

This guidance is based on the Immigration Rules



Home Office

Family members of points-based system migrants

This guidance is based on the Immigration Rules

This guidance is based on the Immigration Rules

Family members of points-based system migrants

About this guidance

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing Conditions of leave](#)

This guidance tells you how to consider applications from people who wish to enter or remain in the UK as the dependent family member of a points-based system (PBS) migrant.

This guidance is based on paragraphs 319A-319K and appendix E of the Immigration Rules.

An applicant can apply as the dependent family member of a PBS migrant if they are:

- the family member of a person with, or applying for, leave under Tiers 1, 2, 4 or 5 of PBS
- the spouse or partner of a person with indefinite leave to remain or British citizenship who last held leave in Tier 1, 2, or 5 of PBS and they do not yet qualify for indefinite leave to remain
- the child of a person with indefinite leave to remain or British citizenship who last held leave in Tier 1, 2, or 5 of PBS, and:
 - their other parent does not yet qualify for indefinite leave to remain
 - they last held leave as the family member of a PBS migrant granted under the rules in place on or after 9 July 2012

Eligible family members

To apply in this category family members must be related to the PBS migrant as either their:

- husband
- wife
- civil partner
- unmarried partner
- same sex partner
- child (under the age of 18 when they first applied)

For more information on the requirements for entry or extension in this category, see related link.

In this section

[Changes to this guidance](#)
[Contact Information owner](#)

Related links

[Entry, extension and indefinite leave requirements](#)

Downloads

Link to staff intranet removed

External links

[Immigration Rules paragraphs 319AA-319K](#)
[Immigration Rules: appendix E](#)

This guidance is based on the Immigration Rules

Adult children and other relatives

Children over the age of 18 who have not previously been granted leave as the family member of a PBS migrant cannot be granted leave in this category. Similarly, other relatives, for example parents or grandparents, cannot apply in this category. For information on how to consider such applications, see related link: Applications submitted on a PBS (Dependant) form for relatives who are neither the partner nor the child of the main applicant.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

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.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: changes to this guidance

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page lists changes to the 'Family members of points-based system migrants' guidance with the most recent at the top.

See also
[Contact Information owner](#)

Date of the change	Details of the change
24 November 2016	Change request: <ul style="list-style-type: none">• Maintenance requirements changed for Tier 4 (General) family members• Overstayer Rules changes• Clarifying the exceptions in place for Tier 2 dependants having to demonstrate satisfying maintenance requirements.
17 November 2015	Change request: <ul style="list-style-type: none">• Maintenance requirements changed on:<ul style="list-style-type: none">○ Tier 4 (General) family members○ Tier 2 family members
24 April 2015	Change request: <ul style="list-style-type: none">• Updated following 24 April Immigration Rules change
	For previous changes you will need to access the archived guidance. See Family members of PBS migrants – Archive.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: key facts

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section gives the key facts for partners and children of points-based system migrants.</p>	<p>In this section Key facts: partners of points-based system migrants Key facts: children of points-based system migrants</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Key facts: partners of points-based system migrants

This page shows you the key facts for partners of points-based system (PBS) migrants.

Category: Partners of points-based system migrants	
Eligibility requirements	<p>Requirements of paragraph 319C of the Immigration Rules</p> <p>The requirements are as follows:</p> <ul style="list-style-type: none">• both the applicant and the PBS migrant must be aged 18 years or older on the date they arrive in the UK or the date that leave is granted• if they are applying for leave as the husband, wife or civil partner of a PBS migrant the PBS migrant must not be in polygamous marriages or civil partnerships, as set out in paragraphs 278 and 279 of the Immigration Rules• there must not be any reasons why the application might be refused because of general grounds and the applicant must not be an illegal entrant• the applicant must be the spouse, civil partner, unmarried partner or same sex partner of a person who is one of the following:<ul style="list-style-type: none">○ has leave as a PBS migrant○ is being granted leave at the same time as a PBS migrant○ if the applicant is applying for an extension of stay, their partner must have indefinite leave to remain (ILR) as a PBS migrant or have obtained British citizenship after having ILR as PBS migrant• if the applicant is the unmarried or same-sex partner, then:<ul style="list-style-type: none">○ any previous marriage or civil partnership that the applicant or PBS migrant had with another person must have permanently broken down○ the applicant and PBS migrant must not be so closely related that they would not be allowed to marry in the UK• the applicant and PBS migrant must have been living in a relationship similar to marriage or civil partnership for a period of at least 2 years• the relationship between the applicant and the PBS migrant must be subsisting when the application is made• the applicant and the PBS migrant must intend to live together as spouse, civil partner, unmarried or same sex partner throughout the applicant's stay in the UK• the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant• the applicant must meet the maintenance requirements, unless the PBS migrant is one of the following:

	<ul style="list-style-type: none"> ○ Tier 1 (Investor) migrant ○ Tier 1 (Exceptional talent) migrant ● if they are applying for leave to remain the applicant must not have last been granted entry clearance or leave as any of the following, unless the relevant points based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii): <ul style="list-style-type: none"> ○ a visitor, including someone who entered the UK as a visitor under the UK British Irish visa scheme (BIVS) from the Republic of Ireland holding a valid visit visa endorsed with 'BIVS' ○ (from 24 April 2015) a short-term student or short-term student (child) ○ (From 24 April 2015) a parent of a Tier 4 (child) student ● be on temporary admission or release <p>Additional requirements for dependants of Tier 4 (General) migrants</p> <p>The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:</p> <ul style="list-style-type: none"> ● is a government sponsored student taking a course of study that will be longer than 6 months ● the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the: <ul style="list-style-type: none"> ○ Department for Employment and Learning in Northern Ireland ○ Higher Education Funding Council for England ○ Higher Education Funding Council for Wales ○ Scottish Funding Council ● is on the doctorate extension scheme ● is applying for entry clearance or leave to remain to take a course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application and: <ul style="list-style-type: none"> ○ the partner must have or have last had leave the same as the student ○ the relevant PBS migrant and partner must be applying at the same time
Application forms	<ul style="list-style-type: none"> ● Application made outside UK – VAF10 ● Extension (within UK): <ul style="list-style-type: none"> ○ Tier 1, 2 or 5 dependant

This guidance is based on the Immigration Rules

	<ul style="list-style-type: none"> ○ Tier 4 dependant ● Indefinite leave to remain – SET(O)
Cost of application:	Fees for Home Office services
Entry clearance mandatory?	<p>Yes, unless:</p> <ul style="list-style-type: none"> ● they are not a visa national ● they are accompanying a Tier 5 (Temporary worker) migrant, who is being granted leave to enter at the same time: <ul style="list-style-type: none"> ○ they meet all of the requirements of 319C of the Immigration Rules
Is biometric information required for applications made in the UK?	Yes, if the applicant's PBS migrant partner has a biometric residence permit (BRP) or is applying for one as part of their PBS application.
Code of leave to remain granted	<ul style="list-style-type: none"> ● Code 4B for partners of Tier 1, 2 and 5 migrants ● Code 1 for partners who have shown they have: <ul style="list-style-type: none"> ○ a UK degree in medicine or dentistry ○ lawfully worked as a doctor or dentist in training during their previous leave <p>Partners of Tier 4 migrants</p> <ul style="list-style-type: none"> ● code 1 conditions for family members of Tier 4 migrants whose course is degree level or above and lasts 12 months or longer ● partners who have worked as a doctor or dentist in training may also be granted code 1 conditions provided they have shown they have: <ul style="list-style-type: none"> ○ a UK degree in medicine or dentistry ○ lawfully worked as a doctor or dentist in training during their previous leave ● code 3 for family members of Tier 4 (General) migrants who have: <ul style="list-style-type: none"> ○ been granted less than 12 months leave ○ are studying below degree level ● code 4B for family members of Tier 4 (General) migrants who have worked as a doctor or dentist in training during their last period of leave but have not: <ul style="list-style-type: none"> ○ shown they have a UK degree in medicine or dentistry ○ shown they have lawfully worked as a doctor or dentist in training during their previous leave
Entry clearance endorsements	<ul style="list-style-type: none"> ● TIER 1 (GENERAL) PARTNER ● TIER 1 (ENTREPRENEUR) PARTNER ● TIER 1 (ENTREPRENEUR-G) PARTNER ● TIER 1 (INVESTOR) PARTNER ● TIER 1 (POST STUDY) PARTNER ● TIER 2 PARTNER ● TIER 4 (GENERAL) DEP. PARTNER ● TIER 5 TW (PARTNER)

This guidance is based on the Immigration Rules

Conditions of leave to remain	<ul style="list-style-type: none"> • no access to public funds • must register with the police, if required • can work in the UK unless they are applying for leave as a partner of a Tier 4 migrant, and: <ul style="list-style-type: none"> ○ the Tier 4 migrant has been granted less than 12 months leave ○ the Tier 4 migrant is following a course below degree level • no employment as a professional sportsperson (including as a sports coach) • must not work as a doctor or dentist in training, unless they: <ul style="list-style-type: none"> ○ have obtained a degree in medicine or dentistry at bachelors level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the points-based system ○ are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment as a doctor or dentist in training and have been employed as a doctor or dentist in training during that period • no study, unless they have obtained a valid Academic Technology Approval Scheme (ATAS) certificate, which is: <ul style="list-style-type: none"> ○ undergraduate or postgraduate study leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules, or ○ undergraduate or postgraduate study leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of 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 of appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification
How long is leave to remain normally granted for?	<p>Either:</p> <ul style="list-style-type: none"> • for the same period as the PBS migrant • for a period of 3 years if the PBS migrant: <ul style="list-style-type: none"> ○ has indefinite leave to remain ○ has become a British citizen
Are dependants allowed?	No.
Work and study allowed?	<p>Study - Yes, subject to a restriction on studying certain subjects covered in appendix 6 of the Immigration Rules (ATAS). Work – see ‘conditions of leave above’.</p>
Switching into this category allowed?	Yes, as long as they:

