessment in any reconsideration of the decision.

Maternity, shared parental or adoption-related absence

The provision for maternity, shared parental or adoption-related absence is designed to allow an applicant to claim points for previous earnings under Tier 1 (General) if he/she has been unable to earn during the 12 months before the application

because of a period of maternity, shared parental or adoption-related absence from the workplace.

This rule allows an applicant to claim previous earnings for 12 months of the most recent 15-month period in which they have been working, not counting the period of maternity, shared parental or adoption-related absence.

For example: An applicant has been working for four months, takes a period of maternity, shared parental or adoption-related absence for 6 months, then returns to work for 8 months before applying. In these circumstances you would consider the combined periods of 4 and 8 months during which the applicant worked, but would not count the 6 months of maternity, shared parental or adoption-related absence.

The maximum period of maternity, shared parental or adoption-related absence that we will discount is 12 months.

If the applicant is still absent from work for maternity, shared parental or adoption-related reasons at the time of their application, you must consider a period of 12 months taken from the 15 months immediately before the absence began.

An applicant who has had maternity, shared parental or adoption-related absence in the 12 months before their application can claim for earnings during this period if they wish, such as statutory maternity, shared parental or adoption payments.

Documents required

For us to consider earnings from a period before the 15 months immediately before the application, because of maternity, shared parental or adoption-related absence from the workplace (for the purposes of paragraph 245AA of the Immigration Rules) the applicant must provide two pieces of specified evidence to prove that absence was for maternity, shared parental or adoption reasons. The specified documents that meet the requirements of the Immigration Rules are listed below.

(i) Birth certificate or certificate of adoption (as appropriate). This should be the original full birth certificate or original full certificate of adoption (containing the names of parents/ adoptive parents) of the child for whom the period of maternity, shared parental or adoption-related absence was taken. This certificate should always be sent if one has been issued. The applicant must also send one of the following (or both if the birth certificate or certificate of adoption is not available):

(ii) Letter from the applicant's employer. This should be an original letter, on the company headed paper, and must confirm the start and end dates of the period of maternity, shared parental or adoption-related absence.

and/or

(iii) Payslips or other payment or remittance documents. These should cover the entire period for which the maternity, shared parental or adoption-related absence is being claimed and should show the statutory maternity, shared parental or adoption payments to the applicant. Documents provided must be original, and on the official letter-headed paper of the issuing authority.

If the birth certificate or certificate of adoption is not available then an applicant should provide the documents specified above.

If the applicant is unable to supply 2 documents from the 3 listed above, they may use another document listed below as an alternative for one of the pieces of evidence required. However, at least one piece of evidence to prove the maternity or adoption-related absence must be one of those specified in i) to iii) above.

In certain circumstances the applicant will be unable to supply 2 of the documents specified at i) to iii) above (for example if no birth certificate has been issued). In these cases, the applicant should fully explain the reasons and supply alternative documents as evidence of the maternity, shared parental or adoption-related absence for the period claimed. The alternative documents must be from an official source and must be independently verifiable.

You can only accept other documents as evidence of maternity, shared parental or adoption-related absence if you are satisfied that the specified documents cannot be provided.

Where 2 of the specified documents at i) to iii) above are not available you must accept the following alternative documents or types of documents:

- official adoption papers issued by the relevant authority
- any relevant medical documents that the applicant is content to let us see
- a relevant extract from a register of birth provided it is accompanied by an original letter from the issuing authority

You must not accept the following documents or types of documents:

- personal letters of confirmation
- newspaper announcements
- other unofficial document

Assessment of previous earnings

You must assess an applicant's earnings. If an applicant is in salaried employment, you must assess the applicant's gross salary before tax. This includes self-employed applicants who draw a salary from their businesses. If the applicant earned the money in a country with no tax system, you must consider their total earnings for the period.

If an applicant is self-employed and has chosen to retain the profits within the business, their earnings are limited to the share of the business's net profits to which they are entitled. You must consider profits made during the 12-month earnings period for which the applicant is claiming.

You must not consider earnings made during a time when the applicant was in breach of the UK's immigration laws.

For example: Earnings made from UK employment will only be considered if the applicant had leave to enter or remain in the UK at the time they were earned, and in a category which permitted the applicant to take that employment.

If an applicant has earned monies in the UK for a period during which they remained overseas (eg a company director drawing a UK salary but remaining based outside the UK) such earnings will be accepted.

Earnings you will include in the assessment

We will include previous earnings from:

- salaried employment
- self-employed activities

Where an applicant is claiming earnings for self employment in the UK, additional documentation will be required to demonstrate that they are established as being self employed.

An applicant's overall total earnings can include those from several sources of work, including a combination of salaried employment and self-employed activities.

