Home Office

Tier 1 (Exceptional talent)

Version 10

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About this guidance

This guidance tells you about Tier 1 (Exceptional talent) category of the points-based system (PBS).

This guidance is based on the Immigration Rules part 6A, paragraphs 245B to 245BF.

This category is for exceptionally talented people in the fields of science, humanities, engineering, the arts, and digital technology who wish to work in the UK.

Applicants will already be internationally recognised at the highest level as world leaders in their particular field.

Applicants may also qualify if they have already demonstrated exceptional promise and are likely to become world leaders in their particular area.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Economic Migration Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance

Below is information on when this version of the guidance was cleared:

- version 10
- published for Home Office staff on 06 April 2016

Official – sensitive: start of section

This information has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Changes from last version of this guidance

This version has moved to the new template and reflects changes in line with the Immigration Rules changes of 6 April 2016. It replaces the Tier 1 (Exceptional talent) modernised guidance version 9.0 which has been withdrawn and archived.

Related content
Contents

Tier 1 Exceptional talent: key facts

This page provides an overview of the route.

Category: Tier 1 (Exceptional talent)

Eligibility requirements	This category is for exceptionally talented people in specific, recognised fields who wish to work in the UK. Applicants will already be internationally recognised at the highest level as world leaders in their particular field, or have already demonstrated exceptional promise and are likely to become world leaders in their particular area.
Application forms	Stage 1: Tier 1 (Exceptional talent) request an endorsement. Stage 2: (In UK): Application for an initial grant of leave (switching) or an extension of leave and biometric residence permit under Tier 1 (Exceptional talent) main applicant. (Overseas): VAF 9 and VAF 9 appendix: Tier 1 (Exceptional talent). Extension: (In UK): Application for an initial grant of leave (switching) or an extension of leave and biometric residence permit under Tier 1 (Exceptional talent) main applicant. (Overseas): VAF 9 and VAF 9 appendix: Tier 1 (Exceptional talent). Croatian applicants must not submit a Tier 1 (Exceptional talent) form for stage 2. They must apply for a registration certificate using form: Application for a blue registration certificate for a Croatian national exercising a treaty right as a highly skilled migrant.
Cost of application	Fees for Home Office services
Is biometric information required?	Yes
Code of leave to enter or remain granted	Code 4B

Conditions of leave to enter or remain	Leave to enter or remain under this route is subject to the following conditions:
	
	• no recourse to public funds
	• registration with the police, if this is required by paragraph 326 of the Immigration Rules
	• no employment as a doctor or dentist in training or as a professional sportsperson (including as a sports coach)
	• study subject to the following restriction:
	
	The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start if:
	
	• they are over age 18 (or will be over 18 by the time their leave expires)
	• their course is one of the following:
	  ○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1, appendix 6 of the Immigration Rules
	  ○ a taught master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2, appendix 6 of the Immigration Rules
	  ○ a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2, appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification
	
	If their course (or research) completion date is postponed or delayed for more than 3 calendar months or there are any changes to the course contents (or the research proposal), they must apply for a new ATAS certificate within 28 calendar days. They must also provide a printout of the new certificate to their institution promptly.

How long is leave to enter normally granted for?	Either: • 1 year • 2 years • 3 years • 4 years • 5 years and 4 months

	as requested by the applicant.
How long is leave to remain normally granted for?	Either: • 1 year • 2 years • 3 years • 4 years • 5 years as requested by the applicant.
Are dependants allowed?	Yes
Work and study allowed?	Yes, subject to the Academic Technology Approval Scheme (ATAS) restrictions described above.
Switching into this category allowed?	Switching into the Tier 1 (Exceptional talent) category is only allowed if the applicant has leave, or has last been granted leave, as a: • Tier 1 migrant • Tier 2 migrant • Tier 5 (Temporary worker) migrant, sponsored in the government authorised exchange sub-category in an exchange scheme for sponsored researchers There is no provision in the Immigration Rules for a person already in the UK in any other category of stay to switch in-country into the Tier 1 (Exceptional talent) category.
Does this category lead to settlement (indefinite leave to remain)?	Yes
Immigration Rules paragraphs	Paragraph 245B – 245BF

Related content
Contents

Tier 1 (Exceptional talent): entry and extension requirements

This page tells you the requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 1 (Exceptional talent) migrant.

The initial application for the Tier 1 (Exceptional talent) category is split into 2 parts:

- stage 1 is an application to the Home Office for endorsement by a designated competent body (DCB): this is the same process for people applying both in and out of the UK
- stage 2 is the application for entry clearance or leave to remain (or a blue registration certificate for Croatian applicants) using the endorsement

Stage 1 is not an application for leave to remain or entry clearance so you only need to check that the application is accompanied by the correct fee to make sure it is valid.

Before you consider a stage 2 application you must check:

- the application is valid
- the applicant's passport or travel document is genuine
- there are no general grounds for refusal
- both the application and biometric information are registered and verified

Requirements of paragraph 245A and 245BA

To be granted entry clearance as a Tier 1 (Exceptional talent) migrant, a person must score a minimum of 75 points for attributes and must:

- have last been granted entry clearance or leave to remain as a:
  - Tier 4 student
  - student
  - student nurse
  - student re-sitting an examination
  - student writing up a thesis
  - postgraduate doctor or dentist
- currently be sponsored by a government or international scholarship agency, or was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or less

They must provide:

- unconditional written consent of the sponsoring government or agency with the application
- any specified documents needed to show this requirement has been met

Requirements of paragraph 245BD

To be granted leave to remain as a Tier 1 (Exceptional talent) migrant, a person must:

- not fall for refusal under the general grounds for refusal
- not be an illegal entrant
- score a minimum of 75 points under paragraphs 1 to 6 of appendix A
- have, or have last been granted, entry clearance, leave to enter or remain as a:
  - Tier 1 migrant
  - Tier 2 migrant
  - Tier 5 (Temporary worker) migrant, sponsored in the government authorised exchange sub-category in an exchange scheme for sponsored researchers
- not be in the UK in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded

Applicants for entry clearance and leave to remain are also subject to the following conditions. They:

- must register with the police if this is required under paragraph 326 of the rules
- are not allowed recourse to public funds
- cannot be employed as a:
  - doctor or dentist in training
  - professional sportsperson (including as a sports coach)
- can only study subject to the following restrictions set out in this guidance (see Key facts page)

Requirements of paragraph 245BF

In order to be granted indefinite leave to remain as a Tier 1 (Exceptional talent) migrant, a person must:

- not fall for refusal under the general grounds for refusal
- not be an illegal entrant
- score a minimum of 75 points under paragraphs 1 to 6 of appendix A
- have spent a continuous period of 5 years lawfully in the UK as follows – the:
  - applicant must have, or have last been granted, leave as a Tier 1(Exceptional talent) migrant
  - 5 years must have been spent with leave as a Tier 1 migrant (excluding as a Tier 1 (Graduate entrepreneur) migrant, Tier 1 (Post-study work) migrant) or as a Tier 2 migrant (excluding as a Tier 2 (Intra-company transfer) migrant)
  - applicant must not have had absences from the UK of more than 180 days in any 12 calendar months during the 5 years
- have sufficient knowledge of both the English language and life in the UK, unless the applicant is under the age of 18 or aged 65 or over at the date of application
- not be in the UK in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded

Related content
Contents

Tier 1 (Exceptional talent): limits

This page tells you about the limit of approvals allowed in the Tier 1 (Exceptional talent) category.

The Tier 1 (Exceptional talent) limit is 1,000 endorsements in total each year (beginning on 6 April and ending on 5 April).

The endorsements are assigned to the designated competent bodies (DCBs) in 2 phases. Half the number is available from 6 April to 30 September each year, and the remaining half will be made available from 1 October to 5 April each year. Any unused endorsements from phase 1 are carried over into phase 2 but unused endorsements cannot be carried over from one limit year to another.

The total limit will be allocated as follows:

- Arts Council England – 250 places
- The Royal Society – 250 places
- The Royal Academy of Engineering – 150 places
- The British Academy – 150 places
- Tech City UK – 200 places

A place in the limit is filled if the applicant is endorsed by the DCB (at stage 1) and is later granted entry clearance or leave to remain under Tier 1 (Exceptional talent) (at stage 2). Croatian nationals who get an endorsement and use it to get a blue registration certificate also fill a place in the limit.

If an applicant is endorsed but their application for leave is unsuccessful, their place is returned to the limit, unless the applicant successfully challenges the refusal decision through an administrative review (if applicable), appeal, pre-action protocol or judicial review.

Alternatively, if the applicant's endorsement is still within the 3 month validity period, it can be reused by the applicant following the refusal of a leave application.

For example, if an applicant is refused leave to remain in the UK because they are unable to switch into Tier 1 (Exceptional talent), the endorsement can be reused for an entry clearance application if it remains valid.

If the endorsement is no longer valid, the place is returned to the limit. The applicant must get a new endorsement if they submit a new leave application in these circumstances.

Extension applications are not counted under the limit.

Related content
Contents

Tier 1 (Exceptional talent): initial application points

This page tells you how points are scored in the attributes requirement for an initial application under the Tier 1 (Exceptional talent) category.

Attributes: pass mark = 75 points	Points available
Endorsed by designated competent body (DCB) according to that body's criteria. The full Policy Guidance contains information on the criteria for: • the arts • sciences (including medicine and humanities) • digital technology	75

There is no maintenance or English language requirement for initial applications.

Applicants make an initial application in this category in 2 stages:

- initial application: stage 1
- initial application: stage 2

Related content
Contents

Tier 1 (Exceptional talent): initial application stage 1

This page tells you about the initial application: stage 1 in the Tier 1 (Exceptional talent) category.

Applicants must submit an 'Application for endorsement for Tier 1 (Exceptional talent)' form. They must also include the:

- supporting documents
- Tech City UK application form if they are applying under the digital technology criteria

You must send the relevant documentation to the applicant's chosen designated competent body (DCB), who will then tell you if the applicant meets its endorsement criteria.

You must update the limit monitoring sheet with all actions to record the progress of the application.

Supporting documents

The applicant must provide the documents specified by their chosen DCB. Digital technology applicants must also provide a printed copy of the Tech City UK application form.

Although you can accept copies of these documents, if you have any reason to think they are not genuine you can request the originals. The documents must be scanned before being emailed to the DCB.

You must inform the applicant if they have been successful in gaining an endorsement using the email address given on their application form.

Further details on the consideration of initial stage 1 applications can be found under caseworker actions initial applications: stage 1.

Related content

Contents

Tier 1 (Exceptional talent): initial application – endorsement review

This page tells you about the endorsement review for stage 1 applications in the Tier 1 (Exceptional talent) category.

If applicants are unsuccessful at stage 1, they can request a review of the decision. They must submit this on the endorsement review form within 28 days of the date of refusal and email it to the Exceptional Talent Endorsements inbox.

You must forward both this form and the original completed endorsement form to the relevant designated competent body (DCB) as soon as possible as you must respond to endorsement reviews within 28 days. You must update the limit monitoring sheet with details of the endorsement review.