This guidance is based on the Immigration Rules

	<ul style="list-style-type: none"> • are not on temporary admission or release • were not last granted entry clearance or leave as a visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British Irish Visa Scheme. where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS' <ul style="list-style-type: none"> ○ (from 24 April 2015) short-term student or short-term student (child): ○ (from 24 April 2015) parent of a Tier 4 (child) student unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sporting subcategory because they meet the requirement at paragraph 245ZQ(b)(ii) <p>Partners of Tier 4 (General) migrants The Tier 4 (General) migrant must:</p> <ul style="list-style-type: none"> • be a government sponsored student who has or is applying for leave for a course of study that is longer than 6 months • be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level • have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than 6 months long, and: <ul style="list-style-type: none"> ○ have had this leave within the 3 months before the date of the application ○ be applying for a course of study of more than 6 months ○ be applying for leave at the same time as the family member
Does this category lead to settlement (indefinite leave to remain)?	Yes, if the main applicant is granted indefinite leave as a PBS migrant.
Is knowledge of language and life required?	Yes
CID case type	T1HSDPILR T1 HS Dep Partner Joining Relatives – ILR T2DPILR T2 SW – Dep Partner Joining Relatives - ILR
Immigration Rules paragraphs	319AA-319E

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Key facts: children of points-based system migrants

This page shows you the key facts for children of points-based system (PBS) migrants.

Category: Children of points-based system migrants	
Eligibility requirements	<p>Requirements of paragraph 319H of the Immigration Rules</p> <p>To be granted entry clearance or leave to remain as the child of a PBS migrant, an applicant must meet the requirements of paragraph 319H of the Immigration Rules:</p> <ul style="list-style-type: none">• the applicant must not fall for refusal on general grounds and must not be an illegal entrant• the applicant must be the child of a person who:<ul style="list-style-type: none">○ has leave as a PBS migrant○ is being granted leave (including indefinite leave to remain (ILR)) at the same time as a PBS migrant○ has indefinite leave to remain or British citizenship and who was last granted ILR under the rules relating to Tier 1, 2 or 5 of PBS• the applicant must be under the age of 18 on the date of application unless they are applying for leave to remain and were last granted leave as:<ul style="list-style-type: none">○ the child of a PBS migrant○ the child of a migrant granted leave under a different category of the rules who has since been granted leave as a PBS migrant or who is applying for leave as a PBS migrant at the same time.• the applicant must not:<ul style="list-style-type: none">○ be married or in a civil partnership○ have formed an independent family unit○ be leading an independent life• the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant• both of the applicant's parents must be lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless:<ul style="list-style-type: none">○ the PBS migrant is the applicant's sole surviving parent○ the PBS migrant has and has had sole responsibility for the applicant's upbringing○ there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care

- the applicant must meet the maintenance requirements, unless the PBS migrant is a:
 - Tier 1 (Investor) migrant
 - Tier 1 (Exceptional talent) migrant
- an applicant applying for leave to remain must:
 - have leave, or have last been granted leave, as the child of a parent who had leave under any category of the Immigration Rules
 - have been born in the UK to a parent who had leave under any category of the Immigration Rules
- if the applicant is a child born in the UK to a PBS migrant and their partner, they must provide a full UK birth certificate showing the names of both parents
- all arrangements for the applicant's care and accommodation in the UK must comply with relevant UK legislation and regulations

Additional requirements for dependants of Tier 4 (General) migrants: paragraph 319H(i)

The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:

- is a government sponsored student taking a course of study that will be longer than 6 months
- the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the:
 - Department for Employment and Learning in Northern Ireland
 - Higher Education Funding Council for England
 - Higher Education Funding Council for Wales
 - Scottish Funding Council
- is on the doctorate extension scheme
- is applying for entry clearance or leave to remain to take a course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application

To apply in the UK the child must also:

- be a child born in the UK to a PBS migrant and their dependent partner - the child must have been born in the UK to a PBS migrant and their dependent partner and either:

This guidance is based on the Immigration Rules

	<ul style="list-style-type: none"> ○ have been born during the PBS migrant's most recent period of leave as a Tier 4 (General) student or student and their course must have been for more than 6 months duration ○ if the PBS migrant's most recent period of leave was to re-sit examinations or repeat a module of a course, the child must have been born during a period of leave granted for the purposes of re-sitting examinations, or repeating a module of a course, or during the relevant PBS migrant's grant of leave for a course of more than 6 months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module ○ have been born no more than 3 months after the expiry of that most recent grant of leave and must be applying for entry clearance <p>Children of Tier 4 (General) migrants born since the PBS migrant was last granted leave A child whose parent is a Tier 4 (General) student who does not meet the requirements of paragraph 319H(i) must:</p> <ul style="list-style-type: none"> • have been born since the Tier 4 (General) student or pre-PBS student's most recent grant of entry clearance, leave to enter or leave to remain: <ul style="list-style-type: none"> ○ for a course lasting more than 6 months ○ to re-sit an examination or to repeat a module ○ for a course lasting more than 6 months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module • have been born no more than 3 months after the expiry of that most recent grant of leave
Application forms	<ul style="list-style-type: none"> • application made outside UK – online form • extension (within UK): <ul style="list-style-type: none"> ○ Tier 1, 2 or 5 dependant ○ Tier 4 dependant • indefinite leave to remain – SET(O)
Cost of application:	Fees for Home Office services
Entry clearance mandatory?	<p>Yes, unless:</p> <ul style="list-style-type: none"> • the child is not a visa national • they are accompanying a Tier 5 (Temporary worker) migrant, who is being granted leave to enter at the same time • they meet all of the requirements of 319H of the Immigration Rules
Is biometric information required for applications	Yes, if the applicant's PBS migrant partner has a biometric residence permit (BRP) or is applying for one as part of

This guidance is based on the Immigration Rules

made in the UK?	their PBS application.
Code of leave to remain granted	Code 1 conditions unless the applicant is the child of a Tier 4 migrant who: <ul style="list-style-type: none"> • has been granted less than 12 months leave • is following a course of study that is below degree level, with the exception of foundation degree courses <p>If this is the case you must grant the child of the PBS migrant leave on code 3 conditions.</p>
Entry clearance endorsements	<ul style="list-style-type: none"> • TIER 1 (GENERAL) CHILD • TIER 1 (ENTREPRENEUR) CHILD • TIER 1 (ENTREPRENEUR-G) CHILD • TIER 1 (INVESTOR) CHILD • TIER 1 (POST STUDY) CHILD • TIER 2 CHILD • TIER 4 (GENERAL) DEP. CHILD • TIER 5 TW CHILD
Conditions of leave to remain	<ul style="list-style-type: none"> • no access to public funds • must register with the police, if required • can work in the UK unless they are applying for leave as the child of a Tier 4 migrant and: <ul style="list-style-type: none"> ○ the Tier 4 migrant has been granted less than 12 months leave ○ the Tier 4 migrant is following a course below degree level (with the exception of a foundation degree)
How long is leave to remain normally granted for?	<ul style="list-style-type: none"> • for the same period as the PBS migrant • if the PBS migrant has been granted ILR or has become a British citizen, the same period as the PBS migrant's partner • if both parents have been granted ILR or have become British citizens, for a period of 3 years
Are dependants allowed?	No
Work and study allowed?	Study – subject to restriction on study set out in part 15 of the Immigration Rules. Work – see 'conditions of leave' above.
Switching into this category allowed?	Children of Tier 1, 2, and 5 applicants can switch unless: <p>their last grant of entry clearance or leave was as a:</p> <ul style="list-style-type: none"> • visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British-Irish Visa Scheme where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS' • short-term student (child) unless the Relevant Points Based System Migrant has, or is being

	<p>granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory because they met the requirement at paragraph 245ZQ(b)(ii)</p> <ul style="list-style-type: none">• they are on temporary admission or temporary release <p>Children of Tier 4 (General) migrants Children of a Tier 4 (General) migrant can switch unless:</p> <ul style="list-style-type: none">• their last grant of entry clearance or leave as a visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British-Irish Visa Scheme where the applicant holds a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS'• they are on temporary admission or temporary release <p>Children born in the UK to a Tier 4 (General) migrant and their dependent partner may switch provided they:</p> <ul style="list-style-type: none">• were born since the migrant's most recent grant of entry clearance, leave to enter or leave to remain:<ul style="list-style-type: none">○ for a course lasting more than 6 months○ to re-sit an examination or to repeat a module○ for a course lasting more than 6 months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module• they were born no more than 3 months after the expiry of that most recent grant of leave• they are applying for entry clearance <p>The Tier 4 (General) student must also:</p> <ul style="list-style-type: none">• be a government sponsored student who has or is applying for leave for a course of study that is longer than 6 months• be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level• have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than 6 months long, and<ul style="list-style-type: none">○ have had this leave within the 3 months before the date of the application○ be applying for a course of study of more than 6 months, and○ be applying for leave at the same time as the family member
--	---

This guidance is based on the Immigration Rules

Does this category lead to settlement (indefinite leave to remain)?	Yes, if the main applicant is granted indefinite leave as a PBS migrant.
Is knowledge of language and life required?	Yes, unless the applicant is under the age of 18.
CID case type	T1HSDCILR T1 HS Dep Child Joining Relatives – ILR T2DCILR T2 SW – Dep Child Joining Relatives – ILR.
Immigration Rules paragraphs	319F-319J

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: verifying documents

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you about how to verify supporting documents submitted by family members of points-based system migrants.

