

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules



## **Indefinite leave to remain in closed categories**

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## Indefinite leave to remain in closed categories

### About this guidance

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This guidance gives information on deciding applications for indefinite leave to remain (ILR) in the UK for closed immigration categories.</p> <p><b>What is a closed category?</b></p> <p>It is an immigration category that was removed or subsumed by the introduction of the points-based system (PBS) in 2008 and 2009. Migrants cannot now apply for entry clearance, leave to enter or limited leave to remain in these categories.</p> <p>These categories are no longer available for entry to the UK but applicants with current leave can apply for ILR.</p> <p>For details of the closed immigration categories that do not lead to ILR, or settlement, see link on left: Closed categories: no indefinite leave to remain.</p> <p>This guidance includes rules relating to migrants who entered or remained in the UK under closed employment categories, closed self-employment categories and concessions outside the rules.</p> <p>Retired persons of independent means is not included in this section because the category has not been completely closed. Applicants can no longer apply to enter the UK in this category. But those people already here as a retired person of independent means can still apply for leave to remain or ILR.</p> <p>For information on retired persons of independent means, see related link: Retired persons of independent means.</p> <p>This guidance is based on the Immigration Rules - see related links to the relevant rules on each category page.</p> <p><b>What is ILR?</b></p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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	<p>ILR, also known as settlement, is permission to remain in the UK without any time restrictions on the length of stay. It is not the same as naturalisation as a British citizen and may, in specific circumstances, be ceased or invalidated. For example:</p> <ul style="list-style-type: none"><li>• if a fraudulent application is uncovered</li><li>• if the person resides outside of the UK for more than two years, or</li><li>• as a result of a criminal conviction that results in a Deportation Order coming into force.</li></ul> <p>Under the Immigration Rules, migrants who have spent five years here in certain categories may apply for ILR and, if successful, no longer need to apply for further permission.</p> <p>If the applicant has been in the UK for five years and only applies for further leave to remain, you must not treat the application as one for settlement. You must consider the application under the requirements for the type of leave which is being requested.</p> <p>As the routes covered in this guidance were superseded by PBS it is no longer possible for individuals to apply for an extension. Where the route (for which further leave to remain applies) has been superseded by PBS you must consult the table that gives the nearest comparable route under PBS. See link on left: Closed categories: no indefinite leave to remain.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	
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## Indefinite leave to remain in closed categories

### Changes to this guidance

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page lists changes to the 'Indefinite leave to remain in closed categories' guidance, with the most recent at the top.</p> <table border="1"> <thead> <tr> <th data-bbox="490 440 831 480">Date of the change</th> <th data-bbox="831 440 1532 480">Details of the change</th> </tr> </thead> <tbody> <tr> <td data-bbox="490 480 831 703">26 February 2014</td> <td data-bbox="831 480 1532 703"> <p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Minor housekeeping and plain English changes throughout.</li> </ul> </td> </tr> <tr> <td data-bbox="490 703 831 1225">28 October 2013</td> <td data-bbox="831 703 1532 1225"> <p>Change request:</p> <ul style="list-style-type: none"> <li>• Throughout the guidance:                             <ul style="list-style-type: none"> <li>○ references to paragraph 33BA of the Immigration Rules replaced with paragraphs 2.2 and 2.3 of Appendix KoLL of the Immigration Rules</li> <li>○ in all refusal wording tables, replaced 'Does not meet English language and Knowledge of life requirements' with 'Does not meet the Knowledge of Language and Life in the UK requirement'.</li> </ul> </li> </ul> </td> </tr> <tr> <td data-bbox="490 1225 831 1337"></td> <td data-bbox="831 1225 1532 1337"> <p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: <a href="#">Closed categories – archive</a>.</p> </td> </tr> </tbody> </table>	Date of the change	Details of the change	26 February 2014	<p>Six month review by the modernised guidance team:</p> <ul style="list-style-type: none"> <li>• Minor housekeeping and plain English changes throughout.</li> </ul>	28 October 2013	<p>Change request:</p> <ul style="list-style-type: none"> <li>• Throughout the guidance:                             <ul style="list-style-type: none"> <li>○ references to paragraph 33BA of the Immigration Rules replaced with paragraphs 2.2 and 2.3 of Appendix KoLL of the Immigration Rules</li> <li>○ in all refusal wording tables, replaced 'Does not meet English language and Knowledge of life requirements' with 'Does not meet the Knowledge of Language and Life in the UK requirement'.</li> </ul> </li> </ul>		<p>For previous changes to this guidance you will find all earlier versions in the archive. See related link: <a href="#">Closed categories – archive</a>.</p>	<p><b>Related links</b></p> <p><b>See also</b></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

### Closed categories: no indefinite leave to remain

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page gives you details of the closed categories that do not lead to indefinite leave to remain (settlement).</p> <p>The categories below were closed when the points-based system (PBS) was introduced (or have closed since) and the table below gives the nearest comparable route under PBS.</p> <table border="1" data-bbox="515 550 1635 1415"> <thead> <tr> <th>Previous category</th> <th>PBS Category</th> </tr> </thead> <tbody> <tr> <td>Fresh talent: working in Scotland</td> <td>Tier 1 (Graduate entrepreneur)</td> </tr> <tr> <td>International graduate scheme</td> <td>Tier 1 (Graduate entrepreneur)</td> </tr> <tr> <td>Tier 1 (Post-study work)</td> <td>Tier 1 (Graduate entrepreneur)</td> </tr> <tr> <td>Carers (other than work permit holders)</td> <td>Tier 2 (General) or visitors category</td> </tr> <tr> <td>Jewish agency</td> <td>Tier 2 (General)</td> </tr> <tr> <td>General Agreement in Trade-in-Services (GATS)</td> <td>Tier 5 (Temporary worker - international agreement)</td> </tr> <tr> <td>Au pairs</td> <td>Tier 5 (Youth mobility scheme) - restricted age and nationalities</td> </tr> <tr> <td>Gap year entrants</td> <td>Tier 5 (Youth mobility scheme) - restricted age and nationalities</td> </tr> <tr> <td>Working holiday maker</td> <td>Tier 5 (Youth mobility scheme) - restricted age and nationality</td> </tr> <tr> <td>China graduate work experience</td> <td>Tier 5 (Temporary worker - government authorised exchange)</td> </tr> <tr> <td>International Association for the</td> <td>Tier 5 (Temporary worker - government authorised exchange)</td> </tr> </tbody> </table>	Previous category	PBS Category	Fresh talent: working in Scotland	Tier 1 (Graduate entrepreneur)	International graduate scheme	Tier 1 (Graduate entrepreneur)	Tier 1 (Post-study work)	Tier 1 (Graduate entrepreneur)	Carers (other than work permit holders)	Tier 2 (General) or visitors category	Jewish agency	Tier 2 (General)	General Agreement in Trade-in-Services (GATS)	Tier 5 (Temporary worker - international agreement)	Au pairs	Tier 5 (Youth mobility scheme) - restricted age and nationalities	Gap year entrants	Tier 5 (Youth mobility scheme) - restricted age and nationalities	Working holiday maker	Tier 5 (Youth mobility scheme) - restricted age and nationality	China graduate work experience	Tier 5 (Temporary worker - government authorised exchange)	International Association for the	Tier 5 (Temporary worker - government authorised exchange)	
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	Exchange of Students of Technical Experience (IAESTE)		
	Teachers and language assistants	Tier 5 (Temporary worker - government authorised exchange)	
	Work permit holder – Training and Work Experience Scheme, Medical Training Initiative	Tier 5 (Temporary worker) - Government authorised exchange and sponsored by a UK government department	
	Voluntary workers	Tier 5 (Temporary worker - charity worker)	
	Japan youth exchange	Tier 5 (Youth mobility scheme) or Tier 5 (Temporary worker)	
	Research assistants to MPs	Any part of the points-based system that they meet the requirements of.	
	British Universities North America Club (BUNAC) students	Tier 5 (Temporary worker - government authorised exchange)	
	International Fire Fighters Fellowship programme	Tier 5 (Temporary worker - government authorised exchange)	
	Department of Trade and Industry (DTI) International secondment scheme	Tier 5 (Temporary worker - government authorised exchange)	
	EU Leonardo da Vinci programme	Tier 5 (Temporary worker - government authorised exchange)	
	Film crew on location	Business visitor	
	Overseas qualified nurses, midwives and student nurses not on work permits	Overseas qualified nurses and midwives - Tier 2 (General)  Student nurses – Tier 4 (General)	

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	Religious non-pastoral visiting worker	Tier 5 (Temporary worker – religious worker)		
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## Indefinite leave to remain in closed categories

### Check the application meets requirements

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page tells you what to check when you consider an application for indefinite leave to remain (ILR) in a closed category.</p> <p>Before you consider an application in this category you must:</p> <p><b>Check the application is valid</b> You must check the:</p> <ul style="list-style-type: none"><li>• application form</li><li>• person has provided the correct documents, and</li><li>• person has enclosed the correct fee where it is appropriate.</li></ul> <p>For more information see related link: Specified application forms and procedures.</p> <p><b>Check the person's identity</b> You must check the:</p> <ul style="list-style-type: none"><li>• applicant has given their biometric information, when required, and</li><li>• applicant's passport or travel document is genuine.</li></ul> <p>For more information see related link: Biometric information.</p> <p><b>Check general grounds for refusal</b> You must check whether there are any general grounds for refusal of this person. For more information see related links: General grounds for refusal.</p> <p>You must also check the applicant meets the specific requirements for the category they are applying for. For information on the specific category, see links on left.</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

### Closed employment categories: indefinite leave to remain

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section tells you how to consider applications for indefinite leave to remain (ILR) in the employment categories that are now closed.</p> <p>The categories covered are:</p> <ul style="list-style-type: none"><li>• Highly skilled migrant programme.</li><li>• Airport-based operational ground staff of overseas-owned airlines.</li><li>• Overseas government employees.</li><li>• Private servants in diplomatic households.</li><li>• Work permit holders - business and commercial and sports and entertainment.</li><li>• Ministers of religion, missionaries and members of religious orders.</li><li>• Sole representatives.</li><li>• Representatives of overseas newspapers, news agencies and broadcasting organisations.</li></ul> <p>Rudolf Steiner voluntary workers is a concession outside the rules. For information on the requirements, see related link: <a href="#">Requirements for Rudolf Steiner voluntary workers</a>.</p> <p>For information on the closed categories that do not lead to ILR (settlement), see link on left: <a href="#">Closed categories – no indefinite leave to remain</a>.</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for highly skilled migrant programme</a></p> <p><a href="#">Requirements for airport-based operational staff of overseas-owned airlines</a></p> <p><a href="#">Requirements for overseas government employees</a></p> <p><a href="#">Requirements for private servants in diplomatic households</a></p> <p><a href="#">Requirements for work permit holders: business and commercial and sports and entertainment</a></p> <p><a href="#">Requirements for ministers of religion, missionaries and members of religious</a></p>
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		<p><a href="#">orders</a></p> <p><a href="#">Indefinite leave to remain for sole representatives</a></p> <p><a href="#">Indefinite leave to remain for representatives of an overseas newspaper, news agency or broadcasting organisation</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for Rudolf Steiner voluntary workers</a></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

### Requirements for highly skilled migrant programme

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the highly skilled migrant programme (HSMP) category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR for HSMP are in paragraphs 135G, 135GA, 135H and 135HA of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraphs 135A to 135C of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link, unless the applicant is applying under the terms of the HSMP ILR judicial review policy document</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• has been living legally in the UK for the last five years, unless the application is being made under terms of the HSMP Forum judicial review policy document, or four years where the applicant is applying under the terms of the HSMP Forum judicial review policy document, see related link</li><li>• has enough knowledge of the English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 of Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• currently has permission to stay in the UK as a highly skilled migrant</li><li>• has been in the UK as a highly skilled migrant, work permit holder or innovator</li></ul>	<p><b>In this section</b></p> <p><a href="#">Highly skilled migrant programme forum judicial review</a></p> <p><a href="#">Grant or refuse highly skilled migrant programme</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules 135A - 135C</a></p> <p><a href="#">Immigration Rules 135G - 135HA</a></p> <p><a href="#">HSMP Forum judicial review policy document (settlement)</a></p>
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throughout the required period

- has maintained and accommodated themselves and any dependants without the use of public funds throughout the required period, and
- has been employed, self-employed or a combination of the two throughout the required period.