- earnings do not need to have been with a single employer
- earnings can be considered from full-time, part-time, temporary and short-term work
- earnings may include, among other things:
 - salaries (includes full-time, part-time, and bonuses)
 - earnings from self-employment
 - earnings from business activities
 - statutory and contractual maternity, shared parental and adoption pay
 - allowances (such as accommodation, schooling or car allowances) that form part of an applicant's remuneration package
 - 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
 - income from property rental, where this forms part of the applicant's business
 - payment in lieu of notice (a payment made instead of requiring an employee to work the normal period of notice when leaving a job)

Unearned sources of income that you must not consider as previous earnings include:

- expenses (such as accommodation, schooling or car allowances) that reimburse the applicant for money they had previously spent
- 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
- income from property rental, unless this forms part of the applicant's business;
- interest on savings and investments
- funds that were inherited
- money paid to the applicant as a pension
- redundancy payment
- sponsorship for periods of study
- state benefits
- prize money or competition winnings, other than where they are directly related to the applicant's main profession or occupation

Allowances

You must only include allowances (such as those for accommodation or schooling for an applicant's children) in the assessment of an applicant's previous earnings if they are part of an applicant's remuneration package and are not paid to reimburse the applicant for money they have previously spent.

You must only accept allowances as earnings if they are declared in the applicant's payslips and there is a contractual obligation on the employer's part to make these payments.

Converting overseas earnings into pounds sterling (£)

Earnings made overseas must be converted into pounds sterling so that we can assess them. The official exchange rate we use is the one produced by OANDA.

An applicant should use the closing exchange rate on the OANDA website at www.oanda.com/currency/classic-converter on the last day of the period for which they have claimed earnings in that currency. This is an independent website, for which the Home Office is not responsible.

If the applicant's overseas earnings fall either side of a period of maternity, shared parental or adoption-related absence, you must calculate earnings using the closing exchange rate for the last day of each period of earnings claimed.

If, during the period for which you are considering the applicant's previous earnings, they have earned money from outside the UK, they can include these in the calculation to score points for earnings. The applicant should provide details of the overseas earnings, in the original currency in which they were paid. The applicant should convert these earnings into pounds sterling by using the closing exchange rate on the OANDA website for the last day of the period for which they have claimed earnings in that currency.

Documents required

You must only award points for previous earnings if the applicant sends specified supporting documentary evidence with their application.

The applicant must provide at least **2 different types** of supporting document for each source of earnings claimed. Each piece of supporting evidence must be from a separate source and support all the other evidence so that together they clearly prove the earnings claimed.

For example: When providing documents for salaried employment, an applicant should not send payslips together with a P60, because the Home Office considers both of these documents to be from the same source.

Supporting documents must show all the relevant earnings claimed by the applicant. If earnings from a particular source have been paid in more than one way, the applicant must send 2 types of document for each part of the payment claimed.

For example: An applicant has been paid for their salaried employment by means of a salary and a dividend. If the gross and net dividend payments are included on the applicant's payslip, and can be supported by details of the net dividend payment on the applicant's bank statements, the applicant could submit bank statements and payslips as supporting evidence for both the salary and the dividend claimed. However, if the dividend details are not included on the payslips, the applicant must

also send separate dividend vouchers to support the dividend payments and cross-reference these with the bank statements they provide.

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. 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 a recognised supervisory body. These are:

- the Institute of Chartered Accountants in England and Wales (ICAEW)
- the Institute of Chartered Accountants in Scotland (ICAS)
- the Institute of Chartered Accountants in Ireland (ICAI)
- the Association of Chartered Certified Accountants (ACCA);
- the Chartered Institute of Public Finance and Accountancy (CIPFA)
- the Institute of Financial Accountants (IFA)
- the Chartered Institute of Management Accountants (CIMA) or the Association of Accounting Technicians (AAT)

From 6 April 2014 members of the Association of International Accountants (AIA) are also members of a recognised supervisory body. If the earnings were made while the applicant was not in the UK, the evidence must come from one of the above accountants or from an accountant or accountancy firm on the list of full members given on the website of the [International Federation of Accountants](#).

In addition to the documents required to demonstrate earnings, applicants claiming points for self employed earnings made in the UK must provide documents to show that they are registered as self employed and were registered as self-employed for the period when this money was earned.

The specified documents are as follows:

Payslips: These should be original formal payslips showing the employer's name. Other payslips must be accompanied by a letter from your employer, on the employer's company headed paper confirming the earnings. The payslips must cover the whole period claimed (for example, if payslips are produced monthly, the applicant must provide the payslip for each month of the period claimed).

Personal bank statements showing the payments made to the applicant: Bank statements provided must be on official bank stationery, and must show each of the payments that the applicant is claiming. If the applicant wishes to submit electronic bank statements from an online account they should also provide a supporting letter from the bank on company headed paper confirming that the documents are authentic. Alternatively an electronic bank statement bearing the official stamp of the bank issuing the statements will be accepted. This stamp must appear on every page of the statement.