If you have reasonable doubts about the authenticity of supporting document(s) you must attempt to verify them. The process for doing this will vary but may involve checking the authenticity of documents with:

- employers
- banks
- universities
- professional bodies
- the relevant embassy or high commission
- other government departments (in the UK and overseas)

The purpose of these checks is to make sure the document provided is genuine and accurately reflects statements made in the application. For guidance on how to refer documents to the North East, Yorkshire and Humber regional verification team and/or the regional intelligence unit, see related links.

If...	Then...
Document(s) have been confirmed as genuine.	You must continue to consider the application as normal.
Document(s) have been confirmed as false.	You must refuse the application (regardless of whether or not the document(s) are essential to the application) under: <ul style="list-style-type: none"> • general grounds • the relevant parts of paragraph 319H <p>For information on refusing on general</p>

Related links

Links to staff intranet removed

External links

[Immigration Rules paragraphs 319AA-319K](#)
[Immigration Rules paragraph 39B](#)

This guidance is based on the Immigration Rules

		grounds, see related link.	
	The verification check is inconclusive.	<p>You must disregard the document(s) under paragraph 39B of the Immigration Rules.</p> <p>If the family member has provided other specified documents to meet the requirements of the rules you can consider these as normal.</p>	

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: entry, extension and indefinite leave requirements

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you about the requirements for a person applying for entry, an extension, or indefinite leave to remain as the family member of a points-based system (PBS) migrant.</p> <p>Before considering an application you must check that:</p> <ul style="list-style-type: none">• the application is valid• the applicant has submitted their biometrics, if the PBS migrant partner has or is applying for a biometric residence permit (BRP) as part of their PBS application• the applicant's passport or travel document is genuine• there are no general grounds for refusal <p>For more information, see related links:</p> <ul style="list-style-type: none">• Applications submitted with the main PBS migrant's application• Specified application forms and procedures• Biometric information• General grounds for refusal <p>Referring cases Before progressing an application, you must check whether the applicant meets the requirements for referral to:</p> <ul style="list-style-type: none">• criminal casework directorate• special cases directorate• counter-terrorism unit• human trafficking unit• regional intelligence unit <p>by checking:</p>	<p>In this section Entry or extension requirements: partners Entry or extension requirements: children Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>Verifying documents</p> <p>External links Immigration Rules paragraphs 319AA-319K Office of the Immigration Services Commissioner CILEx Faculty of Advocates The Bar Council The Bar Library The Law Society</p>
---	--	---

This guidance is based on the Immigration Rules

- GCID
- warehouse
- case reference system (CRS)
- biometric residence permits (BRP)
- the police national computer (PNC)
- internal Home Office security systems

For information on transferring or referring a case and GCID special conditions flags, see related links.

Representatives

If an applicant has a representative, you must check that the representative is approved to provide immigration advice with one of the accrediting bodies:

- Office of the Immigration Services Commissioner
- the Law Society
- the Law Society of Northern Ireland
- the Law Society of Scotland
- the Bar Council (for those regulated by the General Council of the Bar)
- the Solicitors Regulatory Authority (for those regulated by the Solicitors Regulatory Authority for England and Wales)
- CILEx (for those regulated by the Chartered Institute of Legal Executives, formerly Institute of Legal Executives)
- the Bar Library (for those regulated by the General Council of the Bar of Northern Ireland)
- Faculty of Advocates

For more information, see related links.

Supporting documents

Family members must make sure they provide all of the required supporting documents with their application. Dependants of Tier 4 (General) students who make an application may

[The Law Society of Northern Ireland](#)
[The Law Society of Scotland](#)
[The Solicitors Regulatory Authority](#)

This guidance is based on the Immigration Rules

qualify for the differentiation arrangements which allow them to apply with fewer supporting documents. For more information, see related link: Tier 4 (General) – differentiation arrangements for dependants.

If you have doubts about the supporting document or documents an applicant has provided you must attempt to verify they are genuine. For more information, see link related link: Verifying documents.

Requesting more information

If, having considered the application, you could grant it providing you obtained or clarified certain details, you may consider making an enquiry to request the information. For more information, see related link: Points-based system - evidential flexibility.

Translating documents

If the documents provided are not in English or Welsh, the applicant must provide a certified translation.

For information on the specific entry, extension and indefinite leave requirements for partners and children of PBS migrants, see related links.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: entry or extension requirements: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you about the requirements for entry or an extension as the partner of a points-based system (PBS) migrant.</p> <p>Entry clearance</p> <p>People who wish to enter the UK in this category must have entry clearance unless they seek entry as the partner of a Tier 5 (Temporary worker) migrant and:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time, and• they meet all of the requirements of paragraph 319C of the Immigration Rules described below <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules - appendix 1.</p> <p>Requirements of paragraph 319C of the Immigration Rules</p> <p>The requirements are as follows:</p> <ul style="list-style-type: none">• both the applicant and the PBS migrant must be aged 18 years or older on the date they arrive in the UK or the date that leave is granted• if they are applying for leave as the husband, wife or civil partner of a PBS migrant the PBS migrant must not be in polygamous marriages or civil partnerships, as set out in paragraphs 278 and 279 of the Immigration Rules - for more information, see related link: 1.4 Polygamous and Potentially Polygamous Marriages• there must not be any reasons why the application might be refused because of general grounds and the applicant must not be an illegal entrant - for more information, see related link: General grounds for refusal• the applicant must be the spouse, civil partner, unmarried partner or same sex partner of a person who:	<p>In this section</p> <p>Entry or extension requirements: children Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Downloads</p> <p>Links to staff intranet removed</p> <p>Related links</p> <p>Maintenance requirements</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K Immigration Rules - appendix 1</p>
---	---	--

This guidance is based on the Immigration Rules

- has leave as a PBS migrant
- is being granted leave at the same time as a PBS migrant
- if the applicant is the unmarried or same-sex partner, then:
 - any previous marriage or civil partnership that the applicant or PBS migrant had with another person must have permanently broken down
 - the applicant and PBS migrant must not be so closely related that they would not be allowed to marry in the UK
 - the applicant and PBS migrant must have been living in a relationship similar to marriage or civil partnership for a period of at least 2 years
- the relationship between the applicant and the PBS migrant must be subsisting when the application is made
- the applicant and the PBS migrant must intend to live together as spouse, civil partner, unmarried or same sex partner throughout the applicant's stay in the UK
- the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant
- the applicant must meet the maintenance requirements, unless the PBS migrant is a:
 - Tier 1 (Investor) migrant
 - Tier 1 (Exceptional Talent) migrantfor more information, see related link: Maintenance requirements
- if they are applying for an extension of stay the applicant must not have last been granted entry clearance or leave, unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii) as a :
 - visitor, including where they entered the UK from the Republic of Ireland to stay as a visitor under the British-Irish Visa Scheme (BIVS) - where an applicant entered under BIVS they will hold a visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS for the purpose of travelling and staying in the Republic for a period of 90 days or fewer
 - (from 24 April 2015) a short-term student or short-term student (child)
 - (from 24 April 2015) a parent of a Tier 4 (child) student
- be on temporary admission or temporary release

This guidance is based on the Immigration Rules

Additional requirements for dependants of Tier 4 (General) migrants

The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:

- is a government sponsored student taking a course of study that will be longer than 6 months
- the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the:
 - Department for Employment and Learning in Northern Ireland
 - Higher Education Funding Council for England
 - Higher Education Funding Council for Wales
 - Scottish Funding Council
- is on the doctorate extension scheme
- is applying for entry clearance or leave to remain to take a course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application and:
 - the partner must have or have last had leave the same as the student
 - the relevant points-based system migrant and partner must be applying at the same time

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: entry or extension requirements: children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you about the requirements for entry or an extension as the child of a points-based system (PBS) migrant.</p> <p>Entry clearance</p> <p>People who wish to enter the UK in this category must have entry clearance unless they are the child of a Tier 5 (Temporary worker) migrant and they:</p> <ul style="list-style-type: none">• are not a visa national• are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time• meet the requirements of paragraph 319H <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules: Appendix 1.</p> <p>Requirements of paragraph 319H of the Immigration Rules</p> <p>To be granted entry clearance or leave to remain as the child of a PBS migrant, an applicant must meet the requirements of 319H of the Immigration Rules:</p> <ul style="list-style-type: none">• there must not be any reasons why the applicant would be refused because of general grounds and the applicant must not be an illegal entrant - for more information, see related link: General grounds for refusal• the applicant must be the child of a person who:<ul style="list-style-type: none">○ has leave as a PBS migrant○ is being granted leave at the same time as a PBS migrant• the applicant must be under the age of 18 on the date of application unless they are applying for leave to remain and were last granted leave as:<ul style="list-style-type: none">○ the child of a PBS migrant○ the child of a migrant granted leave under a different category of the rules who has since been granted leave as a PBS migrant or who is applying for leave as a PBS	<p>In this section</p> <p>Entry or extension requirements: partners Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Related links</p> <p>Maintenance requirements</p> <p>See also</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K Immigration Rules: Appendix 1</p>
---	--	--

This guidance is based on the Immigration Rules

migrant at the same time.