**Additional consideration for this category - genuine documents**

Even if the applicant meets all the requirements for HSMP, you must refuse the application under paragraph 135HA, if you have reason to doubt any of the documents submitted by the applicant are genuine. You must have taken reasonable steps to verify the document(s) and refuse if you have not been able to verify that it is genuine.

For information on requirements for dependants, see related link.

See related links for more information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

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## Indefinite leave to remain in closed categories

### Highly skilled migrant programme forum judicial review

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page tells you how to consider applications for indefinite leave to remain (ILR) for a highly skilled migrant programme (HSMP) applicant affected by the 6 April 2009 judicial review judgment brought by the HSMP Forum Ltd.</p> <p>Before 3 April 2006, the continuous residence requirement for ILR under the HSMP was four years. After a change to the Immigration Rules on 3 April 2006, this was increased to five years.</p> <p>A judicial review was brought on the grounds that those who were approved for the HSMP before the continuous leave requirement was increased should be able to apply for ILR after four years. The judge agreed and found in favour of the HSMP Forum Ltd.</p> <p><b>Who does this apply to?</b> For the judgment to apply, the applicant must have:</p> <ul style="list-style-type: none"><li>• received an HSMP approval letter issued for an application made on or before 3 April 2006, and</li><li>• been granted entry clearance or permission to stay in the UK on the basis of that letter.</li></ul> <p><b>Requirements</b> If an applicant meets the above requirements, you must assess the application against the following:</p> <ul style="list-style-type: none"><li>• The applicant has spent a continuous period of four years lawfully in the UK, of which the most recent period must have been with permission to stay as a highly skilled migrant. The remainder must be made up of leave as:<ul style="list-style-type: none"><li>○ an HSMP participant</li><li>○ a work permit holder (under paragraphs 128 to 133 of the Immigration Rules)</li><li>○ an innovator (under paragraphs 210A to 210F of the Immigration Rules), or</li></ul></li></ul>	<p><b>In this section</b></p> <p><a href="#">Requirements for highly skilled migrant programme</a></p> <p><a href="#">Grant or refuse highly skilled migrant programme</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">HSMP Forum judicial review policy document (settlement)</a></p> <p><a href="#">Paragraphs 128-133 of the Immigration Rules</a></p> <p><a href="#">Paragraphs 210A to 210F of the Immigration Rules</a></p> <p><a href="#">Immigration Rules for Tier 1 (General)</a></p>
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- a Tier 1 (General) migrant.
- The applicant has been able to maintain and accommodate themselves and any dependants adequately without using public funds throughout the four years in the UK.
- The applicant is lawfully economically active in the UK in employment, self-employment or a combination of both at the time of application.

You must also consider if the applicant has accumulated any period of stay that qualifies under the judicial review remedies of 8 April 2008. This is the time that may have accumulated between the end of their HSMP leave and the start of their Tier 1 (General) leave period under the terms of the judicial review policy document.

You must add the following into the calculation of continuous residence:

- any valid leave in a relevant category (see requirements for ILR) 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, and
- any valid subsequent leave under these policies.

**Initial applications made between 6 April 2006 and 7 November 2006**

You must consider these applications under the policies put in place following the High Court judgements of April 2008 and April 2009.

When an applicant made their initial application between these dates, the applicant:

- must complete at least five years' continuous residence in the UK in a qualifying category, but
- does not have to meet the knowledge of language and life requirement.

If the applicant had a break in their HSMP leave after 7 November 2006, but was then granted leave under the judicial review policies you can count the time not under HSMP

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	<p>towards the five year period for ILR.</p> <p>For information on the judicial review policy, see related link: <a href="#">HSMP Forum judicial review policy document (settlement)</a>.</p> <p>An applicant without current permission to stay as a highly skilled migrant will not qualify for ILR as a highly skilled migrant. They must successfully apply to be re-instated as a highly skilled migrant before they apply for ILR. They can then apply for ILR when they meet the continuous leave requirement.</p> <p>For more information on Tier 1 (General) settlement, see related link: <a href="#">Immigration Rules for Tier 1 (General)</a>.</p> <p>For information on calculating the continuous period in the UK, see related link: <a href="#">Indefinite leave to remain – calculating continuous period in UK</a>.</p>	
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## Indefinite leave to remain in closed categories

### Grant or refuse highly skilled migrant programme

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for a person on the highly skilled migrant programme (HSMP).</p> <p><b>Granting ILR</b> If all the requirements are met you may grant ILR under paragraph 135GA of the Immigration Rules.</p> <p><b>CID codes</b> 1CA Permit free employment. Settlement 4 years not doctor or dentist 1NA 4 Years aggregate of 2 or more of (1A-1F, 1H-1M).</p> <p><b>Refusing ILR</b> If any of the requirements are not met, you must refuse the application under paragraph 135H. If you could not verify any documents as being genuine you must refuse under 135HA. You must refuse an application on both paragraphs, if both apply. See related link: Immigration Rules paragraph 135G – 135HA.</p> <p><b>CID codes</b> X7 Indefinite leave to remain refusal - premature or inappropriate application - applicant still has concurrent leave. X8 Indefinite leave to remain refusal - no extension of leave granted.</p> <p>For more information on the requirements for HSMP and verifying documents, see related link: Requirements for highly skilled migrant programme.</p> <p>For more information on the five year period, see related link: Indefinite leave to remain - calculating continuous period in UK.</p> <p><b>Refusal wording</b> [You have applied/...applied on your behalf] for indefinite leave to remain in the United</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for highly skilled migrant programme</a></p> <p><a href="#">Highly skilled migrant programme forum</a></p> <p><a href="#">judicial review</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules 135A - 135C</a></p> <p><a href="#">Immigration Rules paragraph 135G - 135HA</a></p>
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	Kingdom as a Highly Skilled Migrant Programme participant but your application has been refused.		
	<b>Reason and paragraph</b>	<b>Suggested wording</b>	
	No continuous period of five years leave in category (or four years for HSMP forum applications) Paragraph 135H with reference to 135G(i)	In view of [...insert full reasons for the refusal, eg the fact that [you have not completed a period of 5/4 years in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder, or leave as an Innovator/you currently have leave to [enter/remain] in the United Kingdom as a (insert current immigration category)/you have not completed a period of 5 years in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder, or leave as an Innovator but this has not been a continuous period in the United Kingdom]...] the Secretary of State is not satisfied that you have spent a continuous period of five years lawfully in the United Kingdom, of which the most recent period must have been spent with leave as a highly skilled migrant, and the remainder must be made up of leave as a highly skilled migrant, leave as a work permit holder, or leave as an Innovator.	
	Maintenance and accommodation or needing to use public funds Paragraph 135H with	In view of [...insert full reasons for the refusal...] the Secretary of State is not satisfied that, throughout the five years you have spent in the United Kingdom accruing leave towards settlement as a highly skilled migrant, you have been able to maintain and accommodate yourself	

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	reference to 135G(ii)	[and your dependants] adequately without recourse to public funds.		
	Not economically active Paragraph 135H with reference to 135G(iii)	In view of [...insert full reasons for the refusal...] the Secretary of State is not satisfied that you are lawfully economically active in the United Kingdom in employment, self-employment or a combination of both.		
	Document forged or not genuine Paragraph 135G with reference to 135HA(i)	In view of [...insert full reasons for the believing that the document is forged or not genuine...] the Secretary of State is satisfied that the [...insert description of document...] you have submitted is forged, or not genuine.		
	Unable to verify document Paragraph 135G with reference to 135HA(ii)	In view of [...insert full reasons for the refusal including details of the document and attempts made to verify the document...] the Secretary of State has cause to doubt the genuineness of the [...insert description of document...] you have submitted and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.		
	Does not meet the Knowledge of Language and Life in the UK requirement Paragraph 135H with reference to 135G(iv)	In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules.		
	Criminality (unless the applicant is applying under the terms of the HSMP ILR Judicial Review policy)	For applications before 13 December 2012:  In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the		

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	document) Paragraph 135H with reference to 135G(v)	Rehabilitation of Offenders Act 1974. For applications on or after 13 December 2012: In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.		
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for airport-based operational staff of overseas-owned airlines

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section tells you how to consider an application for indefinite leave to remain (ILR) in the UK for the airport-based operational staff of overseas-owned airlines category (also known as ground crew).</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR in this category are in paragraphs 184 and 185 of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraphs 178 to 183 of the Immigration Rules. See related links.</p> <p>This category only applies to migrants transferred to the UK by an overseas-owned airline, operating services to and from the UK, to take up duty at an international airport as:</p> <ul style="list-style-type: none"><li>• station manager</li><li>• security manager, or</li><li>• technical manager.</li></ul> <p>Staff who are in the UK under special airline arrangements for a short period of time or are working permit free will not be able to apply for ILR.</p> <p>If you receive an application for ILR in this category you must contact the airline employees section at Terminal 3 Heathrow. You must not make a decision until you have received their letter. For more information, see related link: <a href="#">Grant or refuse airport-based operational staff of overseas-owned airlines</a>.</p> <p><b>Requirements</b> You may grant ILR if the applicant:</p>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse airport-based operational staff of overseas-based airlines</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 178 - 183</a></p> <p><a href="#">Immigration Rules paragraphs 184 - 185</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

- has spent a continuous period of five years here as airport-based ground crew
- has enough knowledge of the English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt
- is still engaged in the same employment
- has met the requirements of Appendix F paragraph 181 of the Immigration Rules throughout the five year period, and:
  - applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link, or
  - applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history.

For information on requirements for dependants, see related link.

See related links for information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse airport-based operational staff of overseas-owned airlines

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page tells you how to grant or refuse indefinite leave to remain (ILR) in the UK for airport-based operational staff of overseas-owned airlines category.</p> <p>If you receive an application for ILR in this category you must contact the airline employees section at Terminal 3 Heathrow. They will check their records and issue a letter to you confirming if the applicant qualifies as airport operational staff. You must not make a decision until you have received their letter. See below for contact details.</p> <div style="border: 2px solid red; padding: 5px; text-align: center;"><p>Restricted information - do not disclose – start of section</p><p>The information in this page has been removed as it is for internal Home Office use only.</p><p>Restricted information – do not disclose – end of section</p></div> <p><b>Granting ILR</b> If the letter confirms the applicant qualifies and the applicant meets the requirements you may grant ILR under paragraph 184 of the Immigration Rules.</p> <p><b>CID code</b> 1CA Indefinite leave to remain after five continuous years here in the category.</p> <p><b>Refusing ILR</b> If the letter confirms the applicant does not qualify or any part of the requirements is not met, you must refuse the application for ILR under paragraph 185 of the Immigration Rules.</p> <p><b>CID codes</b> X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave). X8 Indefinite leave to remain refusal - no extension of leave granted.</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for airport-based operational staff of overseas-owned airlines</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b> <a href="#">Immigration Rules paragraph 178 - 185</a></p>
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For more information on the requirements for airport-based ground crew, see related link: Requirements for airport-based operational staff of overseas-owned airlines.