When a response is received from the DCB you must:

- update the limit monitoring sheet
- send a letter to the applicant by email – the relevant letter is detailed below

If you receive the form over 28 days after the date of refusal, you must consider if there are any exceptional circumstances to accept the endorsement review. If there are not, you must email the applicant to inform them the endorsement review will not be accepted. The relevant letter to use is detailed below.

For copies of the endorsement forms see:

- request for endorsement : Arts Council
- request for endorsement : Science Bodies
- request for endorsement: Tech City UK

Responses taking longer than 28 days

If it is clear that a response will take longer than 28 days, you must contact the applicant to tell them there has been a delay and provide an indication of when you expect a response.

Relevant letter

The relevant letter used to inform applicants of the decision is Tier 1 (Exceptional Talent) - ICD.4609 on document generator on CID.

This is used for both successful and unsuccessful endorsement reviews, as well as to inform applicants their endorsement review has not been accepted. You must copy this into a Word document, save it as a PDF and attach the PDF to the email to the applicant.

Overturned decisions

If the DCB overturns its original decision, you must not create a new case on CID.

Below the previous refusal decision on the case maintenance screen you must insert 'Outcome to be Reconsidered by UKBA' as a new decision.

You must then insert a further decision below this showing the application is 'Endorsed'. This means a full audit trail of the case is recorded.

Related content

Contents

Tier 1 (Exceptional talent): initial application: stage 2

This page tells you about the initial application: stage 2 in the Tier 1 (Exceptional talent) category.

When the applicant receives their endorsement they can make a full application for entry clearance or leave to remain. Endorsed Croatian nationals must apply for a blue registration certificate. All applicants must include their endorsement letter with the application form.

Applicants may choose to submit their stage 2 application before the stage 1 application is concluded, for example, if the applicant's leave is due to expire and they want to make sure they do not overstay in the UK. If this occurs, you must hold the stage 2 application until a decision is made on the stage 1 application.

The applicant is awarded 75 points for attributes at this stage.

The applicant must send the endorsement letter to the Home Office. This must be a paper copy of the letter emailed to them following stage 1 of their application and dated no earlier than 3 months before the date of the stage 2 application.

You must update the limit monitoring sheet with any actions to record the progress of the application. If you are based outside the UK and have made a decision on an entry clearance application, you must email the Tier 1 Exceptional Talent caseworking team in Sheffield to make sure the limit monitoring spreadsheet is updated.

Further details on the consideration of initial stage 2 applications can be found under Caseworker actions initial applications: stage 2.

Related content
Contents

Tier 1 (Exceptional talent): caseworker actions: stage 1

This page tells you the steps to take when you consider documentation submitted under the Tier 1 (Exceptional talent) category.

For overseas applications you must check the Tier 1 (Exceptional talent) Administration inbox on a daily basis for application referrals from overseas posts.

For in UK (in-country) applications, you must check the application received has been validated.

Missing evidence

If the application is valid you must contact the applicant and give them 14 days to provide the requested document or documents.

If the applicant fails to supply or they cannot get the requested evidence, you must still refer the case to the DCB but you must tell them missing evidence was requested and has not been received or the applicant cannot provide it.

Referring a case to the DCB

You must fill in the applicant's basic details and create a unique reference number (URN) on the limit monitoring sheet in the shared drive. The URN is a consistent way of identifying the applicant's information and is made up of the following details:

- URN
- current year
- designated competent body (DCB) abbreviation
- 4 digit applicant number

For example, the first Arts Council England application in the 2016/17 limit year would be allocated the following URN: URN2016AC0001.

You must check all the relevant documents have been supplied. Different documents are required for different DCBs.

For an Arts Council England application, applicants must provide:

- 3 letters of endorsement:
  - one letter must be from a UK based arts or cultural organisation, institution or company
  - one letter must be from an arts or cultural organisation, institution or company which may or may not be UK based
  - the last one must be from either a third arts organisation (based either in the UK or overseas) or from an eminent individual with internationally recognised expertise in the applicant's specialist field

- up to 10 pieces of supporting documentation (which will be listed on the Arts Council application form)

For The British Academy, The Royal Society, The Royal Academy of Engineering applications, applicants must provide:

- a letter of recommendation from an eminent person in the UK
- a CV
- a reference from a UK body (not required for exceptional promise applicants)

Applicants may qualify to be considered under a fast track process. They will indicate this on their application for endorsement form. They must supply a letter of acceptance from Research Councils UK (RCUK), Wellcome Trust or UK National Academies research fellowships to show they have been awarded specific research fellowships and research leadership positions. These applicants go through a different consideration process as they have already been subject to peer review. Any evidence linked to RCUK, Wellcome Trust or UK National Academies research fellowships must also be forwarded to the DCB for consideration. The policy guidance contains a full list of the fellowships eligible for the accelerated process.

For Tech City UK applications, applicants must provide:

- a printout of the Tech City UK online application form
- 2 letters of recommendation from a recognised resident expert
- a CV
- up to 10 pieces of information to demonstrate that they meet all of the mandatory and 2 of the qualifying criteria

If they are applying under the team relocation fast track option (which will be noted on the Tech City UK application form), they must also provide their employment contract if they are an employee, or their company registration letter if they are a founder or employer of a digital company.

Tech City UK applications may qualify to be considered under a fast track process. The applicant should state on their Tech City UK online application form if they want to be considered under the fast track process.

Format of evidence

The Immigration Rules for Arts Council England specify that evidence cannot include:

- objects
- DVDs
- CDs
- digital files
- web links

If an applicant wants to use the content of a webpage as one of their 10 permitted supporting documents, they must provide a printed copy of the page which clearly

shows the hyperlink for the page. The science bodies list exactly what documents must be provided, so applicants are unlikely to supply objects.