- the applicant must not:
 - be married or in a civil partnership
 - have formed an independent family unit
 - be leading an independent life. For more information on what is considered to be an independent life, see related link: 5A.1 – Children – guidance – (general)
- the applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant
- both of the applicant's parents must be lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless:
 - the PBS migrant is the applicant's sole surviving parent
 - the PBS migrant has and has had sole responsibility for the applicant's upbringing
 - there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care).
- the applicant must meet the maintenance requirements, unless the PBS migrant is a:
 - Tier 1 (Investor) migrant
 - Tier 1 (Exceptional talent) migrantfor more information on the maintenance requirements, see related link.
- an applicant applying for leave to remain, unless the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sportingsubcategory on the basis of having met the requirement at paragraph245ZQ(b)(ii) must not:
 - have last been granted entry clearance or leave as a visitor, including where they entered the UK from the Republic of Ireland as a visitor under the British-Irish Visa Scheme (BIVS) - where an applicant entered under BIVS they will hold a valid visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS' for the purpose of travelling and staying in the Republic for a period of 90 days or fewer
 - (from 24 April 2015)a short-term student or short-term student (child)
- an applicant applying for leave to remain must not be on temporary admission or temporary release
- if the applicant is a child born in the UK to a PBS migrant and their partner, they must provide a full UK birth certificate showing the names of both parents

This guidance is based on the Immigration Rules

- all arrangements for the applicant's care and accommodation in the UK must comply with relevant UK legislation and regulations

Additional requirements for dependants of Tier 4 (General) migrants: paragraph 319H(i)

The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:

- is a government sponsored student taking a course of study that will be longer than 6 months
- the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the:
 - Department for Employment and Learning in Northern Ireland
 - Higher Education Funding Council for England
 - Higher Education Funding Council for Wales
 - Scottish Funding Council
- is on the doctorate extension scheme
- is applying for entry clearance or leave to remain to take a course of study of more than 6 months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than 6 months duration in the 3 months immediately preceding the date of the application

Children of Tier 4 (General) migrants born since the PBS migrant was last granted leave

A child whose parent is a Tier 4 (General) student who does not meet the requirements of paragraph 319H(i) must:

- have been born since the Tier 4 (General) student or pre-PBS student's most recent grant of entry clearance, leave to enter or leave to remain:
 - for a course lasting more than 6 months

This guidance is based on the Immigration Rules

	<ul style="list-style-type: none">○ to re-sit an examination or to repeat a module○ for a course lasting more than 6 months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module● have been born no more than 3 months after the expiry of that most recent grant of leave	
--	---	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: indefinite leave requirements

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains the requirements for indefinite leave to remain for family members of points-based system (PBS) migrants.</p> <p>Partners: paragraph 319E of the Immigration Rules</p> <p>To be granted indefinite leave to remain as the partner of a PBS migrant, the applicant must:</p> <ul style="list-style-type: none">• be the spouse, civil partner, unmarried or same sex partner of a person who is being, or has been, granted indefinite leave as a PBS migrant• have, or have last been granted, leave as the partner of the person who is being, or has been, granted indefinite leave as a PBS migrant• have been living with the PBS migrant in the UK in marriage or civil partnership, or in a relationship similar to marriage or civil partnership for at least:<ul style="list-style-type: none">○ 2 years - for applicants granted leave as the partner of a PBS migrant under the rules in place before 9 July 2012 and who have since had continuous leave in that category○ 5 years – for applicants granted leave as the partner of a PBS migrant under the rules in place on or after 9 July 2012, who have since had continuous leave in that category and, during that period, have met all the requirements of paragraph 319C (a) to (e)• be in a subsisting relationship with the PBS migrant at the time the application is made (for more information, see related link: 2.0 - Genuine and subsisting relationship)• intend to live together permanently with the PBS migrant as their spouse, civil partner, unmarried or same sex partner (for more information, see related link: 1.0 - Partners)• meet the knowledge of language and life in the UK requirements - for more information, see related link <p>The applicant must not:</p> <ul style="list-style-type: none">• fall for refusal under general grounds• be an illegal entrant	<p>In this section Entry or extension requirements: partners Entry or extension requirements: children Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Downloads Links to staff intranet removed</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration Rules paragraphs 319AA-319K Rehabilitation of Offenders Act 1974</p>
---	--	--

This guidance is based on the Immigration Rules

Applicants must not be in breach of immigration laws, unless:

- the application is made within 14 days of the applicant's leave expiring and the Secretary of State considers there is a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in time, the overstaying will be disregarded
- the application is made following the refusal of a previous application for leave which was made in-time or to which the exception outlined here applied; and within 14 days of:
 - the refusal of the previous application for leave
 - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
 - the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable)
 - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but, for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that the applicant or their representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that the applicant or their representative were unable to submit the application in time
- inability to provide necessary documents: this would only apply to exceptional or unavoidable circumstances beyond your control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought)- for more information, see related link: [Applications from overstayers \(non family routes\)](#)

Children: paragraph 319J of the Immigration Rules

To be granted indefinite leave to remain as the child of a PBS migrant, the applicant must be the child of either a parent who:

- is, at the same time, being granted indefinite leave to remain as a PBS migrant (for children granted leave as the child of a PBS migrant under the rules in place before 9 July 2012)
- has been granted, or is at the same time being granted, indefinite leave to remain as a PBS migrant when:
 - that parent is the applicant's sole surviving parent
 - that parent has and has had sole responsibility for the applicant's upbringing
 - there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care
- has been granted, or is at the same time being granted, indefinite leave to remain as the partner of a person who has indefinite leave to remain as a PBS migrant
- has been granted, or is at the same time being granted, indefinite leave to remain as the partner of a person who has become a British citizen (when immediately before that they had indefinite leave to remain as a PBS migrant)

The applicant must also:

- have, or have last been granted, leave as the child of a PBS migrant or their partner, who is being granted indefinite leave or have been born to a PBS migrant who is being granted indefinite leave
- meet the knowledge of language and life in the UK requirements, unless the applicant is aged under the age of 18 on the date that they make their application - for more information on this requirement, see related link: [Knowledge of language and life in the UK](#)
- if the child was born in the UK - provide a full UK birth certificate showing the names of both parents
- have arrangements in place for their care and accommodation which complies with

This guidance is based on the Immigration Rules

relevant UK legislation and regulations

- must provide the specified documents and information in paragraph 319H-SD, (see related link to the rules) if the child is over the age of 16 on date of application

The applicant must not:

- fall for refusal under general grounds
- be an illegal entrant
- be married or in a civil partnership or have formed an independent family unit and leading an independent life
- be in breach of immigration laws, unless
 - the application is made within 14 days of the applicant's leave expiring and the Secretary of State considers there is a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in time, the overstaying will be disregarded
 - the application is made following the refusal of a previous application for leave which was made in-time or to which the exception outlined here applied; and within 14 days of either:
 - the refusal of the previous application for leave
 - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971
 - the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable)
 - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing

The threshold for what constitutes 'good reason' is high and will depend on the individual circumstances of the case, but, for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that the applicant or their representative were unable to submit the application in time (where supported by appropriate medical documentation)
- travel or postal delays which meant that the applicant or their representative were

This guidance is based on the Immigration Rules

	<p>unable to submit the application in time</p> <ul style="list-style-type: none">• inability to provide necessary documents: this would only apply to exceptional or unavoidable circumstances beyond your control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought) - for more information, see related link: Applications from overstayers (non family routes)	
--	--	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants granted ILR or British citizenship

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains how to consider applications from family members of points-based system (PBS) migrants where the PBS migrant has indefinite leave to remain (ILR) or British citizenship.</p> <p>If the PBS migrant holds ILR, this must be as a PBS migrant, and not for example under the long residence rules.</p> <p>If the PBS migrant is a British citizen, before that they must have held ILR as a PBS migrant.</p> <p>Change to the Immigration Rules: 9 July 2012</p> <p>From 9 July 2012, dependent partners of PBS migrants must complete a 5 year probationary period before they qualify for ILR. If the PBS migrant obtains ILR or British citizenship before their partner has completed their 5 year probationary period, the partner can still apply for further leave to remain as a PBS dependant rather than as the partner of a settled person. If their application meets the requirements, leave to remain can be granted for up to 3 years.</p> <p>If the PBS migrant has ILR on the basis of long residence, their partner cannot extend their leave or gain settlement as a PBS dependant and must switch into the partner of a settled person category and apply for limited leave. For more information see related link.</p> <p>Combining leave for ILR</p> <p>If the applicant has previously been granted leave in another category of the Immigration Rules as the spouse, civil partner, unmarried or same-sex partner of the same main applicant (that is, the PBS migrant), that leave can be combined with leave granted as a PBS dependant to count towards the probationary period for ILR, provided their most recent leave has been as the partner of that PBS migrant.</p> <p>Leave granted for any other reason cannot be combined.</p>	<p>In this section</p> <p>Entry or extension requirements: partners Entry or extension requirements: children Indefinite leave requirements Switching</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K</p> <p>Long residence and Points Based System dependants</p>
---	--	--

Action for caseworkers

Applications from PBS dependants submitted on or after 9 July 2012, where the PBS migrant was granted ILR in that category, must be considered under paragraphs 319AA-319J in part 8 of the Immigration Rules.

Such applications are not subject to the additional requirements listed in appendix FM and must be submitted on the PBS Dependant application form.

PBS dependent partner applications received on or after 9 July 2012

You must search for the applicant's PBS migrant partner on GCID or warehouse to confirm whether they have already been granted ILR:

- if there is no record of an ILR application by the PBS migrant you must:
 - contact the applicant or their representative for further details of the application (for example, the payment reference number) - for guidance on requesting more information, see related link: Points – based system - Evidential flexibility
 - if there is no ILR application for the PBS migrant you must consider the PBS dependant application in line with the requirements of paragraph 319AA-319E of the Immigration Rules - where the requirements are met, you must grant leave to remain in line with the PBS migrant
- if there is a record of an ILR application for the PBS migrant which is yet to be decided, you must:
 - bring forward (BF) the application until a decision has been made, then
 - consider the PBS dependant application in line with the requirements of paragraph 319AA – 319E of the Immigration Rules
- if the PBS migrant has been granted ILR you must:
 - consider the PBS dependant application in line with the requirements of paragraph 319AA – 319E of the Immigration Rules - where the requirements are met, you must grant leave to remain for 3 years

PBS dependent child applications received on or after 9 July 2012 where only one of the parents has ILR

Paragraphs 319F-319J of the Immigration Rules have been changed so that a child cannot be granted ILR as the family member of a PBS migrant until both parents have been or are

This guidance is based on the Immigration Rules

being granted ILR. However, the rules have also been changed to provide a route of entry for the child of a PBS migrant who has ILR and a PBS dependent partner who is still serving their probationary period for ILR.