For more information on the five year period, see related link: Indefinite leave to remain - calculating continuous period in UK.

**Refusal wording**

<b>Reason and paragraph</b>	<b>Suggested wording</b>
Not five years in category  Paragraph 185 with reference to 184(i)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."
Not engaged in employment for which entry was granted  Paragraph 185 with reference to 184(ii) and 181(ii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were engaged in the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."
Not required for the employment in question  Paragraph 185 with reference to 184(ii) and 181(iii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you were required for the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."
Other employment  Paragraph 185 with	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you did not intend to take other employment throughout the five

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	reference to 184(ii), 181(iv) and 178(iii)	year period you have spent in the United Kingdom in this capacity."		
	Maintenance and accommodation  Paragraph 185 with reference to 184(ii), 181(iv) and 178(iv)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] without recourse to public funds throughout the five year period you have spent in the United Kingdom in this capacity."		
	No longer required for the employment in question  Paragraph 185 with reference to 184(iii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you are still required for the employment in question."		
	Does not meet the Knowledge of Language and Life in the UK requirement  Paragraph 185 with reference to 184(iv)	"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules."		
	Criminality  Paragraph 185 with reference to 184(v)	For applications before 13 December 2012:  In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.  For applications on or after 13 December 2012:  In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you		



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		do not fall for refusal under the general grounds for refusal.		
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## Indefinite leave to remain in closed categories

### Requirements for overseas government employees

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the overseas government employee category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information, see link on left.</p> <p>The requirements for someone applying for ILR as a full-time employee of an overseas government, who does not qualify for exemption from immigration control, are in the Immigration Rules paragraphs 167 and 168. The requirements for leave to remain for this category are in Appendix F paragraph 160 to 166 of the Immigration Rules. See related links.</p> <p>For information on overseas government employees who are exempt, see related link: IDI - persons exempt from control.</p> <p>An overseas government employee means a person coming for employment by:</p> <ul style="list-style-type: none"><li>• an overseas government</li><li>• the United Nations Organisation, or</li><li>• another international organisation of which the UK is a member.</li></ul> <p><b>Requirements</b></p> <p>You must grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years here as an overseas government employee</li><li>• has enough knowledge of the English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• can produce documentary evidence from their employer confirming their services are</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse overseas government employees</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 160 - 166</a></p> <p><a href="#">Immigration Rules paragraphs 167 -168</a></p>
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still required

- has met the requirements of the Immigration Rules Appendix F paragraph 164 throughout the five year period, and
  - applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link, or
  - applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history.

For information on requirements for dependants, see related link.

See related links for more information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

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## Indefinite leave to remain in closed categories

### Grant or refuse overseas government employees

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for overseas government employees.</p> <p><b>Granting ILR</b> If all the requirements are met you may grant ILR under paragraph 167 of the Immigration Rules.</p> <p><b>CID codes</b> 1CA In own right 5 years permit free employment, excluding doctors and dentists.</p> <p><b>Refusing ILR</b> When any part of the requirements is not met you must refuse the application under paragraph 168 of the Immigration Rules.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"> <li>• X7 Indefinite leave to remain refusal premature or inappropriate application - applicant still has concurrent leave.</li> <li>• X8 Indefinite leave to remain refusal applicant for indefinite leave to remain other than as a husband or wife – no extension of leave granted.</li> </ul> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Requirements for overseas government employees</li> <li>• Indefinite leave to remain - calculating continuous period in UK.</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1337 1686 1434"> <thead> <tr> <th data-bbox="465 1337 840 1434">Reason and paragraph</th> <th data-bbox="840 1337 1686 1434">Suggested wording</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording			<p><b>In this section</b></p> <p><a href="#">Requirements for overseas government employees</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 167 - 168</a></p>
Reason and paragraph	Suggested wording					

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	<p>Not five years in category</p> <p>Paragraph 168 with reference to 167(i)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>		
	<p>Not engaged in employment in question</p> <p>Paragraph 168 with reference to 167(ii) and 164(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were engaged in the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Not required for the employment in question throughout five years</p> <p>Paragraph 168 with reference to 167(ii) and 164(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you were required for the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Did not intend to work full-time</p> <p>Paragraph 168 with reference to 167(ii), 164(iv) and 161(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you intended to work full-time for the [government/ organisation] concerned throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Other employment</p> <p>Paragraph 168 with reference to 167(ii), 164(iv) and 161(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you did not take employment other than as an employee of [an overseas government/the United Nations Organisation/ ... (name of international organisation)] throughout the five year period you have spent in the United Kingdom in this capacity."</p>		

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	<p>Maintenance and accommodation</p> <p>Paragraph 168 with reference to 167(ii), 164(iv) and 161(iv)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>No longer required for the employment in question</p> <p>Paragraph 168 with reference to 167(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you are still required for the employment in question."</p>		
	<p>Does not meet the Knowledge of Language and Life in the UK requirement</p> <p>Paragraph 168 with reference to 167(iv)</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules".</p>		
	<p>Criminality</p> <p>Paragraph 168 with reference to 167(v)</p>	<p>For applications before 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>		

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for private servants in diplomatic households

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK in the private servants in a diplomatic household category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR as a private servant in a diplomatic household are in paragraphs 158 and 159 of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraphs 155 to 157 of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years in the UK as a private servant in a diplomatic household</li><li>• has enough knowledge of the English language and about life in the UK, unless they are exempt</li><li>• has met the requirements of Appendix F paragraph 155 throughout the five year period</li><li>• is still required for the employment in question, as certified by their employer, and:<ul style="list-style-type: none"><li>○ applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link, or</li><li>○ applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history.</li></ul></li></ul> <p>You can grant ILR to a private servant who meets the requirements without the employer being granted ILR.</p>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse private servants in diplomatic households</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 155-157</a></p> <p><a href="#">Immigration Rules paragraphs 158-159</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	<p>For information on requirements for dependants., see related link:</p> <p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Knowledge of language and life in the UK</li><li>• Public funds</li><li>• Indefinite leave to remain - calculating continuous period in UK</li></ul>	
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse private servants in diplomatic households

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for private servants in diplomatic households.</p> <p><b>Granting ILR</b> If all the requirements have been met, you may grant ILR under paragraph 158.</p> <p><b>CID codes</b> 1CA Indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> Where the requirements of the rules are not met, you must refuse the application for ILR under paragraph 159 of the Immigration Rules. See related link.</p> <p><b>CID codes</b> X7 Indefinite leave to remain refusal - premature or inappropriate application - applicant still has concurrent leave. X8 Indefinite leave to remain refusal - no extension of leave granted.</p> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Knowledge of language and life in the UK</li> <li>• Public funds</li> <li>• Indefinite leave to remain - calculating continuous period in UK</li> <li>• Requirements for private servants in diplomatic households.</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1302 1686 1401"> <thead> <tr> <th data-bbox="465 1302 840 1401">Reason and paragraph</th> <th data-bbox="840 1302 1686 1401">Suggested wording</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording			<p><b>In this section</b></p> <p><a href="#">Requirements for private servants in diplomatic households</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for overseas government employees</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 152-159H</a></p>
Reason and paragraph	Suggested wording					

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	<p>Not five years in category</p> <p>Paragraph 159 with reference to 158(i)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>		
	<p>Not engaged in employment for which entry clearance granted</p> <p>Paragraph 159 with reference to 158(ii) and 155(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have been engaged in the employment for which your entry clearance was granted throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Not required for the employment in question</p> <p>Paragraph 159 with reference to 158(ii) and 155(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you were required for the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Did not intend to work full-time</p> <p>Paragraph 159 with reference to 158(ii), 155(iv) and 152(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you intended to be employed full-time as a private servant throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Other employment</p> <p>Paragraph 159 with reference to 158(ii), 155(iv) and 152(iv)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you did not intend to take employment other than as a private servant throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
	<p>Maintenance and</p>	<p>"... but in view of [insert details for the refusal...] the</p>		

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	<p>accommodation</p> <p>Paragraph 159 with reference to 158(ii), 155(iv) and 152(v)</p>	<p>Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the five year period you have spent in the United Kingdom in this capacity."</p>	
<p>No longer required for the employment in question</p> <p>Paragraph 159 with reference to 158(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you are still required for the employment in question."</p>		
<p>Does not meet the Knowledge of Language and Life in the UK requirement</p> <p>Paragraph 159 with reference to 158(iv)</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules."</p>		
<p>Criminality</p> <p>Paragraph 159 with reference to 158(v)</p>	<p>For applications before 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>		

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## Indefinite leave to remain in closed categories

### Requirements for work permit holders: business and commercial and sports and entertainment

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the work permit business and commercial and sports and entertainment categories.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR under this category are in paragraphs 134 and 135 of the Immigration Rules. The requirements for leave to remain for a work permit holder are in paragraphs 128 to 132 of the Immigration Rules. See related link.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years here either as:<ul style="list-style-type: none"><li>○ a work permit holder throughout that period, or</li><li>○ a work permit holder most recently combined with previous permission as a work permit holder, highly skilled migrant, self-employed lawyer, or as a writer, composer or artist</li></ul></li><li>• is still required for the same employment as certified by their employer</li><li>• the employer certifies they are paid at or above the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors in Appendix J of the Immigration Rules, for more information, see related link</li><li>• has enough knowledge of the English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• provides the specified documents as set out in the application form for settlement and accompanying guidance, as evidence of the sponsor's certification</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions</li></ul>	<p><b>In this section</b></p> <p><a href="#">Requirements for work permit holders: settlement applications for senior care workers</a></p> <p><a href="#">Grant or refuse work permit holders: business and commercial and sports and entertainment</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p><a href="#">Requirements for work permit holders: no code of practice or appropriate salary rate</a></p> <p><a href="#">Grant or refuse work permit holders – no code of practice or appropriate salary rate</a></p> <p><a href="#">Requirements for work permit holders (sports person) – no</a></p>
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	<p>within the meaning of the Rehabilitation of Offenders Act 1974, see related link</p> <ul style="list-style-type: none"><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• has met the requirements of paragraph 128 (i) – (v) throughout the five year period:<ul style="list-style-type: none"><li>○ holds a valid Home Office work permit</li><li>○ is capable of doing the employment specified in the work permit (for example they have the appropriate qualifications)</li><li>○ does not intend to take employment except as specified in his work permit, and</li><li>○ is able to maintain and accommodate himself and any dependants adequately without recourse to public funds.</li></ul></li></ul> <p><b>Checking the application for specified documents and letter from the employer</b> As of 31 October 2011, work permit holders applying for settlement must provide specified documentary evidence to demonstrate they are being paid at or above the appropriate rate for the job for settlement applications. They must provide with their application either:</p> <ul style="list-style-type: none"><li>• a payslip and a personal bank or building society statement, or</li><li>• a payslip and a building society pass book.</li></ul> <p>On receipt of the application form you must check the specified documents and the letter provided by the employer.</p> <p><b>Payslip</b> This must be the most recent payslip. It must be dated no earlier than one calendar month before the date of the application.</p> <p>This should either be an original payslip or on company headed paper. If the payslip is not on headed paper or is a printout of an online payslip, the applicant must provide a letter from their sponsor, confirming the payslip is authentic. The letter from the sponsor must be on company headed paper, and must be signed by a senior official. You can accept either of the following where they are received directly from the employer:</p> <ul style="list-style-type: none"><li>• a faxed copy, or</li></ul>	<p><a href="#">appropriate rate</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 128 - 135</a></p> <p><a href="#">Appendix J, Immigration Rules</a></p> <p><a href="#">Codes of practice for sponsored workers</a></p>
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- an emailed copy of the letter.