Tech City UK applicants should not send you objects, for example:

- books
- DVDs
- CDs
- memory sticks

If they submit objects as part of their application you must contact the DCB to tell them objects have been received and confirm which address the items must be sent to.

If it is not clear from the application, you must also contact the applicant to confirm whether they want you to return the objects once the DCB has finished their assessment.

If an Arts Council England applicant has sent you objects, you must contact the applicant and explain that the evidence will not be sent to the DCB and ask whether they want you to return the evidence.

If applicants do want you to return the objects, you must speak to your manager to arrange an appropriate method of tracked mail postage. Remember the applicant may be overseas. Objects which are not to be returned will either be sent to the appropriate DCB to be stored in their libraries (if required), or disposed of appropriately.

Asking the DCB to consider an application

You must send referrals to all DCBs, except Art Council England, as soon as possible. At their request, Arts Council England applications must be batched together and only sent on Wednesdays. If the decision is urgent, you must first contact Arts Council England to check they are happy to receive an application outside of the normal batching day.

You must create an endorsement form for the relevant DCB and save it in the T1ET folder for that individual using the unique reference number (URN) as the file name.

For copies of the forms see:

- request for endorsement: Arts Council
- request for endorsement: Science Bodies
- request for endorsement: Tech City UK

You must attach both the form and the relevant supporting evidence to an email to send to the DCB.

This information has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

The maximum file size that can be emailed to the DCB is 3MB. If the documentation is larger you must send it in as few emails as possible.

You must not send scans as individual pages, but group them into files. For example, a 3 page letter must not be saved as 3 separate documents.

The email is then saved in the Tier 1 Exceptional Talent Administration mailbox in Outlook.

Fast track applications: Tech City UK

Tech City UK operates a fast track option for applicants who fall under one of the following categories:

- they are planning to make a contribution in the north of the UK (they plan to work in or set up a company in one of Tech North's 7 cities: Hull, Leeds, Liverpool, Manchester, Newcastle, Sheffield and Sunderland)
- they have business or technical skills deemed to be in short supply by Tech City UK
- they are applying under the team relocation option

If an applicant is requesting that their application is fast tracked, their Tech City UK application form will show this.

Up to 5 applicants can apply under the team relocation option and the names of all team members should be listed by each applicant on their Tech City UK application form.

For applications processed under the team relocation option, each team member will be considered individually and must qualify in their own right. You should ensure that all applications in a team are sent to Tech City UK in a single batch wherever possible, with the email clearly stating that they are applying as a team.

If the team is not complete, you should send a part-batch rather than delay the application and note this on the email or emails to Tech City UK.

Response from DCB

When you receive a response, you must resave the endorsement form over the top of the old one. You must then update the limit monitoring sheet with the DCB decision, and insert a hyperlink to the completed form into the relevant column of the sheet.

Relevant letter

The relevant letter used to inform applicants of the decision is the Tier 1 (Exceptional Talent) ICD.4609.

This is used for successful and unsuccessful applications, and you must copy this into a Word document and attach the document to the email to the applicant.

Related content

Contents

Tier 1 (Exceptional talent): caseworker actions stage 2

This page tells you the steps to take when you consider a stage 2 application under the Tier 1 (Exceptional talent) category.

In UK applications

You must check the application received on team has been validated.

Stage 2 application received

You must update the limit monitoring sheet in the shared drive, to show the stage 2 application has been received and further update it when a decision is made.

Missing evidence

If evidence which is required is missing it may be appropriate to request it under evidential flexibility.

Switching into this category in the UK

An applicant can apply for leave to remain in the UK (including switching from one immigration category to another) if they are here with permission to stay as a:

- Tier 1 migrant
- Tier 2 migrant
- Tier 5 (Temporary worker – government authorised exchange) migrant, in an exchange scheme for sponsored researchers.

To confirm a Tier 5 (Temporary worker – government authorised exchange) applicant is in an exchange scheme for sponsored researchers, you may have to:

- check Metastorm
- check the central records system (CRS)
- request the visa application form (VAF)
- contact the applicant's current sponsor.

If you contact the applicant's current sponsor you must not tell them the applicant has made a Tier 1 (Exceptional talent) application. If the sponsor queries the reason for the request, you must tell them you are checking the immigration status of the applicant.

Applicants who were last granted leave in the above categories are only able to switch if they still have valid leave or have overstayed for less than 28 days.

There is no provision in the Immigration Rules for a person already in the UK in any other category to switch into the Tier 1 (Exceptional talent) category.

You must grant leave to remain from the date you make the decision, not the date the applicant's previous leave expires.

Refusing an application

For both in country and out of country applications, you must assess any potential general grounds for refusal.

In any application which is refused because the designated competent body (DCB) did not recommend endorsement, the stage 1 decision letter (ICD.4609) must be bundled. There is no requirement to bundle the endorsement form, however you must place a copy on the file in case the decision is challenged by the applicant.

Relevant letters

The relevant letters used to inform applicants of the decision for in the UK applicants are:

- Tier 1 (Exceptional talent) approval letter and leaflet combined migrant – ICD.4572
- Tier 1 (Exceptional talent) approval letter and leaflet combined rep – ICD.4573
- Tier 1 (Exceptional talent) refusal notice – ICD.4574

The Tier 1 (Exceptional talent) letter used on out of country cases is available on Sharepoint.

Related content

Contents

Caseworker actions: extension applications

This page tells caseworkers how to consider an extension application under the Tier 1 (Exceptional talent) category.

In UK extension applications are submitted on the stage 2 application form. You must check the application received on team has been validated.