Transitional arrangements are in place to allow children who were granted leave before 9 July 2012 as the child of a PBS migrant to get ILR in line with that migrant, provided the other parent is lawfully in the UK or being granted leave at the same time as the child.

Considering the application

If the application meets the requirements of the rules, you must grant leave in line with the parent who has limited leave as the dependent partner of a person who has either:

- limited leave to enter or remain as a PBS migrant
- indefinite leave to remain as a PBS migrant
- become a British citizen

Applications for leave as the dependent child of a PBS migrant with sole responsibility for that child

There are no provisions within the Immigration Rules to grant leave to remain to a PBS dependent child where the PBS migrant (the parent) has both ILR and sole responsibility for that child.

Such children will be refused but before you do so you must first:

- contact the applicant or their representative to ask if they would like to vary the purpose of their application to that of a SET(O) to be considered for ILR
- BF the case until you receive a response

If the applicant or their representative fails to respond, or states that they wish to continue with the PBS dependant application, you must consider the application under paragraphs 319F-319J of the Immigration Rules and refuse under paragraph 319H(b)(i).

If the applicant (or their representative) responds confirming in writing that they wish to vary

This guidance is based on the Immigration Rules

	their application to be considered as an ILR application, you must forward the application and supporting documents to settlement colleagues.	
--	---	--

Family members of points-based system migrants

Family members of PBS migrants: switching

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you when a person can switch into the family members of points-based system (PBS) migrants category.</p> <p>In addition to meeting the general requirements to qualify as a family member (spouse, civil partner, unmarried partner, same sex partner or child) set out in paragraph 319C, the Immigration Rules restrict from which categories a family member can switch into being a PBS dependant from inside the UK.</p> <p>Family members of PBS migrants can switch into being dependants except if they:</p> <ul style="list-style-type: none">• were last granted entry clearance or leave, unless the relevant points-based system migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii) of the Immigration Rules, as a<ul style="list-style-type: none">○ visitor, including where they entered the UK from the Republic of Ireland to stay as a visitor under the British-Irish Visa Scheme (BIVS) - where an applicant entered under BIVS they will hold a visit visa issued by the Republic of Ireland authorities endorsed with the letters 'BIVS' for the purpose of travelling and staying in the Republic for a period of 90 days or fewer○ (from 24 April 2015) a short-term student or short-term student (child)○ (from 24 April 2015) a parent of a Tier 4 (child) student• are on temporary admission or temporary release <p>Tier 4 migrant For the family member to switch, as well as meeting the requirements above, the Tier 4 (General) student must:</p> <ul style="list-style-type: none">• be a government sponsored student who has or is applying for leave for a course of study that is longer than 6 months	<p>In this section Entry or extension requirements: partners Entry or extension requirements: children Indefinite leave requirements</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	---	--

This guidance is based on the Immigration Rules

- | | | |
|--|---|--|
| | <ul style="list-style-type: none">• be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level• have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than 6 months long<ul style="list-style-type: none">○ have had this leave within the 3 months before the date of the application○ be applying for a course of study of more than 6 months○ be applying for leave at the same time as the family member | |
|--|---|--|

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: maintenance requirements

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you about the maintenance requirements for family members of points-based system (PBS) migrants and what evidence they must provide.</p>	<p>In this section Maintenance: Tier 1, 2 and 5 family members Maintenance: Tier 4 (General) family members</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	---

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Maintenance: Tier 1, 2 and 5 family members

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains the maintenance requirements for dependent family members of Tier 1, 2 and 5 migrants and dependants of people with indefinite leave to remain or British citizenship who last held leave in these categories.</p> <p>Tier 1 family members Family members of Tier 1 migrants (other than Tier 1 (Investor) or Tier 1 (Exceptional talent)) must have evidence of available funds of:</p> <ul style="list-style-type: none">• £1,260 - if the applicant is the dependant of a Tier 1 (Graduate entrepreneur) migrant who has been in the UK for less than 12 months• £1,890 - if the applicant is the dependant of a Tier 1 migrant in another category who is either outside the UK or has been present in the UK for less than 12 months• £630 - if the applicant is the dependant of any Tier 1 migrant who has been in the UK for 12 months or more <p>Dependants of Tier 1 (Entrepreneur) migrants cannot use the same funds the Tier 1 (Entrepreneur) used to score points for attributes in order to meet the maintenance requirement.</p> <p>Dependants of Tier 1 (Investor) and Tier 1 (Exceptional talent) migrants do not need to meet the maintenance requirement.</p> <p>Tier 2 family members Family members of Tier 2 migrants must each have £630 to support themselves.</p> <p>To meet this requirement the family member must either:</p> <ul style="list-style-type: none">• have savings of £630 which have been held for at least 3 months before the date of application• have a written undertaking from the Tier 2 A-rated sponsor stating that, should it	<p>In this section Maintenance: Tier 4 (General) family members</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	---	---

This guidance is based on the Immigration Rules

become necessary, it will maintain and accommodate the family member for a month - they can limit the undertaking provided the limit is at least £630 per family member - family members of people with indefinite leave to remain or British citizenship cannot have maintenance certified for them and must always show cash funds.

Tier 2: exceptions to the maintenance requirement

Tier 2 applicants who apply because they have changed Tier 2 employer do not need to meet the maintenance requirements, nor do any family members, regardless of whether they are applying at the same time or separately from the main applicant.

If a dependant applies at the same time as the main Tier 2 migrant, they are only required to provide evidence that they meet the maintenance requirement when the Tier 2 Migrant is also required to meet the maintenance requirement.

If a dependant applies separately from the main applicant they will need to have the necessary funds to meet the maintenance requirement or have a written undertaking from an A-rated Sponsor, unless the main applicant already has leave in a Tier 2 category and when applying for their most recent period of Tier 2 leave was not required to show evidence of satisfying maintenance requirements.

Tier 5 family members

Each family member of the Tier 5 (Temporary worker) migrant must show they have £630 to support themselves.

Family member of a Tier 5 (Youth mobility scheme) migrant

The dependant route is not available for family members of Tier 5 (Youth mobility scheme) migrants.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Maintenance: Tier 4 (General) family members

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains the maintenance requirements for dependent family members of Tier 4 (General) migrants.</p> <p>A family member of a Tier 4 (General) migrant must show that they have enough money to cover their monthly living costs whilst the main applicant is studying in the UK.</p> <p>Their maintenance requirements will depend on the following circumstances:</p> <ul style="list-style-type: none">• the length of the Tier 4 (General) migrant's leave• where in the UK the Tier 4 (General) migrant will be studying• whether the Tier 4 (General) migrant is on or applying for the doctorate extension scheme <p>For applications submitted before 12 November 2015, the maintenance requirements will also depend on whether the Tier 4 (General) migrant is currently studying or has recently studied in the UK (meaning they have an established presence). For information on how to identify whether a Tier 4 (General) migrant has an established presence, see related link: Tier 4 – established presence.</p> <p>For information on the maintenance requirements for Tier 4 (General) students, see related link: Tier 4 (General) - maintenance requirements.</p> <p>Main study site in London If the Tier 4 (General) migrant is studying in London, dependent family members will need to show they have more funds available than those living outside of London.</p> <p>Applications submitted before 12 November 2015</p> <table border="1" data-bbox="465 1337 1769 1410"><thead><tr><th data-bbox="465 1337 907 1410">Study site</th><th data-bbox="907 1337 1299 1410">Does the Tier 4 (General) migrant have</th><th data-bbox="1299 1337 1769 1410">Monthly living cost requirement</th></tr></thead></table>	Study site	Does the Tier 4 (General) migrant have	Monthly living cost requirement	<p>In this section Maintenance: Tier 1, 2 and 5 family members</p> <p>External links Immigration Rules paragraphs 319AA-319K About my vote</p>
Study site	Does the Tier 4 (General) migrant have	Monthly living cost requirement			

This guidance is based on the Immigration Rules

		an established presence?	
	Inner London	Yes	£615 for each month of the migrant's course, up to a maximum of 2 months
		No	£615 for each month of the migrant's course, up to a maximum of 9 months
	Outer London and the rest of the UK	Yes	£460 for each month of the migrant's course, up to a maximum of 2 months
		No	£460 for each month of the migrant's course, up to a maximum of 9 months
Applications submitted on or after 12 November 2015			
	Study site	Is the main applicant on or applying for the doctorate extension scheme?	Monthly living cost requirement
	London	Yes	£845 for each month remaining of the migrant's course, up to a maximum of 2 months
		No	£845 for each month remaining of the migrant's course, up to a maximum of 9 months
	Outside of London	Yes	£680 for each month remaining of the migrant's course, up to a maximum of 2 months

This guidance is based on the Immigration Rules

	No	£680 for each month remaining of the migrant's course, up to a maximum of 9 months
--	----	--

Applications submitted on or after 24 November 2016

Study site	Is the main applicant on or applying for the doctorate extension scheme?	Monthly living cost requirement
London	Yes	2 months of funds, for example £1,690
	No	£845 for each month of the migrant's leave, up to a maximum of 9 months
Outside of London	Yes	2 months of funds, for example £1,360
	No	£680 for each month of the migrant's leave, up to a maximum of 9 months

For applications submitted before 12 November 2015, a Tier 4 student is considered to be studying in inner London if half or more of the time they spend studying is in one of the following London boroughs:

- Camden
- City of London
- Hackney
- Hammersmith and Fulham
- Haringey
- Islington

This guidance is based on the Immigration Rules

- Kensington and Chelsea
- Lambeth
- Lewisham
- Newham
- Southwark
- Tower Hamlets
- Wandsworth
- Westminster

You can check if the educational establishment is in inner London by entering the postcode into the [‘About my vote’ website](#).