**Personal bank or building society statement**

This must be the most recent statement dated no earlier than one calendar month before the date of the application.

The statement must clearly show the applicant's:

- name
- account number
- the date of the statement
- the financial institution's name and logo, and
- transactions by the sponsor covering the period no earlier than one calendar month before the date of the application.

You can also accept as evidence:

- A bank or building society statement printed on the bank's or building society's letterhead, but this excludes mini-statements from automatic teller machines (ATMs).
- An electronic bank or building society statement from an online account, but it must contain all of the details listed above. The applicant must also provide either:
  - a supporting letter from their bank or building society, on company headed paper, confirming the statement provided is authentic, or
  - an electronic bank or building society statement bearing the official stamp on the bank or building society on every page.

Where the applicant is paid through FOREX, the applicant must provide a statement from that account which meets the requirements specified above and/or a supporting letter from the sponsor.

**A building society pass book**

This can be accepted instead of a bank or building society statement. It must clearly show the applicant's:

- name
- account number
- financial institution's name and logo, and
- transactions by the sponsor covering the period no earlier than one calendar month before the date of the application.

The applicant may submit a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

The SET(O) application form has been amended to remove the requirement to provide three months pay slips, as this requirement was never included in the rules. However, you can ask the applicant for their most recent pay slip or their contract of employment to support their employer. You cannot refuse an application solely because they do not provide the pay slips.

The letter from the employer must include the standard occupation classification (SOC) code, the salary rate of their employee and that the applicant is still required for the same employment. If the letter states the applicant will be paid at the appropriate salary rate rather than is being paid at the appropriate salary rate at the time of application, you can refuse the application. See related link: [Grant or refuse work permit holders: no code of practice or appropriate salary rate.](#)

You will need to check the SOC code and appropriate salary rate against the codes of practice in Appendix J of the Immigration Rules. For more information, see related link. Although the numbers affected will be small, not all work permit holder applications will have a code of practice for their employment as identified by the SOC code.

**Work permit holders**

Where there is a SOC code but no code of practice or appropriate salary rate, see section on concessions outside the rules, using related link: [Requirements for work permit holders: no code of practice or appropriate salary rate.](#)

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	<p><b>Work permit holders (sports person)</b> Where there is no appropriate rate, see section on concessions outside the rules, using related link: Requirements for work permit holders (sports person): no appropriate rate.</p> <p>For information on requirements for dependants, see related link.</p> <p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Knowledge of language and life in the UK</li><li>• Public funds</li><li>• Indefinite leave to remain - calculating continuous period in UK.</li></ul>	
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## Indefinite leave to remain in closed categories

### Requirements for work permit holders: settlement applications for senior care workers

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains when you can use discretion on an application for indefinite leave to remain (ILR) in the UK from senior care workers who have been working in the UK for some periods without leave.</p> <p>When considering ILR, if a person has any breaks without leave then the calculation of continuous leave starts again. However, a number of concessions in 2007 and 2008 allowed some senior care workers to be in the UK without leave for a period of time before they were eligible to reapply under a concession or apply for ILR. In these cases you may consider applying discretion.</p> <p><b>When to use discretion</b></p> <p>When senior care workers apply for ILR, you must use discretion if they:</p> <ul style="list-style-type: none"><li>• have had periods of work without valid leave between 13 August 2007 and the launch of the points-based system on 27 November 2008, and</li><li>• were engaged in authorised work permit employment as a senior care worker immediately before and immediately after the period without leave.</li></ul> <p>The job title on the work permit may be a related job title rather than the exact wording 'senior care worker'. Related jobs include:</p> <ul style="list-style-type: none"><li>• senior carer</li><li>• senior care assistant</li><li>• senior healthcare worker/assistant</li><li>• senior support worker/assistant.</li></ul> <p><b>When not to apply discretion</b></p> <p>You must not apply discretion when a person was engaged in other work permit employment or they were granted leave in a different category (for example as a Tier 2</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for work permit holders: business and commercial and sports and entertainment</a></p> <p><a href="#">Grant or refuse work permit holders: business and commercial and sports and entertainment</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 128 - 135</a></p>
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migrant or as a student) immediately before or immediately after the period without leave.

When you calculate the five year qualifying period:

- Disregard any period(s) of employment as a senior care worker without leave between 13 August 2007 and 27 November 2008. Do not include these periods in your assessment of the five year period.
- If there was a break in leave between 13 August 2007 and 27 November 2008 include all periods of leave to remain either side of that break. The break does not break continuity and you do not need to restart the calculation period after any break.

For example:

A senior care worker had:

First period - Valid leave from: 1 September 2004 to 31 August 2007.

Second period - Work without leave: 1 September 2007 to 29 February 2008.

Third period - Valid leave as senior care worker: 1 March 2008 to current date.

You must disregard the second period of work.

The five year period comprises the total of the first and third periods and the applicant would have been eligible to apply for settlement after 1 March 2010.

For more information on calculating the five year qualifying period, see related link: Indefinite leave to remain - calculating continuous period in UK.

You must send any queries about discretion for senior care workers to the work operational policy team, see related link: Email: Work operational policy team.

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## Indefinite leave to remain in closed categories

### Grant or refuse work permit holders: business and commercial and sports and entertainment

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as a business and commercial or sports and entertainment work permit holder.</p> <p><b>Granting ILR</b> If all the requirements have been met you may grant ILR under paragraph 134 of the Immigration Rules.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• 1AA Indefinite leave to remain granted (to applicant), original admission was with a work permit.</li><li>• 1BA Indefinite leave to remain granted (to applicant), original admission in any other category.</li></ul> <p><b>Refusing ILR</b> When any of the requirements is not met, you must refuse the application under paragraph 135 of the Immigration Rules unless:</p> <ul style="list-style-type: none"><li>• the application falls into work permit holder (sports person) – no appropriate rate (see related link: Requirements for work permit holders (sports person): no appropriate rate), or</li><li>• the application fall into work permit holder where there is no code of practice or appropriate salary rate (see related link: Requirement for work permit holders: no code of practice or appropriate salary rate).</li></ul> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li><li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Requirements for work permit holders: business and commercial and sports and entertainment</a></p> <p><a href="#">Requirements for work permit holders: settlement applications for senior care workers</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for work permit holders (sports person): no appropriate rate</a></p> <p><a href="#">Requirements for work permit holders: no code of practice or appropriate salary rate</a></p> <p><b>External links</b></p>
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See related links for information on:

- Requirements for work permit holders: business and commercial and sports and entertainment
- Indefinite leave to remain - calculating continuous period in UK.

[Immigration Rules paragraphs 128 - 135](#)

**Refusal wording**

<b>Reason and paragraph</b>	<b>Suggested wording</b>
Not five years in category  Paragraph 135 with reference to 134(i)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."
No Work Permits (UK) approval throughout five year period  Paragraph 135 with reference to 134(ii) and 131(ii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have had Work Permits (UK) approval for the continuation of your employment throughout the five year period you have spent in this capacity."
Wrong age  Paragraph 135 with reference to 134(ii), 131(iii) and 128(ii)  *No entitlement to appeal by virtue of Section 14(2A)(b)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were not of an age that put you outside the limits for employment throughout the five year period you have spent in the United Kingdom in this capacity."
Incapable	"... but in view of [insert details for the refusal...] the

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	<p>Paragraph 135 with reference to 134(ii), 131(iii) and 128(iii)</p>	<p>Secretary of State is not satisfied that you were capable of undertaking the employment specified in your work permit throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
<p>Other employment</p> <p>Paragraph 135 with reference to 134(ii), 131(iii) and 128(iv)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you did not take employment other than as specified in your work permit throughout the five year period you have spent in the United Kingdom in this capacity."</p>			
<p>Maintenance and accommodation</p> <p>Paragraph 135 with reference to 134(ii), 131(iii) and 128(v)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the five year period you have spent in the United Kingdom in this capacity."</p>			
<p>Still required</p> <p>Paragraph 135 with reference to 134(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you are still required for the employment in question."</p>			
<p>Appropriate Rate</p> <p>Paragraph 135 with reference to 134(iv)</p> <p>Have not provided the specified documents as proof of income or documents submitted do not confirm income stated in employer's</p>	<p>"...but in view of the fact that you [...insert full reasons for refusal] the Secretary of State is not satisfied that you are paid at or above the appropriate rate for the job."</p> <p>Use the paragraph above first then add the following paragraph</p> <p>"You have not provided [sufficient/any] evidence that you are being paid the appropriate rate as set out in the [code of practice xx] at the time of your application for indefinite</p>			

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	<p>written certification</p>	<p>leave to remain. The evidence supplied does not meet the requirements of the Immigration Rules, which have been designed to test whether a [work permit migrant/migrant with leave as a Tier 2 (General)/Tier 2 (ICT) has been, and is currently earning, at least a minimum requirement for their route at the time they apply to settle in the UK.”</p>		
<p>Does not meet the Knowledge of Language and Life in the UK requirement</p> <p>Paragraph 135 with reference to 134(v)</p>	<p>“In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules.”</p>			
<p>Criminality</p> <p>Paragraph 135 with reference to 134(vi)</p>	<p>For applications before 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>			

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## Indefinite leave to remain in closed categories

### Requirements for ministers of religion, missionaries and members of religious orders

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the ministers of religion, missionaries and members of religious orders category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR as a minister of religion, missionary or member of a religious order are in paragraph 176 and 177 of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraph 170 to 175 of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years in the UK in this capacity</li><li>• is still required for the employment in question as certified by the leadership of their congregation, their employer or the head of the religious order to which they belong</li><li>• has enough knowledge of English language and life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• has met the requirements of Appendix F paragraph 173 or 174A of the rules throughout the five year period.</li></ul> <p>For information on requirements for dependants, see related link.</p>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse ministers of religion, missionaries and members of religious orders</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 170 -175</a></p> <p><a href="#">Immigration Rules paragraphs 176 - 177</a></p>
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	<p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Knowledge of language and life in the UK</li><li>• Public funds</li><li>• Indefinite leave to remain - calculating continuous period in UK.</li></ul>	
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## Indefinite leave to remain in closed categories

### Grant or refuse ministers of religion, missionaries and members of religious orders

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as a minister of religion, missionary or a member of a religious order.</p> <p><b>Granting ILR</b> If all the requirements are met, you may grant ILR under paragraph 176 of the Immigration Rules.</p> <p><b>CID codes</b> Minister of religion – 1KA. Missionary/member or religious order – 1LA.</p> <p><b>Refusing ILR</b> When any of the requirements are not met, you must refuse the application under paragraph 177 of the Immigration Rules.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li><li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li></ul> <p>See related links for more information on:</p> <ul style="list-style-type: none"><li>• Requirements for ministers of religion, missionaries and members of religious orders</li><li>• Indefinite leave to remain - calculating continuous period in UK.</li></ul> <p><b>Refusal wording</b></p>	<p><b>In this section</b></p> <p><a href="#">Requirements for ministers of religion, missionaries and members of religious orders</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 170 - 177</a></p>
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<b>Reason and paragraph</b>	<b>Suggested wording</b>
<p>Not five years in category</p> <p>Paragraph 177 with reference to 176(i)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>
<p>Other employment</p> <p>Paragraph 175 with reference to 173(iv) and 170(iii)</p>	<p>"... but in view of [insert details for the refusal ...] the Secretary of State is not satisfied that you do not intend to take employment other than as a [minister of religion/missionary/member of a religious order] ..."</p>
<p>Not engaged in employment for which entry clearance granted</p> <p>Paragraph 177 with reference to 176(ii) and 173(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were engaged in the employment for which your entry clearance was granted throughout the five year period you have spent in the United Kingdom in this capacity."</p>
<p>Not required for the employment in question</p> <p>Paragraph 177 with reference to 176(ii) and 173(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that [the leadership of your congregation/your employer/the head of your religious order] has certified that you were required for the employment in question throughout the five year period you have spent in the United Kingdom in this capacity."</p>
<p>Did not intend to work full-time</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you intended to work full-time as a [minister of</p>