Out of country extension applications are submitted on the VAF 9 and VAF 9 appendix Tier 1 (Exceptional talent).

The endorsement has not been withdrawn

The DCB must not have withdrawn the endorsement given on the initial application.

If the DCB no longer wishes to endorse the applicant they must inform the Home Office through the Tier 1 (Exceptional Talent) administration mailbox. You must record this information on the limit monitoring spreadsheet.

If you do not have access to this spreadsheet you must contact the Tier 1 (Exceptional talent) team in Sheffield.

Missing evidence

If any required evidence is missing it may be appropriate to request this under evidential flexibility.

Refusing an application

For in country and out of country applications you must assess any potential general grounds for refusal.

Relevant letters

The relevant letters used to inform applicants of the decision are:

- Tier 1 (Exceptional talent) approval letter and leaflet combined migrant - ICD.4572
- Tier 1 (Exceptional talent) approval letter and leaflet combined rep – ICD.4573

The Tier 1 (Exceptional talent) letter used on out of country cases is available on Sharepoint.

Related content
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Tier 1 (Exceptional talent) managing the mailboxes

This page tells you the steps to take to manage the Tier 1 (Exceptional talent) mailboxes.

There are 2 mailboxes for Tier 1 (Exceptional talent), one primarily for communicating with applicants and the other for administration purposes.

Overseas posts use the administration mailbox to verify stage 1 endorsements, query if a stage 1 application is outstanding, or when considering an extension application, confirm that the designated competent body (DCB) has not withdrawn their endorsement.

This mailbox must also be used by caseworkers in the UK who deal with blue registration certificate applications. The administration mailbox must be checked twice daily and action taken as appropriate.

If the DCB has withdrawn its endorsement of an applicant who was previously approved, they use the administration mailbox to tell the Home Office. You must update the limit monitoring spreadsheet and CID with this information. In addition, curtailment may be appropriate.

The external mailbox is used to inform applicants of the progress and outcome of their stage 1 application. It is the applicant's main way of communicating with the Home Office. The mailbox must be checked frequently and appropriate action taken.

All caseworkers who consider in UK applications must be given access to the relevant mailboxes. If you do not have access you must request this from your line manager.

Related content
Contents

Tier 1 (Exceptional talent): applications from Croatian nationals

This page tells you how to deal with applications from Croatian nationals under the Tier 1 (Exceptional talent) category.

From 1 July 2013 Croatian citizens became European Economic Area (EEA) nationals, which means they can enter and live in the UK without applying for permission.

Croatian nationals who want to stay for longer than 3 months will require permission from the Home Office and must be:

- working
- self-employed
- a self sufficient person
- a student

Croatian nationals who have an endorsement from a designated competent body (DCB) should not apply for stage 2. They must submit an application for a blue registration certificate using their endorsement.

If a registration certificate application is successful, a place in the Tier 1 (Exceptional talent) limit will be filled.

For more information on applications from Croatians see Croatian casework: application process.

Caseworker actions

You must tell the applicant of your decision using letter ICD.4069 once you have completed the stage 1 application. You must select the correct option to tell the applicant they must apply for a blue registration certificate.

If there is an outstanding registration certificate application on CID when you decide the stage 1 application, you must also contact the caseworker dealing with the registration certificate application to let them know the stage 1 application has been decided and what the outcome is.

The relevant case type on CID is ‘A1 (Tier1) Highly Skilled Migrants’.

You must complete the case as normal where there is no outstanding registration certificate application on CID. If the stage 1 application was successful and the applicant later submits a registration certificate application, the caseworker who completes the registration certificate application must email the administration mailbox to confirm the decision.

You must update the limit monitoring sheet after a decision is made on any registration certificate application.

Related content
Contents

Tier 1 (Exceptional talent) extension application points

This page tells you how points are scored in the attributes requirement for an extension application in the Tier 1 (Exceptional talent) category.

Attributes: pass mark = 75 points	Points available
During their most recent period of leave as a Tier 1 (Exceptional talent) migrant, the applicant has earned money in the UK as a result of employment or self employment in their expert field as previously endorsed by a designated competent body (DCB), and that DCB has not withdrawn its endorsement of the applicant. For more information, see Documents required for an extension or settlement.	75

You must remember that applicants can extend their leave from outside the UK. The requirements are the same regardless of where the applicant submits their extension application.

Related content

Contents

Tier 1 (Exceptional talent) documents required for an extension or settlement

This page tells you the documents an applicant must provide with their application for an extension of leave or application for settlement (indefinite leave to remain).

You must only accept specified documents as evidence that an applicant has earned money in the UK as a Tier 1 (Exceptional talent) migrant from employment or self-employment in their expert field (as previously endorsed by a designated competent body (DCB)) when the application is made.

Evidence of earnings in expert field

One of the following must be provided by all applicants:

- a contract of service or work between the applicant and a UK employer or institution which indicates the field of work they have undertaken
- a letter on the UK institution or employer's official headed paper confirming the applicant has earned money in their expert field

Salaried employee or a director of a limited company

At least one of the following must be provided:

- original payslips in one of the following formats:
  - formal payslips
  - on the organisation's official letter-headed paper or stationery – if not on headed paper they must have the organisation's official stamp
  - printouts of online payslips must be provided with a letter from the applicant's employer, on the company's headed paper, confirming the applicant's earnings
- personal bank statements showing payments made to the applicant from their employer or a limited company of which they are a director, in the following format:
  - statements printed on the bank's letter-headed paper
  - electronic bank statements either with a supporting letter from the bank, on company headed paper, confirming the statements provided are authentic, or a printed statement with the official bank stamp on every page
- an official tax document produced by Her Majesty's Revenue & Customs (HMRC) or employer, showing earnings on which tax has been paid or will be paid in a tax year – for these purposes, official tax documents are defined as:
  - a document produced by HMRC showing details of declarable taxable income on which tax has been paid or will be paid in a tax year (for example a tax refund letter or tax demand)
  - a document produced by an employer as an official return to HMRC, showing details of earnings on which tax has been paid in a tax year (for example a P60)
  - a document produced by a person, business, or company as an official return to HMRC, showing details of earnings on which tax has been paid or

will be paid in a tax year: this must have been approved, registered, or stamped by the HMRC
- dividend vouchers showing the amount of money paid by the company to the applicant, normally from its profits: they should confirm both the gross and net dividend paid and must provide a separate dividend voucher or payment advice slip for each dividend payment

Applicant has worked in a self-employed capacity

At least one of the following must be provided:

- a letter from the applicant's accountant which confirms the amount of salary the applicant earned in the following format:
  - on headed paper confirming the gross and net pay for the period claimed
  - with a breakdown of salary, dividends, profits, tax credits and dates of net payments earned
  - if earnings are a share of the net profit of the company, the letter must also explain this
  - all accountants must be either fully qualified chartered accountants or certified accountants who are members of a registered body in the UK
- company or business accounts that clearly show the net profit of the company or business, which must show:
  - both a profit and loss account (or income and expenditure account if the organisation is not trading for profit), and the balance sheet must be signed by a director
  - the account meets statutory requirements and clearly shows the net profit made over the earnings period to be assessed

Sponsored researchers

Applicants must provide evidence of funding from an institution, not necessarily in the UK. This can be in the form of a letter on official headed paper confirming the details of funding. It must include the:

- applicant's name
- name of sponsor
- name of the host institution where the applicant will be based
- details of the funding provided, including the amount of funding

Applicant is still endorsed by the relevant DCB

There are no documentary requirements to demonstrate applicants are still endorsed by the relevant DCB.

If the relevant DCB decides to withdraw their endorsement of a migrant they will inform the Tier 1 (Exceptional talent) caseworking team based in Sheffield who will update the limit monitoring spreadsheet to record this information. CID must also be updated with details.

If you are considering an extension or settlement application, there are no comments on CID indicating an endorsement has been withdrawn and you do not have access

to the limit monitoring spreadsheet, you must contact the Tier 1 (Exceptional talent) administration mailbox to confirm the endorsement is still valid.

Related content
Contents

Tier 1 (Exceptional talent) settlement points

This page tells you how points are scored in the attributes requirement for a settlement (indefinite leave to remain) application in the Tier 1 (Exceptional talent) category.

Attributes: pass mark = 75 points	Points available
During their most recent period of leave as a Tier 1 (Exceptional talent) migrant, the applicant has earned money in the UK as a result of employment or self-employment in their expert field as previously endorsed by a designated competent body (DCB), and the DCB has not withdrawn its endorsement of the applicant. For more information, see Documents required for an extension or settlement.	75

Applicants must have spent a continuous period of 5 years lawfully in the UK, with absences from the UK of no more than 180 days in any 12 calendar months during that period. They may combine leave spent in the following categories but time spent in any other category (including Tier 1 (Graduate entrepreneur), Tier 1 (Post-study work), Tier 2 (Intra-company transfer) and Tier 5 (Temporary worker)), cannot be included in the qualifying period:

- Tier 1 (General)
- Tier 1 (Entrepreneur)
- Tier 1 (Investor)
- Tier 2 (General)
- Tier 2 (Minister of religion)
- Tier 2 (Sportsperson)

The applicant must also:

- not fall for refusal under the general grounds for refusal, and must not be an illegal entrant
- have enough knowledge of the English language and life in the UK, in line with appendix KoLL of the Immigration Rules, unless they are under the age of 18 or aged 65 or over at the date the application is made
- not be in the UK in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded

Related content
Contents

Tier 1 (Exceptional talent) curtailing leave

This page tells you about curtailing the leave of a Tier 1 (Exceptional talent) migrant.

You can curtail a person's leave in this category if the designated competent body (DCB) that endorsed the application for the current grant of leave withdraws the person's endorsement.

There is separate curtailment guidance which explains additional reasons which may result in the curtailment of an applicant's leave.

Related content
Contents

Tier 1 (Exceptional talent) change of circumstances

This page tells you how to deal with changes of circumstances for a Tier 1 (Exceptional talent) migrant.

The applicant is required to undertake different actions depending on whether they are inside or outside the UK and whether they have a biometric residence permit (BRP). There are more details on how to report a change of circumstances available on GOV.UK.

Related content
Contents

Tier 1 (Exceptional talent) grant or refuse an application

This page tells you about granting or refusing different types of application for Tier 1 (Exceptional talent).

You must complete different actions depending on the type of application that has been made:

- Grant or refuse entry clearance (stage 2)
- Grant or refuse entry at a UK port
- Grant or refuse an extension of stay in the UK (stage 2)
- Grant or refuse entry clearance for an extension of stay
- Grant or refuse settlement (indefinite leave to remain)

Related content

Contents

Tier 1 (Exceptional talent) grant or refuse entry clearance (stage 2)

This page tells you about granting or refusing a stage 2 application made overseas to come to the UK in the Tier 1 (Exceptional talent) category.