For applications submitted on or after 12 November 2015 the areas in which a student must show the London maintenance requirement have changed, a Tier 4 student is considered to be studying in London if half or more of the time they spend studying is at a site or sites situated within the area comprising the City of London and the former Metropolitan Police District.

‘Former Metropolitan Police District’ means:

- London, excluding the City of London, the Inner Temple and the Middle Temple
- in the county of Essex, in the district of Epping Forest - the area of the former urban district of Chigwell, the parish of Waltham Abbey
- in the county of Hertfordshire - in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw
- in the county of Surrey - in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead

Family member of a Tier 4 (Child) student migrant

The dependant route is not available for family members of Tier 4 (Child) student migrants.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: evidence of funds

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section explains what evidence of funds a family member of a points-based system (PBS) migrant must provide to show they meet the maintenance requirement.</p> <p>Evidence must be in the form of cash funds. Accounts or financial instruments, for example, shares, bonds and pension funds are not acceptable even where a period of notice is provided.</p> <p>Where the funds are in a currency other than pounds sterling, you must calculate the value based on the exchange rate for the relevant currency on the date of the application published on the OANDA website (see related link).</p> <p>Documents required: general information The applicant must provide original documents:</p> <ul style="list-style-type: none">• printed on the official letter-headed paper or stationery of the issuing organisation• bearing the official stamp of the organisation• issued by an authorised official of the organisation• dated no more than 31 days before the application is submitted <p>Bank statements Only the most recent statement must be dated within 31 days of the date of application. Bank statements printed on the bank's stationery can be provided as evidence but mini-statements from cash points are not acceptable.</p> <p>Electronic bank statements Electronic bank statements from an online account must contain all of the details listed above. In addition, the migrant must provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively, you can accept an electronic bank statement bearing the official stamp of the bank in question. This</p>	<p>In this section Evidence for applications made under Tier 1, 2 and 5 Evidence for applications made under Tier 4 (General) Evidence of official financial sponsorship under Tier 4 (General)</p> <p>External links Immigration Rules paragraphs 319AA-319K Immigration Rules: Appendix E OANDA</p>
---	---	---

This guidance is based on the Immigration Rules

stamp must appear on every page of the statement (and on both sides if the statement is printed double-sided).

Joint accounts

If the applicant relies on a joint account as evidence of available funds:

- (for partners) they, or the PBS migrant, must be named on the account along with one or more other named individual(s)
- (for children) the parent legally present in the UK must be named on the account

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Evidence for applications made under Tiers 1, 2 and 5

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains what evidence of funds a family member of a Tier 1, 2 and 5 migrant must provide to show they meet the maintenance requirement.</p> <p>Acceptable forms of evidence as specified in appendix E of the Immigration Rules are:</p> <ul style="list-style-type: none">• personal bank or building society statements covering the 90 day period immediately before the application• building society passbooks• a letter from a bank or building society confirming funds and that they have been in the bank for at least 90 days• a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds <p>The evidence provided must clearly show:</p> <ul style="list-style-type: none">• the name of the main applicant and/or the family member making the application, or (for children only) the name of the other parent who is also legally present in the UK• the account number• the date of the statement or letter• the financial institution's name and logo• transactions covering the 90 day period (bank statements or letters that only show the balance in the account on a particular day, or an average balance over the 90 day period, are not sufficient)• that there are sufficient funds present in the account. At any time during the 90 day period the balance must not fall below:<ul style="list-style-type: none">○ £630 for each dependant○ £1,890 for each dependant (this only applies to family members of Tier 1 (General))	<p>In this section Evidence for applications made under Tier 4 (General) Evidence of official financial sponsorship under Tier 4 (General)</p> <p>External links Immigration Rules paragraphs 319AA-319K Immigration Rules: Appendix E</p>
---	--	--

This guidance is based on the Immigration Rules

- applicants when the PBS migrant is not in the UK at the time of the application or has been in the UK for a period of less than 12 months), or
- £1260 for each dependant, where the application is connected to a Tier 1 (Graduate entrepreneur) migrant

Tier 1 (Graduate entrepreneur) migrants

The maintenance requirement for family members of a Tier 1(Graduate entrepreneur) migrant can be considered met if the application is supported by an endorsement letter from UK Trade and Investment (UKTI) confirming it has awarded funding which is sufficient to cover the required maintenance funds for the main applicant and any dependants.

Tier 2: when the A-rated sponsor certifies maintenance

An A-rated sponsor can certify the maintenance of the family member(s) on either:

- the Tier 2 migrant's certificate of sponsorship (CoS), or
- a letter - the letter can have been posted or faxed to the family member but must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and show:
 - the family member's name
 - the sponsor's name and logo
 - confirmation that the sponsor has certified the maintenance
 - details of limits to the undertaking (if appropriate)

If the sponsor certifies maintenance on the CoS, the family member does not need to provide any other evidence for maintenance. Family members of people with indefinite leave to remain or British citizenship cannot have maintenance certified for them and must always show cash funds.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Evidence for applications made under Tier 4 (General)

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains what evidence of funds a family member of a Tier 4 (General) migrant must provide to show they meet the maintenance requirement.</p> <p>Differentiation arrangements Family members from designated low-risk countries who qualify under the differentiation arrangements are not required to include evidence of meeting the maintenance requirements with their application. For more information, see related link: Tier 4 (General) – differentiation arrangements for dependants.</p> <p>Acceptable evidence Acceptable forms of evidence as specified in appendix E of the Immigration Rules are:</p> <ul style="list-style-type: none">• personal bank or building society statements• a building society passbook• a letter from the bank confirming funds• a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds <p>All forms of evidence must cover a 28 day period ending no more than one month before the date of the application. Letters that simply state the balance in the account on a particular day or an average balance are not sufficient.</p> <p>The evidence provided must clearly show:</p> <ul style="list-style-type: none">• the name of the main applicant and/or the family member making the application, or (for children only) the name of the other parent who is also legally present in the UK• the account number	<p>In this section Evidence for applications made under Tier 1, 2 and 5 Evidence of official financial sponsorship under Tier 4 (General)</p> <p>Related links Links to staff intranet removed</p> <p>External links Immigration Rules paragraphs 319AA-319K List of financial institutions which do not satisfactorily verify financial statements Immigration Rules – appendix E</p>
---	--	---

This guidance is based on the Immigration Rules

- the date of the statement or letter
- the financial institution's name and logo
- the funds held in the account and/or amount of money available (letters from banks and financial institutions must show both)

You must not award points for maintenance when the evidence has come from a financial institution that does not satisfactorily verify financial statements. For a list of such financial institutions, see related link: [List of financial institutions which do not satisfactorily verify financial statements.](#)

If a family member applies separately from the Tier 4 (General) student and is applying from overseas, they must show that they have held the money for 28 days.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Evidence of official financial sponsorship under Tier 4 (General)

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains what evidence of funds a family member of a Tier 4 (General) migrant must provide if they have an official financial sponsor.</p> <p>If the Tier 4 (General) student has an official financial sponsor who is providing money to cover their course fees and living costs, the sponsor may also be covering the costs of the family member(s). Examples of official financial sponsor's include:</p> <ul style="list-style-type: none">• Her Majesty's Government• the Tier 4 (General) migrant's home government• the British Council• any international:<ul style="list-style-type: none">○ organisation○ company○ university <p>Sponsor letter</p> <p>Where the sponsor is covering the costs of family member(s), they must provide a letter from the official financial sponsor. The letter must:</p> <ul style="list-style-type: none">• be on the official letter-headed paper or stationery of the sponsor• have the official stamp of that organisation on it <p>It must show the:</p> <ul style="list-style-type: none">• name of the Tier 4 (General) student and their family member(s)• name and contact details of the official financial sponsor• date of the letter• length of the sponsorship• amount of money they are providing or a statement that they will cover the family member's full maintenance	<p>In this section</p> <p>Evidence for applications made under Tier 1, 2 and 5 Evidence for applications made under Tier 4 (General)</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K</p>
---	--	---

This guidance is based on the Immigration Rules

	If the official financial sponsorship only covers part of the family member's living costs, the family member must provide evidence to show they meet the remaining maintenance requirement.	
--	--	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Age and dependence requirement for children of points-based system migrants

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains the age requirement and what evidence must be submitted if a family member aged 16 years or over is applying for leave as the child of a points-based system (PBS) migrant.</p> <p>Age requirement and independent life</p> <p>To apply for entry or an extension as the child of a PBS migrant, the child must be under the age of 18 on the date of application unless they have, or were last granted leave to remain as the:</p> <ul style="list-style-type: none">• family member of a PBS migrant• child of a parent who had leave under another category of the rules and who has since been granted (or is at the same time being granted) leave to remain as a PBS migrant <p>Applicants who otherwise meet this requirement are not considered to be a ‘child’ family member where they:</p> <ul style="list-style-type: none">• are married or in a civil partnership• have formed an independent family unit• are living an independent life <p>Independent family unit</p> <p>Examples of an applicant having an independent family unit may include (but are not restricted to) when the applicant:</p> <ul style="list-style-type: none">• is living with their partner• has children of their own <p>Independent life</p> <p>Examples of an applicant having an independent life may include (but are not restricted to)</p>	<p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K</p>
---	---	--

This guidance is based on the Immigration Rules

when the applicant:

- is living away from the family home (except where due to academic endeavours, for example, attending a school or University)
- they are in full time employment
- they appear to be financially independent (their income exceeds their expenditure)

For more information on what is considered to be an independent life, see related link: 5A.1 – Children – guidance (general).