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	<p>Paragraph 177 with reference to 176(ii), 173(iv) and 170(ii)</p>	<p>religion/missionary/member of a religious order] throughout the five year period you have spent in the United Kingdom in this capacity."</p>		
<p>Does not meet the Knowledge of Language and Life in the UK requirement</p> <p>Paragraph 177 with reference to 176(iv)</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules."</p>			
<p>Criminality</p> <p>Paragraph 177 with reference to 176(v)</p>	<p>For applications before 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>			

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## Indefinite leave to remain in closed categories

### Indefinite leave to remain for sole representatives

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to consider an application for indefinite leave to remain (ILR) in the UK for a sole representative.</p> <p>This category is no longer a separate category and the requirements and how to grant or refuse ILR are in the guidance for representatives of overseas businesses.</p> <p>For information on sole representatives within the representatives of overseas businesses category, see related links:</p> <ul style="list-style-type: none"><li>• Indefinite leave to remain requirements</li><li>• Grant or refuse indefinite leave to remain.</li></ul>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

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

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to consider an application for indefinite leave to remain (ILR) in the UK for a representative of an overseas newspaper, news agency or broadcasting organisation (overseas media representatives).</p> <p>This was closed as a separate category in November 2008 and was re-introduced in October 2009 as part of the representatives of overseas businesses category.</p> <p>The requirements for this category and how to grant or refuse ILR are in the guidance for representatives of overseas businesses.</p> <p>For information on overseas media representatives within the representatives of overseas businesses category, see related links:</p> <ul style="list-style-type: none"><li>• Indefinite leave to remain requirements</li><li>• Grant or refuse indefinite leave to remain.</li></ul>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

### Closed self-employed categories: indefinite leave to remain

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section tells you how to consider applications for indefinite leave to remain (ILR) in the self-employed categories that are now closed.</p> <p>The categories covered are:</p> <ul style="list-style-type: none"><li>• writers, composers, artists</li><li>• investors</li><li>• business persons</li><li>• innovators.</li></ul> <p>Self-employed lawyers is a concession outside the rules. For information on the requirements, see related link: Requirements for self-employed lawyers.</p> <p>For information on when transitional arrangements for extensions of leave to remain apply, see related link: Leave to remain transitional arrangements in closed categories.</p> <p>For information on the closed categories that do not lead to ILR (settlement), see related link: Closed categories: no indefinite leave to remain.</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for writers, composers, artists</a></p> <p><a href="#">Requirements for investors</a></p> <p><a href="#">Requirements for business persons</a></p> <p><a href="#">Requirements for innovators</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for self-employed lawyers</a></p> <p><a href="#">Closed categories: no indefinite leave to remain</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for writers, composers, artists

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the writers, composers and artists' category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR as a writer, composer or artist are in the Immigration Rules paragraphs 238 and 239. The requirements for leave to remain for this category are in Appendix F paragraphs 232 to 237 of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years in the UK as a writer, composer or artist</li><li>• has met the requirement of Appendix F paragraph 235 of the Immigration Rules throughout the five year period</li><li>• has enough knowledge of English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• has provided evidence to show that throughout the five year period they have supported themselves and any dependants without either using public funds or employment.</li></ul> <p>See related links for information on:</p>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse writers, composers, artists</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules Appendix F - paragraphs 232 - 237</a></p> <p><a href="#">Immigration Rules paragraphs 238 - 239</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

**Activities permitted for writers, composers and artists**

People admitted as a writer, composer or artist must only have done work related to self-employment in this category. This includes:

- commissioned work
- selling their finished products
- work under contract provided they received only a fee.

Poets can be involved in reading or reciting their work but performance must not be their primary source of income.

Composers can conduct their work but performance must not be their primary source of income.

**Source of income**

A writer, composer or artist must support themselves mainly from:

- the proceeds of their work
- supplementary income from their own investments.

They cannot include money or funds provided by relatives to financially support them.

For information on requirements for dependants, see related link.



This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse writers, composers, artists

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as a writer, composer or artist.</p> <p><b>Granting ILR</b> If all the above requirements have been met, you may grant ILR under paragraph 238 of the Immigration Rules.</p> <p><b>CID codes</b> 1JA Indefinite leave to remain after five continuous years here in the category.</p> <p><b>Refusing ILR</b> When any part of the requirements is not met you must refuse the application under paragraph 239 of the Immigration Rules.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"> <li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li> <li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li> </ul> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Requirements for writers, composers, artists</li> <li>• Indefinite leave to remain - calculating continuous period in UK</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1262 1686 1415"> <thead> <tr> <th data-bbox="465 1262 840 1362">Reason and paragraph</th> <th data-bbox="840 1262 1686 1362">Suggested wording</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1362 840 1415">Not five years in</td> <td data-bbox="840 1362 1686 1415">"... but in view of [insert details for the refusal...] the</td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording	Not five years in	"... but in view of [insert details for the refusal...] the	<p><b>In this section</b></p> <p><a href="#">Requirements for writers, composers, artists</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 238 - 239</a></p>
Reason and paragraph	Suggested wording					
Not five years in	"... but in view of [insert details for the refusal...] the					

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	<p>category Paragraph 239 with reference to 238(i)</p>	<p>Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>		
	<p>Other work Paragraph 239 with reference to 238(ii), 235(ii) and 232(ii)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have not worked except as related to your self-employment as [a writer/a composer/an artist] throughout this period."</p>		
	<p>Has adequate own resources during preceding year Paragraph 239 with reference to 238(ii), 235(ii) and 232(iii)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have been able to maintain and accommodate yourself [and your dependants] from your own resources without working, except as [a writer/a composer/an artist], for the preceding year throughout the five year period."</p>		
	<p>Maintenance and accommodation Paragraph 239 with reference to 238(ii), 235(ii) and 232(iv)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have been able to maintain and accommodate yourself [and your dependants] from your own resources without working, except as [a writer/a composer/an artist], and without recourse to public funds throughout this period."</p>		
	<p>Does not meet the Knowledge of Language and Life in the UK requirement</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference</p>		

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	Paragraph 239 with reference to 238(iii)	to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules.”	
	Criminality Paragraph 239 with reference to 238(iv)	<p>For applications before 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>	

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## Indefinite leave to remain in closed categories

### Requirements for investors

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the investor's category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR for investors are detailed in paragraphs 230 and 231 of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraphs 224 – 229 of the Immigration Rules. See related links.</p> <p>You must not grant ILR in this category if the applicant has previously been granted leave under Tier 1(Investor). They have to apply under that category.</p> <p>For information on Tier 1(Investor), see related link.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years in the UK as an investor</li><li>• made the UK their main home throughout the five years</li><li>• has enough knowledge of English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• kept a capital sum of £1 million in the UK throughout that period and maintained their £750,000 investment of that capital in accordance with the Immigration Rules:</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse investors</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 224 - 229</a></p> <p><a href="#">Immigration Rules paragraphs 230-231</a></p> <p><a href="#">Tier 1 (Investor)</a></p>
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- these must be in UK Government bonds, share capital or loan capital in active and trading UK registered companies (other than those mainly engaged in property investment)
- it excludes investment by the applicant by way of deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits
- maintained and accommodated themselves and any dependants throughout the period without using public funds or working as an employee, and
- has either:
  - money of their own under their control in the UK of not less than £1 million, or
  - a personal net worth of more than £2 million and has £1 million under their control in the UK, which may include money loaned by a financial institution regulated by the Financial Services Authority.

For information on requirements for dependants, see related link.

See related links for information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse investors

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as an investor.</p> <p><b>Granting ILR</b> If all the requirements have been met, you must grant ILR under paragraph 230 of the Immigration Rules.</p> <p><b>CID codes</b> 1HA Indefinite leave to remain granted (to applicant).</p> <p><b>Refusing of ILR</b> When any of the requirements are not met, you must refuse the application under paragraph 231 of the Immigration Rules. See related link.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"> <li>• X7 Indefinite leave to remain refusal – premature or inappropriate application.</li> <li>• X8 Indefinite leave to remain refusal – no extension of leave granted.</li> </ul> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Requirements for investors</li> <li>• Indefinite leave to remain - calculating continuous period in UK</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1262 1686 1412"> <thead> <tr> <th data-bbox="465 1262 840 1362">Reason and paragraph</th> <th data-bbox="840 1262 1686 1362">Suggested wording</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1362 840 1412">Not five years in</td> <td data-bbox="840 1362 1686 1412">"... but in view of [insert details for the refusal... ] the</td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording	Not five years in	"... but in view of [insert details for the refusal... ] the	<p><b>In this section</b></p> <p><a href="#">Requirements for investors</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 224 - 229</a></p> <p><a href="#">Immigration Rules paragraphs 230 - 231</a></p>
Reason and paragraph	Suggested wording					
Not five years in	"... but in view of [insert details for the refusal... ] the					

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	<p>category Paragraph 231 with reference to 230(i)</p>	<p>Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>		
<p>Insufficient money/not own money Paragraph 231 with reference to 230(ii) and 227(ii)(a) or 227(ii)(b)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal... ] the Secretary of State is not satisfied that you have had at least £1,000,000 of your own money under your control and disposable in the United Kingdom throughout this period, or have had a personal net worth of at least £2,000,000 and have money loaned to you by a financial institution regulated by the Financial Services Authority."</p>			
<p>Insufficient investment in the future Paragraph 231 with reference to 230(ii), 227(iii) and 224(ii)</p>	<p>"... but although you have spent a continued period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you will continue to have not less than £750,000 of your own capital invested in the United Kingdom by way of United Kingdom Government bonds or share capital or loan capital in active and trading United Kingdom registered companies, other than those principally engaged in property investment and excluding deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits."</p>			
<p>Intention to live elsewhere Paragraph 231 with reference to 230(ii) and 227(iv)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have made the United Kingdom your main home."</p>			

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	<p>Maintenance and accommodation Paragraph 231 with reference to 230(ii) and 227(v)</p>	<p>"... but although you have spent a continuous period of five years in the United Kingdom in this capacity in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] throughout this period without taking employment (other than your self-employment or business) or having recourse to public funds."</p>		
	<p>Does not meet the Knowledge of Language and Life in the UK requirement Paragraph 231 with reference to 230(iii)</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules."</p>		
	<p>Criminality Paragraph 231 with reference to 230(iv)</p>	<p>For applications before 13 December 2012: In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.  For applications on or after 13 December 2012: In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>		



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## Indefinite leave to remain in closed categories

### Requirements for business persons

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the business person category.</p> <p>Before you consider the application for ILR you must check the application. For more information see link on left.</p> <p>The requirements for someone applying for ILR for business people are in paragraphs 209 and 210 of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraph 206 of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has met the requirements of Appendix F paragraph 206 throughout the five year period</li><li>• has spent a continuous period of five years in the UK in this capacity</li><li>• is still engaged in the business in question</li><li>• has enough knowledge of English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• can provide audited accounts for the first four years of trading and management accounts for the fifth year to establish:<ul style="list-style-type: none"><li>○ they have maintained an investment of at least £200,000 throughout the whole of the five year period, and</li><li>○ they are actively involved on a full-time basis in trading or providing services on their</li></ul></li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse business persons</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraph 206</a></p> <p><a href="#">Immigration Rules paragraphs 209 - 210</a></p>
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own account or in partnership or in the promotion and management of the company as a director

- if they are not able to provide management accounts for the fifth year they must provide draft accounts with an explanation why the management accounts are not available
- has created and maintained new paid full-time employment for at least two members of staff who are present and settled in the UK, providing these details of the employees:
  - name
  - position
  - salary
  - hours of work
  - date they started and ended (where applicable), and
  - evidence of their immigration status, by a copy of their birth certificate or passport (uncertified copies are acceptable in this instance).