Submitting applications

Tier 1 (Exceptional talent) applicants can submit applications at the post in the country or territory where they are situated at the time of the application, provided:

- the post has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant
- the applicant is able to demonstrate to the entry clearance officer that they have authority to be living in that country or territory in accordance with its immigration laws
- when they were given authority to live in that country or territory, it was for a period of more than 6 months – applicants who are known to the authorities of that country or territory but who have not been given permission to live in that country or territory will not be eligible to make an application

Grant entry clearance

You must issue entry clearance if:

- the applicant meets all the requirements of paragraph 245B-245BC of the Immigration Rules
- none of the general grounds for refusal in paragraph 320 apply

Length of entry clearance

Applicants can select one of the following options:

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years, 4 months

Applicants must have paid the correct Immigration Health Surcharge (IHS) for the period of time they requested on their stage 2 application. For example, if they paid the IHS for one year but request a 3 year grant, you must refuse the application.

For more information on the IHS, including how to check that the applicant made the correct payment, see: Immigration Health Surcharge.

The endorsement is always one of the following and must be valid from the date the applicant intends to travel to the UK:

- Tier 1 - Exceptional Talent Migrant - 245BB - Code 1 (+doc) (+sport)

- Tier 1 - Exceptional Talent Partner - 319C - Code 1 (+doc)
- Tier 1 - Exceptional Talent Child - 319H - Code 1

Refusing entry clearance

You must refuse the application:

- when the applicant has not provided the required evidence to show they meet all the relevant paragraph of the rules
- if any of the general grounds for refusal in paragraph 320 apply

The only exception to this is if the applicant indicates they have submitted their stage 1 application and is awaiting a response from the Home Office. In this situation, the overseas post must contact the Tier 1 Exceptional Talent caseworking team in Sheffield, to establish what action has been taken on the stage 1 application.

Biometric information for entry clearance

Successful applicants for entry clearance are not given a vignette in their passport for the full length of the grant. If successful, they must be given a 30 day visa to allow them to collect their biometric residence permit (BRP) after they have arrived in the UK. For more information on this, please see the Biometric Residence Permits page on GOV.UK.

Rights of appeal and administrative review - out of country applications

If an application for entry clearance is refused under the points-based system, the applicant cannot appeal against our decision. However, they may apply for an administrative review, if they think the Home Office has made an error in considering their application.

For further information on administrative review, please see: Ask for a visa administrative review.

Updating the limit monitoring spreadsheet

Once you have made a decision on your case you must contact the Tier 1 Administration mailbox so the limit monitoring spreadsheet can be updated. This includes applications which are overturned at appeal or administrative review.

Related content

Contents

Tier 1 (Exceptional talent) grant or refuse entry at a UK port

This page tells you about granting or refusing entry at a UK port to a person seeking to enter the UK in the Tier 1 (Exceptional talent) category.

Grant leave to enter

Before you grant leave to enter, you must be satisfied:

- the applicant has valid entry clearance
- there are no reasons to believe:
  - the applicant gave false information to obtain the entry clearance
  - that circumstances have changed since it was issued
- none of the general grounds for refusal in paragraphs 320 to 321 of the Immigration Rules apply

Refusal of entry

You must refuse entry if:

- the applicant does not have an entry clearance
- the applicant has not provided the required evidence that they meet all the requirements of the relevant paragraph of the Immigration Rules
- any of the general grounds for refusal in paragraphs 320 to 321 apply: you must read the guidance on general grounds for refusal

Refusal of leave to enter

A visa national who seeks entry without a valid UK visa must be refused under paragraph 320(5) of the Immigration Rules. A non-visa national seeking entry in this capacity without the requisite entry clearance must be refused under paragraph 245BA of the Immigration Rules.

If you consider refusing an applicant following their return from a short absence abroad, you must consider the refusal under paragraph 321A of the Immigration Rules. You must take into account the applicant's continuing leave.

If the applicant is subject to a deportation order, any leave that they have been granted is cancelled. You must refuse under paragraph 320(2) of the Immigration Rules. You must also refer to Border Force national immigration and customs enquiries (BF NICE) before you make a decision.

If you consider a refusal on the grounds of national security, public policy, sensitive information or where the decision may affect relations with another country, you must refer to BF NICE.

Official – sensitive: start of section

This information has been removed as it is restricted for internal Home Office use.

Appeal rights and refusal forms

An applicant who has valid entry clearance (EC) or a biometric residence permit (BRP), which is cancelled at the border will not have a right of appeal against that decision. Where an EC or a BRP is cancelled the applicant may have a right to administrative review of that decision.

Where there is a right to administrative review at the border, you must serve an 'IS82 No RD AR' in UK port cases and at the juxtaposed controls you must serve an 'IS82 JUXT AR'.

Where the applicant has an EC or BRP and is having their leave cancelled at the border and does not qualify for administrative review, you must serve an 'IS82 RD no AR' in UK port cases and at the juxtaposed controls you must serve the 'IS82 JUXT No AR'.

Where the applicant does not hold an EC or BRP there is no right to administrative review. You must serve the applicant an 'IS82 No AR RLE' in UK port cases, and an 'IS82 JUXT No AR RLE' at the juxtaposed controls.

If the applicant is the subject of an extant deportation order, they do not have a right of appeal before removal. You must serve them with form IS 82A.

IS82A and IS82C can be found on CID.

Landing card codes

- Tier 1 (Exceptional talent) – T1T
- Tier 1 (Dependant) – T1R

Related content
Contents

Tier 1 (Exceptional talent) grant or refuse an extension of stay in the UK

This page tells you when to grant or refuse an extension of stay to a person who seeks an extension of stay under the Tier 1 (Exceptional talent) category of the points-based system.

Grant extension

You must grant leave to remain if:

- the applicant meets all the requirements of paragraph 245BD of the Immigration Rules
- none of the general grounds for refusal in paragraphs 322(1) to 322(12) apply

You must grant leave on code 4B.