Documents required

An applicant over the age of 16 must submit 2 items from the list below confirming their residential address:

- bank statements
- credit card bills
- driving licence
- NHS registration document
- a letter from the applicant's current school, college or university confirming the applicant's address. The letter must:
 - be on official headed paper
 - bear the official stamp of the organisation
 - have been issued by an authorised official of that organisation

The documents submitted must be from 2 separate sources and dated no more than a month before the date of application.

If the applicant pays rent or board towards their keep, they must also provide details of how much this amounts to each calendar month.

Applicants living away from the family home

Applicant's living separately from family members they claim to be dependent upon must provide the following information or documents:

This guidance is based on the Immigration Rules

- | | | |
|--|--|--|
| | <ul style="list-style-type: none">• the reasons for living away from the family home - where this is related to study the applicant must provide a letter from their university or college confirming their enrolment and attendance of the specific course - this must be:<ul style="list-style-type: none">○ on official headed paper○ bear the official stamp of that organisation○ have been issued by an authorised official of that organisation• evidence that they have been supported financially by their parents whilst living away from the family home - the following documents must be included with the application:<ul style="list-style-type: none">○ bank statements for the dependent child covering the 3 months before the application clearly showing the origin of the deposits○ bank statements for their parent(s) covering the 3 months before the application showing matching payments out of their account | |
|--|--|--|

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: granting or refusing

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you how to grant and refuse applications for leave as the family member of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Granting or refusing: partners• Granting or refusing: children	<p>In this section Granting or refusing: partners Granting or refusing: children</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	---	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: granting or refusing: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you how to grant or refuse applications for leave as the partner of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Grant or refuse entry clearance: partners• Grant or refuse entry at a UK port: partners• Grant or refuse extension: partners• Grant or refuse indefinite leave: partners	<p>In this section Grant or refuse entry clearance: partners Grant or refuse entry at a UK port: partners Grant or refuse extension: partners Grant or refuse indefinite leave: partners Refusal paragraphs: partners</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	---

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse entry clearance: partners

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you how to grant or refuse entry clearance for a person applying for entry as the partner of a points-based system (PBS) migrant.

Grant entry clearance

You must grant entry clearance if:

- the applicant meets all the requirements of paragraph 319C of the Immigration Rules
- none of the general reasons for refusal in paragraphs 320 to 324 apply

Duration of entry clearance

Depending on the country where the application is made, from 18 March 2015 you will not have to give successful entry clearance applicants a vignette in their passport for the full duration of their leave. This is because they will now be given a biometric residence permit (BRP).

If successful you must give them a 30 day entry visa to allow them to collect their BRP from a nominated Post Office, after they have arrived in the UK. There will be a phased introduction of this. For more information on this please see related links.

For more information, see related links:

- [Entry or extension requirements: partners](#)
- [General grounds for refusal](#)

The table below tells you what endorsement you must use:

Category of PBS migrant	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) PARTNER
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) PARTNER
Tier 1 (Graduate entrepreneur)	D Tier 1 (ENTREPRENEUR-G) PARTNER

In this section

[Grant or refuse entry at a UK port: partners](#)
[Grant or refuse extension: partners](#)
[Grant or refuse indefinite leave: partners](#)
[Refusal paragraphs: partners](#)

Related links

[Conditions of leave](#)
[Entry or extension requirements: partners](#)

Related links

[Conditions of leave](#)
[Entry or extension requirements: partners](#)

External links

[Immigration Rules paragraphs 319AA-319K](#)
[Immigration Rules paragraphs 320 to 324](#)
Immigration Rules – Part 15
Immigration Rules- Appendix 6

This guidance is based on the Immigration Rules

Tier 1 (Investor)	D TIER 1 (INVESTOR) PARTNER
Tier 1 (Post-study work)	D TIER 1 (POST STUDY) PARTNER
Tier 2	D TIER 2 PARTNER
Tier 4 (General)	D TIER 4 (GENERAL) DEP. PARTNER
Tier 5	D TIER 5 TW (PARTNER)

Links to staff intranet removed

You must add the initial and surname of the PBS migrant in the endorsement.

Condition code

You must normally grant entry clearance on Code 1 conditions. You must, however, grant Code 3 conditions when the:

- applicant is the partner of a Tier 4 (General) migrant who has been granted less than 12 months leave
- Tier 4 (General) migrant is studying below degree level

Employment as a doctors or dentist in training

Partners of PBS migrants who are granted leave on Code 1 are not allowed to work as a doctor in training unless they:

- have a degree in medicine or dentistry at bachelors level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4
- are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

If you are granting entry clearance on Code 1 conditions you must endorse the person's entry clearance as follows:

- '1+doc', if they are not allowed to work as a doctor in training
- '1+unrestr', if they are allowed to work as a doctor in training

If you grant entry clearance, it must be valid from the date the applicant intends to travel to

This guidance is based on the Immigration Rules

the UK.

Restriction on Study

All grants of leave as a PBS partner are subject to a condition limiting study. The condition prohibits study on a discipline covered by appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

For information on the conditions of leave, see related link.

Refuse entry clearance

When the applicant has not provided the required evidence to confirm they meet all the requirements of paragraph 319C, or if any of the general grounds for refusal in paragraphs 320 to 324 apply, you must refuse the application.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse leave at UK port: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse leave to enter at a UK port for a person who wishes to enter the UK as the partner of a points-based system (PBS) migrant.</p> <p>Granting leave to enter</p> <p>Before you grant leave to enter, you must be satisfied that:</p> <ul style="list-style-type: none">• the applicant has valid entry clearance as the partner of a PBS migrant (unless they are the partner of a Tier 5 (Temporary worker) migrant – see below)• there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued• none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply <p>For more information on entry requirements, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements: partners• General grounds for refusal <p>Partners of Tier 5 (Temporary worker) migrants</p> <p>Applicants seeking entry as the partner of a Tier 5 (Temporary worker) migrant do not need entry clearance. You must grant leave to enter on Code 1 conditions provided:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time• they meet all of the requirements of paragraph 319C of the Immigration Rules <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules: Appendix 1.</p>	<p>In this section</p> <p>Grant or refuse entry clearance: partners Grant or refuse extension: partners Grant or refuse indefinite leave: partners Refusal paragraphs: partners</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Immigration Rules paragraphs 319AA-319K Immigration Rules: Appendix 1 Immigration Rules paragraphs 320 to 324</p>
---	---	---

This guidance is based on the Immigration Rules

The table below tells you which landing card code you must use if you are granting leave to enter.

Category of PBS migrant	Landing card code
Tier 1	T1R
Tier 2	T2R
Tier 4	T4R
Tier 5	T5R

For more information on conditions of leave, see related link.

Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the rules, or if any of the general grounds for refusal apply, you must refuse leave to enter. For more information on refusing leave to enter and cancelling entry clearance, see related link: [Refusal of leave to enter](#).

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse an extension: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse an application for an extension for a person who wishes to enter the UK as the partner of a points-based system (PBS) migrant.</p> <p>Grant an extension You must grant leave to remain providing:</p> <ul style="list-style-type: none">• the applicant meets all the requirements of paragraph 319C of the Immigration Rules• none of the general grounds for refusal in paragraphs 320 to 324 apply <p>You must grant leave, either:</p> <ul style="list-style-type: none">• in line with the PBS migrant• for a period of 3 years if the PBS migrant has indefinite leave to remain or has become a British citizen <p>For more information on extension requirements, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements: partners• General grounds for refusal <p>For information on considering an application where the PBS migrant has indefinite leave to remain or has become a British citizen, see related link.</p> <p>Condition codes If you are granting leave to the partner of a Tier 1, Tier 2 or Tier 5 migrant, you must grant leave on:</p> <ul style="list-style-type: none">• Code 4B• Code 1 for partners who have shown:<ul style="list-style-type: none">○ they have a UK degree in medicine or dentistry	<p>In this section Grant or refuse entry clearance: partners Grant or refuse entry at a UK port: partners Grant or refuse indefinite leave: partners Refusal paragraphs: partners</p> <p>Related links Conditions of leave Entry or extension requirements: partners Family members of PBS migrants granted ILR or British citizenship</p> <p>External links Immigration Rules paragraphs 319AA-319K Immigration Rules paragraphs 320 to 324 Recognised UK degrees Tier 4 register of sponsors</p>
---	--	---

This guidance is based on the Immigration Rules

- they have worked as a doctor or dentist in training during their previous leave

The condition code to grant dependants of Tier 4 migrants depends on:

- the duration of the Tier 4 migrant's course
- the academic level of that course
- if the dependant has worked as a doctor or dentist in training during their last grant of leave

To determine the correct condition code, see related links: Flowchart – determining the condition code for Tier 4 dependants.

For more information on the conditions of leave for partners of PBS migrants, see related link: Conditions of leave.