Letter from the applicant's (previous and/or present) employer(s) (or in the case of winnings, the relevant awarding body) confirming that the applicant has received the exact amount claimed. This is a letter on company headed paper

which clearly shows the applicant's earnings during period claimed, and the date and amount of each payment. This letter should be dated after the period for which earnings are being claimed and should clearly show the applicant's gross and net pay.

(Where an employer letter includes only total gross and net earnings figures for the whole earnings period claimed, you must consider this document. However, only where the dates of the earning period and the total gross/net earnings stated in the letter exactly correspond with the information included in the other documentary evidence of these earnings provided, you will be able to award points.)

Official tax document produced by the tax authority or employer, showing earnings on which tax has been paid or will be paid in a tax year. For these purposes, the Home Office defines official tax documents as:

- 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)
- 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 UK)
- 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: the document must have been approved, registered, or stamped by the tax authority (this is particularly relevant to some overseas tax systems, for example SARAL in India)

Please note that because tax documents are usually produced at the end of a fixed tax period they will not necessarily show the entire period for which the applicant is claiming previous earnings unless they are for the exact period claimed. An applicant should therefore be cautious about using these documents unless he/she is sure they show the exact amount of earnings for which he/she is claiming points.

Dividend vouchers. Dividend vouchers must show the amount of money paid by the company to the applicant, normally from its profits. They should confirm both the gross and net dividend paid. An applicant should provide a separate dividend voucher or payment advice slip for each dividend payment, to cover the whole period claimed.

Self-employed applicants only - letter from the applicant's accountant (confirming that the applicant received the exact amount they are claiming, or the net profit to which they are 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. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

Invoice explanations or payment summaries from the applicant's accountant.

These are summaries or explanations created by an applicant's accountant. These explanations should include a breakdown of the gross salary, tax deductions and dividend payments made to the applicant. The total gross salary and dividend payments should be the same as the applicant's earnings. The payment summary should enable you to check that these correspond with the net payments into the applicant's personal bank account. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

Company or business accounts that clearly show the net profit of the company or business. Accounts must show both a profit and loss account (or income and expenditure account if the organisation is not trading for profit) and the balance sheet should be signed by a director. Accounts should meet statutory requirements and should clearly show the net profit made over the earnings period to be assessed.

Business bank statements showing the payments made to the applicant: Bank statements provided must be on official bank stationery, and must show each of the payments that the applicant is claiming. If the applicant wishes to submit electronic bank statements from an online account they should also provide a supporting letter from the bank on company headed paper confirming that the documents are authentic. Alternatively an electronic bank statement bearing the official stamp of the bank issuing the statements will be accepted. This stamp must appear on every page of the statement.

Where an applicant is submitting a combination of bank statements and a letter/invoice summary from their accountant, they must also provide any invoices generated during the period for which earnings are being claimed. All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm

If the applicant is claiming earnings from self employment in the UK, they must provide evidence that they were paying Class 2 National Insurance contributions during the period/s of self-employment used to claim points.

National Insurance contributions may be paid by quarterly bill or direct debit, or the applicant may have applied for a small earnings exception certificate. Applicants must provide one of the following documents, according to their individual circumstances.

If the applicant's National Insurance is paid by bill: The applicant must provide the bill from the billing period immediately before the application. This must be an original document and not a copy.

If the applicant's National Insurance is paid by direct debit: The applicant must provide a copy of the most recent bank statement issued before the application, showing the direct debit payment of National Insurance to HM Revenue & Customs. Please see the requirements for bank statements above.

If the applicant has low earnings: The applicant should provide an original small earnings exception certificate issued by HM Revenue & Customs for the most recent return date.

Original welcome letter from HM Revenue & Customs: Self-employed applicants must be registered for corporation tax, and must provide documentation from HM Revenue and Customs as confirmation, for example form CT41G, or a completed HM Revenue and Customs tax return document, showing the unique tax reference number for the company. If reporting is done on-line, the applicant must provide a print out of the form, and sign it as being correct. HM Revenue & Customs will issue form CT41G or the small earnings certificate at any time up to 6 weeks from the date of first contact with the self-employed applicant.

Extra information required

An applicant must provide full contact details for each source of income they give us, so we can verify all supporting documents if necessary.

An applicant should also provide any information or explanation of the documents submitted that may help us to consider the earnings claimed.

For example:

An applicant is operating through a limited liability company that is administered on their behalf by an accountant. The name on the payment advice may therefore differ from the credit payment entries on the applicant's bank statements. In these cases the applicant should provide a letter from their accountant to clarify the relationship between everyone concerned.

An applicant is one of a number of shareholders in the business and is claiming for net profits made over the earnings period. The applicant should provide a letter from their accountant, confirming the percentage share they are entitled to receive from the business's net profit (before the applicant has paid any additional tax due).