The wording on the biometric residence permit (BRP) is:

> ‘Front:
>
> T1 MIGRANT TALENT
> LEAVE TO REMAIN
> RESTRICTED WORK
> NO DR/DEN TRAIN
> OR SPORTSPERSON
>
> Reverse:
>
> NO PUBLIC FUNDS
> REGISTER/REPORT TO POLICE (if applicable)’

Length of leave

Applicants can select one of the following options:

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years

Applicants must have paid the correct Immigration Health Surcharge (IHS) for the period of time they requested on their stage 2 application. For example, if they paid the IHS for one year but request a 3 year grant, you must request an additional IHS payment.

For more information on the IHS, including how to check that the applicant made the correct payment, see Immigration Health Surcharge.

Refuse an extension

You must refuse leave to remain if:

- the applicant does not meet all of the requirements of paragraph 245BD of the Immigration Rules
- any of the general grounds for refusal apply
- the applicant is in breach of immigration laws, except:
  - for any period of overstaying for 28 days or less which will be disregarded
  - if the application was submitted before 9 July 2012

For more information, see Applications from overstayers (non family routes).

Rights of appeal and administrative review

Applicants cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

Related content

Contents

Tier 1 (Exceptional talent) grant or refuse entry clearance for an extension of stay

This page tells you about granting or refusing an extension application made overseas to return to the UK in the Tier 1 (Exceptional talent) category.

Grant entry clearance

You must issue entry clearance if the applicant:

- meets all the requirements of paragraph 245B-245BC of the Immigration Rules
- none of the general grounds for refusal in paragraph 320 apply

Length of entry clearance

Applicants can select one of the following options:

- 1 year
- 2 years
- 3 years
- 4 years
- 5 years, 4 months

Applicants must have paid the correct Immigration Health Surcharge (IHS) for the period of time they requested on their stage 2 application. For example if they paid the IHS for one year but request a 3 year grant, you must refuse the application.

For more information on the IHS, including how to check that the applicant made the correct payment, see Immigration Health Surcharge.

The endorsement is one of the following and must be valid from the date the applicant intends to travel to the UK:

- Tier 1 - Exceptional Talent Migrant - 245BB - Code 1 (+doc) (+sport)
- Tier 1 - Exceptional Talent Partner - 319C - Code 1 (+doc)
- Tier 1 - Exceptional Talent Child - 319H - Code 1

Refusing entry clearance

You must refuse the application when:

- the applicant has not provided the required evidence to show they meet all the relevant paragraphs of the rules
- any of the general grounds for refusal in paragraph 320 apply

Biometric information for entry clearance

Successful applicants for entry clearance are not given a vignette in their passport for the full length of the grant. If successful, they must be given a 30 day visa to allow them to collect their biometric residence permit (BRP) after they have arrived in the UK. There will be a phased introduction of this. For more information on this please see the Biometric Residence Permits page on GOV.UK.

Rights of appeal and administrative review - out of country applications

If an application for entry clearance is refused under the points-based system, the applicant cannot appeal against the decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. For further information on administrative reviews, please see: Ask for an administrative review.

Updating the limit monitoring spreadsheet

Once you have made a decision on your case you must contact the Tier 1 Administration mailbox so the limit monitoring spreadsheet can be updated. This includes applications which are overturned at appeal or administrative review.

Related content

Contents

Tier 1 (Exceptional talent) grant or refuse settlement

This page tells you how to grant or refuse an application under the Tier 1 (Exceptional talent) category of the points-based system for settlement (indefinite leave to remain).

To qualify for settlement, a Tier 1 (Exceptional talent) migrant must meet the requirements listed below.

The applicant must:

- not fall for refusal under the general grounds for refusal, and must not be an illegal entrant
- have spent a continuous period of 5 years lawfully in the UK – they must:
  - have, or have last been granted, leave as a Tier 1 (Exceptional talent) migrant
  - spent 5 years with leave as a Tier 1 migrant (excluding as a Tier 1 (Graduate entrepreneur) migrant or Tier 1 (Post-study work) migrant), or as a Tier 2 migrant (excluding as a Tier 2 (Intra-company transfer) migrant)
  - not have had absences from the UK of more than 180 days in any 12 calendar months during the 5 years
- have a minimum of 75 points under paragraphs 1 to 6 of appendix A
- have enough knowledge of the English language and life in the UK, in line with appendix KoLL of the Immigration Rules, unless they are under the age of 18 or aged 65 or over at the date the application is made
- not be in the UK in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded

If the applicant meets all the above criteria you must grant their application.

If the applicant does not meet the above criteria you must refuse their application.

Refusal wording is available from indefinite leave refusal wording.

Related content
Contents

Tier 1 (Exceptional talent) conditions of leave

This page tells caseworkers about the conditions linked to a grant of leave in the Tier 1 (Exceptional talent) route.

Applicants granted leave in this category are subject to the following conditions:

- they cannot use public funds
- they must register with the police, if required to do so by paragraph 326 of the Immigration Rules
- they cannot work as a doctor or dentist in training or as a professional sportsperson (including as a sports coach)

Related content

Contents

Tier 1 (Exceptional talent) dependants

This page tells caseworkers which dependants can join a person who comes to the UK in the Tier 1 (Exceptional talent) category of the points-based system.

Under paragraphs 319A-319K of the Immigration Rules, the following dependants are allowed to come to the UK to join a person granted entry clearance or leave to remain in this category, provided they meet the requirements of the rules:

- spouse, civil partner, unmarried or same-sex partner
- dependent children

For more information on the requirements that dependants must meet in order to be granted leave in line with a Tier 1 (Exceptional talent) migrant, see: family members of points-based system migrants.

Related content

Contents