For information on requirements for dependants, see related link.

See related links for information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

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## Indefinite leave to remain in closed categories

### Grant or refuse business persons

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as a business person.</p> <p><b>Granting ILR</b> If all the requirements have been met, you may grant ILR under paragraph 209 of the Immigration Rules.</p> <p><b>CID codes</b> 1EA Indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> When any of the requirements is not met, you must refuse the application under paragraph 210 of the Immigration Rules. See related link.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"> <li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li> <li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li> </ul> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Requirements for business persons</li> <li>• Indefinite leave to remain - calculating continuous period in UK</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1299 1686 1391"> <thead> <tr> <th data-bbox="465 1299 840 1391">Reason and paragraph</th> <th data-bbox="840 1299 1686 1391">Suggested wording</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording			<p><b>In this section</b></p> <p><a href="#">Requirements for business persons</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraphs 200 - 208</a></p> <p><a href="#">Immigration Rules paragraphs 209 - 210</a></p>
Reason and paragraph	Suggested wording					

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	<p>Not five years in category Paragraph 210 with reference to 209(i)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."</p>		
	<p>Still engaged in employment Paragraph 210 with reference to 209(i)</p>	<p>"... but [although you spent a continuous period of five years in business in the United Kingdom] in view of [insert details for the refusal...] the Secretary of State is not satisfied that you are still so engaged."</p>		
	<p>Failure to produce audited accounts Paragraph 210 with reference to 209(ii) and 206(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show audited accounts which show the precise financial position of the business and which confirm that you have invested not less than £200,000 of your own money directly into the business in the United Kingdom throughout the five year period you have spent in this capacity."</p>		
	<p>Insufficient money and/or not own money Paragraph 210 with reference to 209(ii) and 206(ii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show you invested not less than £200,000 of your own money directly into the business in the United Kingdom throughout the five year period you have spent in this capacity."</p>		
	<p>Full-time involvement Paragraph 210 with reference to 209(ii) and 206(iii)</p>	<p>"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show you were actively involved on a full-time basis in trading or providing services on your own account or in partnership or in the promotion and management of the company as a director throughout the five year period you have spent</p>		

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		in this capacity."	
	Proportional investment to interest Paragraph 210 with reference to 209(ii) and 206(iv)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show your level of financial investment has been proportional to your interest in the business throughout the five year period you have spent in this capacity."	
	Disguised employment Paragraph 210 with reference to 209(ii) and 206(v)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show you have either had a controlling or equal interest in the business or that the [partnership/ directorship] did not amount to disguised employment throughout the five year period you have spent in this capacity."	
	Liabilities Paragraph 210 with reference to 209(ii) and 206(vi)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show you were able to bear your share of any liability the business may have incurred throughout the five year period you have spent in this capacity."	
	Genuine need for investment and services Paragraph 210 with reference to 209(ii) and 206(vii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show there was a genuine need for your investment and services in the United Kingdom throughout the five year period you have spent in this capacity."	
	New business - failure to produce evidence of new employment Paragraph 210 with reference to 209(ii) and	"... but you were admitted to establish a new business and in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show that new full-time paid employment was created in the business for at least two persons settled in the United Kingdom throughout the five year period you have spent	

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	206(viii)(a)	in this capacity."		
	Existing business - failure to produce evidence of new employment Paragraph 210 with reference to 209(ii) and 206(viii)(b)	"... but you have [taken over/joined] an existing business and in view of [insert details for the refusal...] the Secretary of State is not satisfied that you can show that your services and investment resulted in a net increase in the employment provided by the business to persons settled in the United Kingdom to the extent of creating at least two new full-time jobs throughout the five year period you have spent in this capacity."		
	Maintenance and accommodation Paragraph 210 with reference to 209(ii) and 206(ix)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your share of the profits of the business was sufficient to maintain and accommodate yourself [and your dependants] without recourse to employment (other than your work for the business) or to public funds throughout the five year period you have spent in this capacity."		
	Other employment Paragraph 210 with reference to 209(ii) and 206(x)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you did not have to supplement your business activities by taking or seeking employment in the United Kingdom other than your work for the business throughout the five year period you have spent in this capacity."		
	Failure to submit accounts Paragraph 210 with reference to 209(iii)	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have submitted audited accounts for the first four years of trading and management accounts for the fifth year."		

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	<p>Does not meet the Knowledge of Language and Life in the UK requirement Paragraph 210 with reference to 209(iv)</p>	<p>“In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules.”</p>		
	<p>Criminality Paragraph 210 with reference to 209(v)</p>	<p>For applications before 13 December 2012: In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974.  For applications on or after 13 December 2012: In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>		

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for innovators

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK in the innovators category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>The requirements for someone applying for ILR for innovators are in paragraphs 210G and 210H of the Immigration Rules. The requirements for leave to remain for this category are in Appendix F paragraph 210D of the Immigration Rules. See related links.</p> <p><b>Requirements</b></p> <p>You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of at least five years leave in the UK in this capacity</li><li>• has enough knowledge of English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt</li><li>• applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link</li><li>• applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history</li><li>• has met the requirements of Appendix F paragraph 210D throughout the five year period</li><li>• has provided statutory accounts for the last four years and management accounts for the final year to show they have established a viable trading business</li><li>• has provided evidence they have maintained a minimum five per cent shareholding of the equity capital in that business, once it was set up, throughout the period of their stay, and</li><li>• has set up a business that has created full-time paid employment for at least two</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse innovators</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p> <p><a href="#">Appendix F - Immigration Rules paragraph 210D</a></p> <p><a href="#">Immigration Rules paragraph 210G - 210H</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

persons already settled in the UK, providing these details of the employees:

- name
- position
- salary
- hours of work
- date they started, and ended (where applicable), and
- evidence of their immigration status, by a copy of their birth certificate or passport (uncertified copies are acceptable in this instance).

For information on requirements for dependants, see related link.

See related links for information on:

- Knowledge of language and life in the UK
- Public funds
- Indefinite leave to remain - calculating continuous period in UK.

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse innovators

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as an innovator.</p> <p><b>Granting ILR</b> If all the requirements have been met, you may grant ILR under paragraph 210G of the Immigration Rules.</p> <p><b>CID codes</b> 1PA Indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> When any of the requirements are not met, you must refuse the application under paragraph 210H of the Immigration Rules. See related link.</p> <p><b>CID codes</b></p> <ul style="list-style-type: none"> <li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li> <li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li> </ul> <p>See related links for information on:</p> <ul style="list-style-type: none"> <li>• Requirements for innovators</li> <li>• Indefinite leave to remain - calculating continuous period in UK</li> </ul> <p><b>Refusal wording</b></p> <table border="1" data-bbox="465 1297 1686 1398"> <thead> <tr> <th data-bbox="465 1297 840 1398">Reason and paragraph</th> <th data-bbox="840 1297 1686 1398">Suggested wording</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Reason and paragraph	Suggested wording			<p><b>In this section</b></p> <p><a href="#">Requirements for innovators</a></p> <p><b>Related links</b> Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 210G - 210H</a></p>
Reason and paragraph	Suggested wording					

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	<p>Not five years in category Paragraph 210H with reference to 210G(i)</p>	<p>"... but in view of [insert details for the refusal... ] the Secretary of State is not satisfied that you have spent a continuous period of five years in this capacity."</p>		
	<p>Failure to produce audited accounts Paragraph 210H with reference to 210G(i) and 210D(i)</p>	<p>"... but In view of [insert details for the refusal... ] the Secretary of State is not satisfied that you can show audited accounts which show the business you established to have a viable trading presence."</p>		
	<p>Not maintained a sufficient level of investment Paragraph 210H with reference to 210G(i) and 210D(iii)</p>	<p>"... but in view of [insert details for the refusal... ] the Secretary of State is not satisfied that you have maintained a minimum five per cent shareholding of the equity capital in the business throughout this period.</p>		
	<p>Does not meet the Knowledge of Language and Life in the UK requirement Paragraph 210(H) with reference to 210G(iii)</p>	<p>"In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have sufficient knowledge of the English language and sufficient knowledge about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules."</p>		
	<p>Criminality Paragraph 210H with reference to 210G(iv)</p>	<p>For applications before 13 December 2012:  In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you have no unspent convictions within the meaning of the</p>		

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		<p>Rehabilitation of Offenders Act 1974.</p> <p>For applications on or after 13 December 2012:</p> <p>In view of the fact that you [...insert full reasons for the refusal] the Secretary of State is not satisfied that you do not fall for refusal under the general grounds for refusal.</p>		
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## Indefinite leave to remain in closed categories

### Closed categories: indefinite leave to remain: concessions outside the rules

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section gives you guidance on considering applications for indefinite leave to remain (ILR) in the concessions outside the rules that are now closed.</p> <p>The concessions covered are:</p> <ul style="list-style-type: none"><li>• self-employed lawyers</li><li>• Rudolf Steiner voluntary workers</li><li>• work permit holders – no code of practice or appropriate salary rate</li><li>• work permit holders (sports person) – no appropriate rate.</li></ul> <p>For information on the closed categories that do not lead to ILR (settlement), see related link: <a href="#">Closed categories: no indefinite leave to remain</a>.</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for self-employed lawyers</a></p> <p><a href="#">Requirements for Rudolf Steiner voluntary workers</a></p> <p><a href="#">Requirements for work permit holders: no code of practice or appropriate salary rate</a></p> <p><a href="#">Requirements for work permit holders (sports person): no appropriate rate</a></p> <p><b>Related links</b></p> <p><a href="#">Closed categories: no indefinite leave to remain</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for self-employed lawyers

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for self-employed lawyers.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>Before 30 June 2008 applications from solicitors, barristers and law consultants seeking to set up in practice here were considered under a concession, outside the rules. This concession sat under the provisions for 'persons intending to establish themselves in business', but removed the requirements to invest £200,000 in the business or to create two new jobs for persons settled in the UK, from these individuals.</p> <p>This concession did not cover those coming as employees of law firms who would have required a work permit.</p> <p><b>Requirements</b></p> <p>You may grant ILR under the concession if the applicant:</p> <ul style="list-style-type: none"><li>• has spent a continuous period of five years in the UK as a self-employed lawyer</li><li>• is able to demonstrate knowledge of English language and life in the UK, unless they are exempt, and</li><li>• throughout the five years in the UK, have been able to maintain and accommodate themselves and any dependants adequately and without using public funds.</li></ul> <p>Solicitors must also provide:</p> <ul style="list-style-type: none"><li>• Evidence from the Law Society for England and Wales, the Law Society of Scotland or the Incorporated Law Society of Northern Ireland (as appropriate) of their admission to the Roll of Solicitors.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse self-employed lawyers</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><b>External links</b></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	<p>Barristers must also provide:</p> <ul style="list-style-type: none"><li>• Evidence of their admission to the Bar of England and Wales, or of Northern Ireland or of Scotland, or, alternatively, evidence of a place in Chambers.</li></ul> <p>Consultants in overseas law must also provide:</p> <ul style="list-style-type: none"><li>• A letter from the appropriate UK Law Society saying whether there is any objection to the application being granted. If a Law Society objects to the granting of an application, you must refer the case to the work operational policy team (see related link).</li></ul> <p>For information on requirements for dependants, see related link.</p> <p>See related links for:</p> <ul style="list-style-type: none"><li>• Indefinite leave to remain - calculating continuous period in UK</li><li>• Public funds</li><li>• Knowledge of language and life in the UK.</li></ul>	
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse self-employed lawyers