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

Examples of document combinations to provide

The evidence an applicant can provide will depend on their circumstances and how they earned the money. Examples of typical combinations of documents are set out below. They are divided into employment types to help an applicant find the right examples.

These examples are not the only combination of documents the Home Office will accept for each employment type and an applicant can use other combinations of documents, providing these meet the requirements of the 'documents required' section above.

Employees who receive a salary

A salaried employee could provide a combination of:

personal bank statements covering the full 12-month earnings period and either:
original payslips for the full 12-month earnings period; or
a letter from their employer.

(The Home Office consider that payslips and letters from an employer are from the same source and an applicant should therefore not provide a combination of these 2 types of document.)

Employees who receive a salary and dividend payments:

If the applicant is paid with a combination of salary and dividends, and both payments appear on the applicant's payslip, this employee could provide:

- personal bank statements for the full 12-month earnings period and either:
 - original payslips for the full 12-month earnings period
 - a letter from their employer

If the applicant is paid with a combination of salary and dividends, and the salary and dividend payments do not both appear on the applicant's payslip, this employee could provide the documents listed above plus:

- dividend vouchers for each dividend payment claimed, showing both the gross and the net dividend

Self-employed earnings within a business or company structure:

If an applicant has worked in a self-employed capacity in their own business or company structure and has chosen to keep their earnings within the business or company, they could provide:

- business or company accounts that meet statutory requirements and show the **net** profit made for the earnings period claimed
- personal/business bank statements

If the applicant's accounts and bank statements only show the gross amount of profit for the business they should also provide a third piece of evidence showing the net profit of the business for the period claimed, for example a tax return which can be for either self-assessment, or corporation tax (form SA 300 or Form CT 600), or they can submit an accountant's letter. This is because you can only consider the net profit of the business for the applicant's income.

If the applicant is not the sole shareholder of the company they should also provide:

- a letter from their accountant confirming their shareholding and the proportion of net profit before tax to which they are entitled for the earnings period claimed

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

Contractors

If the applicant is a contractor who does not operate either through their own company or as an employee, they may provide:

- an accountant's letter confirming a breakdown of their gross and net earnings for the period claimed
- personal bank statements clearly highlighting all credit payments made to their account from employment undertaken during the earnings period claimed

All accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body, see section on providing evidence from an accountant or accountancy firm.

Archive

Annex B - Refusal Formulae

Indefinite Leave to Remain - Tier 1 (General) Migrants

You have applied/...applied on your behalf for indefinite leave to remain in the United Kingdom but your application has been refused.

Applicant has not met the continuous leave requirement

Paragraph 245CD (c)

In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you have spent a continuous period of 5 years lawfully in the UK, of which the most recent period must have been spent with leave as a Tier 1 (General) Migrant, and the rest made up of leave in any combination of the following categories:

- (i) as a Tier 1 (General) Migrant,
- (ii) as a Highly Skilled Migrant,
- (iii) as a Work Permit Holder,
- (iv) as an Innovator,
- (v) as a Self-Employed Lawyer,
- (vi) as a Writer, Composer or Artist,
- (vii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant, or
- (viii) as a Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010

Applicant has not met the points requirement for Tier 1 (General) Migrants

Applicant has or has had leave as a Highly Skilled Migrant, a Writer, Composer or Artist, a Self-employed Lawyer or as a Tier 1 (General) Migrant under the rules in place before 19 July 2010, and has not been granted leave in any categories other than these under the rules in place since 19 July 2010

Applicant has not met the continuous leave requirement (HSMP ILR Judicial Review Policy Document)

Paragraph 245CD (d)(i)

In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you have spent a continuous period of 4 years lawfully in the UK, of which the most recent must have been spent with leave as a Highly Skilled or Tier 1 (General) Migrant, in any combination of the following categories:

- (i) as a Tier 1 (General) Migrant;
- (ii) as a Highly Skilled Migrant;
- (iii) as a Work permit Holder; or
- (iv) as an Innovator.

Paragraph 245CD(e)

In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you have 75 points under paragraphs 9 to 38 of Appendix A of the Immigration Rules.

Applicant has not met the points requirement for Tier 1 (General) Migrants

Paragraph 245CD (g) *Applicants other than those referred to in paragraphs 245CD (d)-(e) of the Immigration Rules*

In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you have 80 points under paragraphs 9 to 38 of Appendix A of the Immigration Rules.

Applicant doesn't meet the Knowledge of Language and Life in the UK requirement.

Paragraph 245CD (h)

In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you have have met the Knowledge of Language and Life in the UK requirement in accordance with Appendix KoLL of the Immigration Rules.

Applicant does not meet criminality requirement

Paragraph 245CD (b)

In view of [xxxxxxx], the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal. Paragraph 276D with reference to paragraph 276B(iii)