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK as a self-employed lawyer.</p> <p><b>Granting ILR</b> If all the requirements have been met, you must grant ILR outside the rules under this concession.</p> <p><b>CID code</b> 1EA Indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> If any part of the requirements is not met you must refuse the application on general grounds under paragraph 322(1) of the rules, which says there is no provision in the rules.</p> <p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Requirements for self-employed lawyers</li><li>• Permission for a purpose not covered by the rules – leave to remain</li><li>• Indefinite leave to remain - calculating continuous period in UK.</li></ul> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• X7 Indefinite leave to remain refusal - premature or inappropriate application (applicant still has concurrent leave).</li><li>• X8 Indefinite leave to remain refusal - no extension of leave granted.</li></ul> <p><b>Refusal wording</b> For the refusals wording for paragraph 322(1), see related link: Leave to remain - paragraph 322(1-1A).</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for self-employed lawyers</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 209</a></p> <p><a href="#">Immigration Rules paragraph 322(1)</a></p>
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## Indefinite leave to remain in closed categories

### Requirements for Rudolf Steiner voluntary workers

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains how to consider an application for indefinite leave to remain (ILR) in the UK for the Rudolf Steiner voluntary worker category.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. For more information see link on left.</p> <p>This category is a concession outside the Immigration Rules under the voluntary worker concession.</p> <p><b>Requirements</b> You may grant ILR if the applicant:</p> <ul style="list-style-type: none"><li>• is qualified in Steiner methods</li><li>• has completed four years employment with a listed establishment in the UK, and</li><li>• has provided confirmation from their employer that they wish to continue to employ the applicant.</li></ul> <p><b>Eligible establishments</b> There are about 60 establishments forming the Association of Camphill Communities in the UK that apply the principles of Rudolf Steiner to the teaching and development of children and adults. To qualify under this concession the establishment must be on the list of UK communities. See related link: List of members of Association of Camphill Communities.</p> <p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Knowledge of language and life in the UK</li><li>• Public funds</li><li>• Indefinite leave to remain - calculating continuous period in UK.</li></ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse Rudolf Steiner voluntary workers</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	For information on requirements for dependants, see related link.	
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## Indefinite leave to remain in closed categories

### Grant or refuse Rudolf Steiner voluntary workers

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for the Rudolf Steiner voluntary workers category.</p> <p><b>Granting ILR</b> If all the requirements of the concession have been met and the application does not fall for refusal on general grounds, you must grant ILR outside the rules under this concession.</p> <p><b>CID code</b> 1CA 4 years permit-free employment.</p> <p><b>Refusing ILR</b> When any part of the requirements is not met you must refuse the application.</p> <p><b>CID Codes</b></p> <ul style="list-style-type: none"><li>• X7 Indefinite leave to remain refusal premature or inappropriate application - applicant still has concurrent leave.</li><li>• X8 Indefinite leave to remain refusal applicant for indefinite leave to remain other than as a husband or wife – no extension of leave granted.</li></ul> <p>For information on the requirements for Rudolf Steiner, see related link: Requirements for Rudolf Steiner voluntary workers.</p> <p>For information on calculating the period, see related link: Indefinite leave to remain - calculating continuous period in UK.</p> <p><b>Refusal wording</b> You must use the wording for general grounds for refusal, paragraph 322(1) and any other specific wording below when they have not met the requirements.</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for Rudolf Steiner voluntary workers</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 322 (1)</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

For the refusals wording for paragraph 322(1), see related link: Refusal wording - leave to remain paragraph 322.

Reason and paragraph	Suggested wording
Not five years in category	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have spent a continuous period of five years in the United Kingdom in this capacity."
Not engaged in employment for which entry clearance granted throughout the five years	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you have been engaged in the employment for which your entry clearance was granted throughout the five year period you have spent in the United Kingdom in this capacity."
Not required by employer	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer has certified that you were required for the voluntary work in question throughout the five year period you have spent in the United Kingdom in this capacity."
Maintenance and accommodation	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you were able to maintain and accommodate yourself [and your dependants] adequately without recourse to public funds throughout the five year period you have spent in the United Kingdom in this capacity."

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	Registered charity	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that your employer is a registered charity."		
	Qualified worker	"... but in view of [insert details for the refusal...] the Secretary of State is not satisfied that you are a worker qualified in Steiner methods		

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for work permit holders: no code of practice or appropriate salary rate

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section tells you how to action an application for indefinite leave to remain (ILR) received from a work permit holder, where there is no code of practice for their type of employment or appropriate salary rate.</p> <p>Before you consider the application for ILR you must check the application meets the requirements.</p> <p>The requirements for someone applying for ILR under this category are in paragraphs 134 and 135 of the Immigration Rules (see related link).</p> <p><b>Requirements</b> You may grant ILR under the concession if the applicant:</p> <ul style="list-style-type: none"> <li>• Has spent a continuous period of five years here either as:             <ul style="list-style-type: none"> <li>○ a work permit holder throughout that period, or</li> <li>○ as a work permit holder most recently combined with previous permission as a work permit holder, highly skilled migrant, self-employed lawyer, or as a writer, composer or artist.</li> </ul> </li> <li>• Applied before 13 December 2012 and does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974. For more information, see related links:             <ul style="list-style-type: none"> <li>○ Rehabilitation of Offenders Act, and</li> <li>○ Criminal history.</li> </ul> </li> <li>• Applied on or after 13 December 2012 and does not fall for refusal under the general grounds for refusal, for more information see related link: Criminal history.</li> <li>• Has met the requirements of paragraph 128 (i) – (v) throughout the five year period.</li> <li>• Holds a valid Home Office work permit.</li> <li>• Is capable of doing the employment specified in the work permit. For example, they have the appropriate qualifications.</li> </ul>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse work permit holders: no code of practice or appropriate salary rate</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><a href="#">Requirements for dependants</a></p> <p><a href="#">Requirements for work permit holders (sports person): no appropriate rate</a></p> <p><a href="#">Requirements for work permit holders: business and commercial and sports and entertainment</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

- Does not intend to take employment except as specified in their work permit.
- Is able to maintain and accommodate themselves and any dependants adequately without recourse to public funds.
- Has enough knowledge of the English language and about life in the UK, with reference to paragraphs 2.2 and 2.3 in Appendix KoLL of the Immigration Rules, unless they are exempt.
- Is still required for the same employment as certified by their employer.
- Is paid at or above the appropriate rate for the job. And
- Provides the specified documents as set out in the application form for settlement and accompanying guidance, as evidence of the sponsor's certification.

For further information about checking specified documents and the letter from the employer, see related link: Requirements for work permit holders: business and commercial and sports and entertainment.

As there is no code of practice, you can take the appropriate salary rate as the higher of either the:

- rate stated on the applicant's previous work permit document, or
- the national minimum wage at the date of the ILR decision.

For more information on the codes of practice for Tier 2 sponsors, see related link: Appendix J, Immigration Rules.

For further information, see related links:

- Requirements for dependants
- Indefinite leave to remain – calculating continuous period in UK
- Public funds
- Knowledge of language and life in the UK.

[Immigration Rules paragraphs 134 and 135](#)

[Appendix J, Immigration Rules](#)

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Grant or refuse work permit holders: no code of practice or appropriate salary rate

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for a work permit holder, where there is no code of practice or appropriate salary rate.</p> <p><b>Granting ILR</b> If all the requirements have been met, you must grant ILR outside the rules under this concession.</p> <p><b>CID code</b> 1EA indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> If any part of the requirements is not met you must refuse the application on general grounds under paragraph 322 (1) of the rules, which say there is no provision in the rules.</p> <p>See related links for information on:</p> <ul style="list-style-type: none"><li>• Requirements for work permit holders: no code of practice or appropriate salary rate</li><li>• Permission for a purpose not covered by the rules – leave to remain</li><li>• Indefinite leave to remain – calculating continuous period in UK</li></ul> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• X7 indefinite leave to remain refusal – premature or inappropriate application (applicant still has concurrent leave).</li><li>• X8 indefinite leave to remain refusal – no extension of leave granted.</li></ul> <p><b>Refusal wording</b></p> <p>For the refusal wording for paragraph 322(1), see related link: Leave to remain – paragraph</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for work permit holders: no code of practice or appropriate salary rate</a></p> <p><b>Related links</b></p> <p><a href="#">Leave to remain - paragraph 322(1-1A)</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 134 to 135</a></p> <p><a href="#">Immigration Rules paragraph 322(1)</a></p>
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322 (1 – 1A).

<b>Reason and paragraph</b>	<b>Suggested wording</b>
<p>Refuse an application where the employer has provided a letter stating that the applicant will be paid at the appropriate rate, rather than is being paid at the appropriate rate</p>	<p>“You have not provided [sufficient/any] evidence that you are being paid the appropriate rate as set out in the [code of practice xx] at the time of your application for indefinite leave to remain. The evidence supplied does not meet the requirements of the Immigration Rules, which have been designed to test whether a [work permit migrant/migrant with leave as a Tier 2 (General)/Tier 2 (ICT) has been, and is currently earning, at least a minimum requirement for their route at the time they apply to settle in the UK.”</p>
<p>Have not provided the specified documents as proof of income or documents submitted do not confirm income stated in employer’s written certification</p>	<p>“In view of the fact that you (insert full reasons for refusal) the Secretary of State is not satisfied that you are paid at or above the appropriate rate for the job.”</p> <p>[Now use the paragraph above]</p>

This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

## Indefinite leave to remain in closed categories

### Requirements for work permit holders (sports person): no appropriate rate

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section tells you how to action an application for indefinite leave to remain (ILR) received from a work permit holder (sports person), where there is no appropriate salary rate.</p> <p>Work permit sportspeople (under the 'sports and entertainment' category) were not necessarily required to meet a salary requirement. For example, their employment may have been based on a share of prize money instead.</p> <p>Before you consider the application for ILR you must check the application meets the requirements. See related link: Requirements for work permit holders: no code of practice or appropriate salary rate.</p> <p>An applicant will not have to meet the requirement under paragraph 134(iv), see related link: Requirements for work permit holders: no code of practice or appropriate salary rate, where:</p> <ul style="list-style-type: none"><li>• leave to enter or remain was last granted under the work permit 'sports and entertainments' category of the Immigration Rules, and</li><li>• at the time that leave was issued, was not required to provide evidence of income to be issued with that grant of leave.</li></ul> <p>Provided the applicant meets all the other requirements of paragraph 134, including the requirement for the employer to confirm the applicant is still needed for their employment, you can grant ILR outside the rules.</p> <p>Those who entered the UK under this category as entertainers were required to meet an income requirement and will be expected to meet all the requirements of paragraph 134.</p> <p>For further information, see related links:</p>	<p><b>In this section</b></p> <p><a href="#">Grant or refuse work permit holders (sports person): no appropriate rate</a></p> <p><b>Related links</b></p> <p><a href="#">Requirements for work permit holders: no code of practice or appropriate salary rate</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules, paragraphs 134 to 135</a></p>
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This guidance is based on the Immigration Rules and concessions outside the Immigration Rules

	<ul style="list-style-type: none"><li>• Indefinite leave to remain – calculating continuous period in UK</li><li>• Public funds</li><li>• Knowledge of language and life in the UK.</li></ul> <p>If an application was submitted before 13 December 2012 and the applicant does not have one or more unspent convictions within the meaning of the Rehabilitation of Offenders Act 1974, see related link for further information.</p> <p>If an application was submitted on or after 13 December 2012, for further information see related link: Criminal history.</p>	
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## Indefinite leave to remain in closed categories

### Grant or refuse work permit holders (sports person): no appropriate rate

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains how to grant or refuse indefinite leave to remain (ILR) in the UK for a work permit holder (sport person) where there is no appropriate salary rate.</p> <p><b>Granting ILR</b> If all the requirements have been met, you must grant ILR outside the rules under this concession.</p> <p><b>CID code</b> IEA indefinite leave to remain granted (to applicant).</p> <p><b>Refusing ILR</b> If any part of the requirements are not met you must refuse the application on general grounds under paragraph 322(1) of the rules, which says there is no provision in the rules.</p> <p>See related links for more information on:</p> <ul style="list-style-type: none"><li>• Requirements for work permit holders (sports person): no appropriate rate</li><li>• Permission for a purpose not covered by the rules – leave to remain</li><li>• Indefinite leave to remain – calculating continuous period in UK.</li></ul> <p><b>CID codes</b></p> <ul style="list-style-type: none"><li>• X7 indefinite leave to remain refusal – premature or inappropriate application (applicant still has concurrent leave).</li><li>• X8 indefinite leave to remain refusal – no extension of leave granted.</li></ul> <p><b>Refusal wording</b> For the refusals wording for paragraph 322(1), see related link: Leave to remain – paragraph 322 (1-1A).</p>	<p><b>In this section</b></p> <p><a href="#">Requirements for work permit holders (sports person): no appropriate rate</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 134 to 135</a></p> <p><a href="#">Immigration Rules paragraph 322(1)</a></p>
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## Indefinite leave to remain in closed categories

### Requirements for work permit holders: on reduced or nil pay

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page tells you how to consider an application for indefinite leave to remain (ILR) in the UK from someone on maternity, paternity or adoption leave who is on nil or reduced pay and cannot prove they are paid the appropriate rate.</p> <p>Before you consider the ILR application you must check it meets the requirements. See related link: Immigration Rules paragraph 134 to 135.</p> <p>An applicant may not be able to meet the requirements under paragraphs 134(iv) and 134(v), if at the time of application, they are on maternity, paternity or adoption related leave. This is because such leave may not allow them to provide:</p> <ul style="list-style-type: none"><li>• confirmation from their employer they are being paid at or above the rate for the job, and/or</li><li>• specified documents confirming they are being paid at or above the appropriate rate.</li></ul> <p>In these cases, you must decide if the applicant is on reduced or nil pay due to maternity, paternity or adoption-related leave.</p> <p>When the only reason the applicant cannot meet the appropriate rate is because they are on maternity, paternity or adoption related leave and they meet all the other requirements for ILR under paragraph 134 you must consider if:</p> <ul style="list-style-type: none"><li>• They are on reduced pay:<ul style="list-style-type: none"><li>○ You must calculate if the actual level of pay still meets the requirements of paragraphs 134(iv) and 134(v).</li><li>○ If it does, and the applicant meets all of the other requirements of paragraph 134, you may grant ILR.</li></ul></li><li>• Their nil or reduced pay means they do not meet the requirements of paragraph 134(iv) and 134(v):</li></ul>	<p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 134 to 135</a></p>
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- They must submit evidence of their pay received immediately before the date their maternity, paternity or adoption related leave began.
- It must be the evidence specified on the SET(O) application form.

The sponsor must confirm in writing:

- when the period of maternity, paternity or adoption related leave started
- the amount the applicant was being paid at this date was at the appropriate rate for the job, and
- the applicant is still needed for the job.

You may grant ILR if this evidence confirms the applicant:

- met the requirements of paragraphs 134(iv) and 134(v), before going on maternity, paternity or adoption related leave
- meets all the other requirements of paragraph 134, and
- is still needed for their employment.

You must refuse the application if this evidence does not confirm the applicant meets the requirements of paragraphs 134(iv) and 134(v).

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## Indefinite leave to remain in closed categories

### Requirements for dependants

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This section explains which dependants may join an applicant in the closed categories and the relevant paragraphs of the Immigration Rules for each closed category.</p> <p>The Immigration Rules allow the following dependants to come to the UK to join a person granted entry clearance or leave to remain in the categories below, provided they meet the requirements of the rules:</p> <ul style="list-style-type: none"> <li>• spouse, civil partner, unmarried or same-sex partner</li> <li>• dependent children.</li> </ul> <p>Other dependants can also apply to join a person granted leave to remain in these categories. For more information, see related link: IDI chapter 8: Family members transitional.</p> <p>Below is a list of the rules that dependants have to meet for each of the closed routes.</p> <table border="1" data-bbox="465 885 1668 1404"> <thead> <tr> <th data-bbox="465 885 1187 997">Category</th> <th data-bbox="1187 885 1429 997">Requirements for spouse or partner</th> <th data-bbox="1429 885 1668 997">Requirements for child</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 997 1187 1404">                     Highly skilled migrant programme                      Airport-based operational ground staff of overseas-owned airlines                      Overseas government employees                      Private servants in diplomatic households                      Work permits (business and commercial and sports and entertainment)                      Ministers of religion, missionaries and members of religious orders                      Sole representatives                      Representatives of overseas newspapers, news                 </td> <td data-bbox="1187 997 1429 1404">                     Paragraph 196D                 </td> <td data-bbox="1429 997 1668 1404">                     Paragraph 197(i)-(v)                 </td> </tr> </tbody> </table>	Category	Requirements for spouse or partner	Requirements for child	Highly skilled migrant programme Airport-based operational ground staff of overseas-owned airlines Overseas government employees Private servants in diplomatic households Work permits (business and commercial and sports and entertainment) Ministers of religion, missionaries and members of religious orders Sole representatives Representatives of overseas newspapers, news	Paragraph 196D	Paragraph 197(i)-(v)	<p><b>In this section</b></p> <p><a href="#">Grant or refuse dependants</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraphs 196D - 197</a></p> <p><a href="#">Immigration Rules paragraphs 242D and 243</a></p> <p><a href="#">Immigration Rules paragraph 287</a></p> <p><a href="#">Immigration Rules paragraph 298</a></p>
Category	Requirements for spouse or partner	Requirements for child						
Highly skilled migrant programme Airport-based operational ground staff of overseas-owned airlines Overseas government employees Private servants in diplomatic households Work permits (business and commercial and sports and entertainment) Ministers of religion, missionaries and members of religious orders Sole representatives Representatives of overseas newspapers, news	Paragraph 196D	Paragraph 197(i)-(v)						

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	agencies and broadcasting organisations			
	Writers, composer, artists Investors Business person Innovators Self-employed lawyers	Paragraph 242D	Paragraph 243 (i)-(vi)	
	Rudolf Steiner voluntary workers	Paragraph 287	Paragraph 298	



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## Indefinite leave to remain in closed categories

### Grant or refuse dependants

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page gives information on granting or refusing indefinite leave to remain (ILR) to a dependant spouse, civil partner or child of a person granted ILR in a closed category.</p> <p>The table below tells you which paragraphs of the Immigration Rules and the CID codes to use to grant or refuse dependants in each closed route.</p>						<p><b>In this section</b></p> <p><a href="#">Requirements for dependants</a></p> <p><b>Related links</b></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules paragraph 196 - 199</a></p> <p><a href="#">Immigration Rules paragraph 242 245</a></p>
	Route	Dependant	Immigration Rules paragraph for granting dependant	Immigration Rules paragraph for refusing dependant	CID code - grant	CID code - refusal	
	Highly skilled migrant programme	Spouse/ Civil partner	196E	196F	1CS	X7S	
	Airport- based operational staff of overseas airline	Child	198	199	1CC	X7C	
	Overseas government employees						
Private servants in diplomatic households							
Work permits (business and	Spouse/ Civil partner	196E	196F	1AS	X7S		

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	commercial and sports and entertainment)	Child	198	199	1AC	X7C
	Ministers of religion, missionaries and members of religious orders	Spouse/ Civil partner	196E	196F	1KS	X7S
		Child	198	199	1KC	X7C
	Sole representatives	Spouse/ Civil partner	196E	196F		X7S
		Child	198	199		X7C
	Overseas media representatives	Spouse/ Civil partner	196E	196F		X7S
		Child	198	199		X7C
	Writers, composers, artists	Spouse/ Civil partner	242E	242F	1JS	X7S
		Child	244	245	1JC	X7C
	Investors	Spouse/ Civil partner	242E	242F	1HS	X7S
		Child	244	245	1HC	X7C
	Business people	Spouse/ Civil partner	242E	242F	1ES	X7S
		Child	244	245	1EC	X7C
	Innovators	Spouse/ Civil partner	242E	242F	1PS	X7S
		Child	244	245	1PC	X7C

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	<p><b>Granting ILR</b> If you are granting the spouse or parent ILR in the closed route and the other requirements for ILR are met, the dependant may be granted ILR.</p> <p><b>Refusing ILR</b> If you are refusing the spouse or parent's application, the dependant's application must also be refused.</p> <p>For information on the requirements for dependants, see related link.</p> <p>For more information on dependants and applications for ILR from other dependants, see related link: IDI chapter 8: Family members transitional.</p>	
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## Indefinite leave to remain in closed categories

### Contact

<p><a href="#">Closed categories: no indefinite leave to remain</a></p> <p><a href="#">Check application meets requirements</a></p> <p><a href="#">Closed employment categories: indefinite leave to remain</a></p> <p><a href="#">Closed self-employed categories: indefinite leave to remain</a></p> <p><a href="#">Closed categories: indefinite leave to remain: concessions outside the rules</a></p> <p><a href="#">Requirements for dependants</a></p>	<p>This page explains who to contact for more help with a specific indefinite leave to remain in a closed category case.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email: Work operational policy team (see related link) for guidance on the policy.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the work operational policy team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p><b>Related links</b></p> <p><a href="#">Information owner</a></p> <p><a href="#">Changes to this guidance</a></p> <p><b>External links</b></p> <p>Links to staff intranet removed</p>
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## Indefinite leave to remain in closed categories

### Information owner

[Closed categories: no indefinite leave to remain](#)

[Check application meets requirements](#)

[Closed employment categories: indefinite leave to remain](#)

[Closed self-employed categories: indefinite leave to remain](#)

[Closed categories: indefinite leave to remain: concessions outside the rules](#)

[Requirements for dependants](#)

This page tells you about this version of the 'Indefinite leave to remain in closed categories' guidance and who owns it.

Version	17.0
Valid from date	26 February 2014
Policy owner	Official – sensitive: information removed
Clearance by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Date cleared	3 April 2013
This version approved for publication by	Official – sensitive: information removed
Approver's role	Official – sensitive: information removed
Approval date	18 February 2014

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the work operational policy team (see related link), who will ask the MGT to update the guidance, if appropriate.

The MGT will accept feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

### Related links

[Contact](#)

[Changes to this guidance](#)

### External links

Links to staff intranet removed