Employment as a doctor or dentist in training

A person with leave as the partner of a PBS migrant cannot take employment as a doctor or dentist in training unless they:

- have a degree in medicine or dentistry at bachelors level or above from a UK institution, that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4
- are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

For more information on recognised and listed bodies and institutions that have Tier 4 sponsor licences , see related links:

- Recognised UK degrees
- Tier 4 register of sponsors

Evidence for employment as a doctor or dentist in training

This guidance is based on the Immigration Rules

If an applicant wishes to take employment as a doctor or dentist in training they must either:

- prove that they are on a foundation programme by providing a letter from their postgraduate dean which confirms the:
 - applicant has a place on a foundation programme
 - foundation programme is recognised by the medical community
 - place on the foundation programme is full time
- prove they have been working as a doctor or dentist in training by providing a letter from the National Health Service (NHS) trust employing them which confirms the applicant has been working in a post or programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post
- provide evidence of a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body or which holds a sponsor licence under Tier 4

If an applicant does not include all of the requested information and you decide to grant leave, you must do so on Code 4B conditions.

Restriction on Study

All grants of leave as a PBS partner are subject to a condition limiting study. The condition prohibits study on a discipline covered by appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

Refuse an extension

If the applicant does not meet the requirements of the rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice to each family member (ICD 3966).

For information on refusal paragraphs and appeal rights, see related link: Refusal paragraphs and rights of appeal.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse indefinite leave: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse applications for indefinite leave to remain (settlement) as the partner of a points-based system (PBS) migrant.</p> <p>Grant settlement You must grant indefinite leave to remain:</p> <ul style="list-style-type: none">• if the applicant meets all the requirements of paragraph 319E of the Immigration Rules• provided none of the general grounds for refusal in paragraphs 320 to 324 apply <p>For more information on the indefinite leave requirements and general grounds for refusal, see related links.</p> <p>Refuse settlement You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.</p>	<p>In this section Grant or refuse entry clearance: partners Grant or refuse entry at a UK port: partners Grant or refuse extension: partners Refusal paragraphs: partners</p> <p>Related links Indefinite leave requirements</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: refusal paragraphs: partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you which paragraph you must refer to when refusing an application for an extension as the partner of a points-based system (PBS) migrant.</p>	<p>In this section Grant or refuse entry clearance: partners Grant or refuse entry at a UK port: partners Grant or refuse extension: partners Grant or refuse indefinite leave: partners</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>																								
	<p>The table below tells you what paragraph you must refer to in the refusal notice. Each dependant requires their own notice of refusal</p>																									
	<table border="1"> <thead> <tr> <th data-bbox="448 470 884 550">Relevant paragraph of the Immigration Rules</th> <th data-bbox="884 470 1780 550">Reason for refusal</th> </tr> </thead> <tbody> <tr> <td data-bbox="448 550 884 630">319C(b)</td> <td data-bbox="884 550 1780 630">The applicant or the PBS migrant is under 18 years of age.</td> </tr> <tr> <td data-bbox="448 630 884 710">Paragraph 319C(b)</td> <td data-bbox="884 630 1780 710">The PBS applicant has been refused leave or does not have leave as a PBS migrant.</td> </tr> <tr> <td data-bbox="448 710 884 813">Paragraph 319C(c)(i)</td> <td data-bbox="884 710 1780 813">The unmarried or same sex partner or the PBS migrant has a previous marriage, civil partnership or similar relationship that has not broken down.</td> </tr> <tr> <td data-bbox="448 813 884 925">Paragraph 319C(c)(ii)</td> <td data-bbox="884 813 1780 925">The unmarried or same sex partner and the PBS migrant are so closely related that they would not be able to marry in the UK.</td> </tr> <tr> <td data-bbox="448 925 884 1077">Paragraph 319C(c)(iii)</td> <td data-bbox="884 925 1780 1077">The unmarried or same sex partner and the PBS migrant have not been living together in a relationship similar to marriage or a civil partnership for at least 2 years.</td> </tr> <tr> <td data-bbox="448 1077 884 1157">Paragraph 319C(d)</td> <td data-bbox="884 1077 1780 1157">The relationship between the applicant and the PBS migrant is not subsisting.</td> </tr> <tr> <td data-bbox="448 1157 884 1228">Paragraph 319C(e)</td> <td data-bbox="884 1157 1780 1228">The applicant and the PBS migrant do not intend to live together as partners in the UK.</td> </tr> <tr> <td data-bbox="448 1228 884 1268">Paragraph 319C(g)</td> <td data-bbox="884 1228 1780 1268">Evidence of maintenance has not been supplied.</td> </tr> <tr> <td data-bbox="448 1268 884 1308">Paragraph 319C(g)</td> <td data-bbox="884 1268 1780 1308">There are not sufficient funds available.</td> </tr> <tr> <td data-bbox="448 1308 884 1348">Paragraph 319C(h)</td> <td data-bbox="884 1308 1780 1348">No switching.</td> </tr> <tr> <td data-bbox="448 1348 884 1414">Paragraph 319C(i)</td> <td data-bbox="884 1348 1780 1414">The applicant is applying for leave as the partner of a Tier 4 migrant and the Tier 4 migrant is not applying for</td> </tr> </tbody> </table>		Relevant paragraph of the Immigration Rules	Reason for refusal	319C(b)	The applicant or the PBS migrant is under 18 years of age.	Paragraph 319C(b)	The PBS applicant has been refused leave or does not have leave as a PBS migrant.	Paragraph 319C(c)(i)	The unmarried or same sex partner or the PBS migrant has a previous marriage, civil partnership or similar relationship that has not broken down.	Paragraph 319C(c)(ii)	The unmarried or same sex partner and the PBS migrant are so closely related that they would not be able to marry in the UK.	Paragraph 319C(c)(iii)	The unmarried or same sex partner and the PBS migrant have not been living together in a relationship similar to marriage or a civil partnership for at least 2 years.	Paragraph 319C(d)	The relationship between the applicant and the PBS migrant is not subsisting.	Paragraph 319C(e)	The applicant and the PBS migrant do not intend to live together as partners in the UK.	Paragraph 319C(g)	Evidence of maintenance has not been supplied.	Paragraph 319C(g)	There are not sufficient funds available.	Paragraph 319C(h)	No switching.	Paragraph 319C(i)	The applicant is applying for leave as the partner of a Tier 4 migrant and the Tier 4 migrant is not applying for
	Relevant paragraph of the Immigration Rules		Reason for refusal																							
	319C(b)		The applicant or the PBS migrant is under 18 years of age.																							
	Paragraph 319C(b)		The PBS applicant has been refused leave or does not have leave as a PBS migrant.																							
	Paragraph 319C(c)(i)		The unmarried or same sex partner or the PBS migrant has a previous marriage, civil partnership or similar relationship that has not broken down.																							
	Paragraph 319C(c)(ii)		The unmarried or same sex partner and the PBS migrant are so closely related that they would not be able to marry in the UK.																							
	Paragraph 319C(c)(iii)		The unmarried or same sex partner and the PBS migrant have not been living together in a relationship similar to marriage or a civil partnership for at least 2 years.																							
	Paragraph 319C(d)		The relationship between the applicant and the PBS migrant is not subsisting.																							
	Paragraph 319C(e)		The applicant and the PBS migrant do not intend to live together as partners in the UK.																							
Paragraph 319C(g)	Evidence of maintenance has not been supplied.																									
Paragraph 319C(g)	There are not sufficient funds available.																									
Paragraph 319C(h)	No switching.																									
Paragraph 319C(i)	The applicant is applying for leave as the partner of a Tier 4 migrant and the Tier 4 migrant is not applying for																									

This guidance is based on the Immigration Rules

		or has not been granted entry clearance or leave for a course of study that lasts longer than 6 months.	
--	--	---	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: granting or refusing: children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you how to grant or refuse applications for leave as the child of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Grant or refuse entry clearance: children• Grant or refuse entry at a UK port: children• Grant or refuse extension: children• Grant or refuse indefinite leave: children• Refusal paragraphs and rights of appeal: children	<p>In this section Grant or refuse entry clearance: children Grant or refuse entry at a UK port: children Grant or refuse extension: children Grant or refuse indefinite leave: children Refusal paragraphs and rights of appeal: children</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse entry clearance: children

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you how to grant or refuse entry clearance for a person applying for entry as the child of a points-based system (PBS) migrant.

Grant entry clearance

You must grant entry clearance if both of the following apply:

- the applicant meets all the requirements of paragraph 319H of the Immigration Rules
- none of the general reasons for refusal in paragraphs 320 to 324 apply

Duration of entry clearance

Depending on the country where the application is made, from 18 March 2015 you will not have to give successful entry clearance applicants a vignette in their passport for the full duration of their leave. This is because they will now be given a biometric residence permit (BRP).

If successful you must give them a 30 day entry visa to allow them to collect their BRP from a nominated Post Office, after they have arrived in the UK. There will be a phased introduction of this. For more information on this please see related links.

For more information, see related links:

- [Entry or extension requirements: children](#)
- [General grounds for refusal](#)

The table below tells you what endorsement you must use:

Category of PBS migrant	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) CHILD
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) CHILD
Tier 1 (Graduate entrepreneur)	D TIER 1 (ENTREPRENEUR-G) CHILD

In this section

[Grant or refuse entry at a UK port: children](#)
[Grant or refuse extension: children](#)
[Grant or refuse indefinite leave: children](#)
[Refusal paragraphs and rights of appeal: children](#)

Related links

[Entry or extension requirements: children](#)
[Conditions of leave](#)

Related links

[Entry or extension requirements: children](#)
[Conditions of leave](#)

External links

[Immigration Rules paragraphs 319AA-319K](#)

Link to staff intranet removed

This guidance is based on the Immigration Rules

Tier 1 (Investor)	D TIER 1 (INVESTOR) CHILD
Tier 1 (Post-study work)	D TIER 1 (POST STUDY) CHILD
Tier 2	D TIER 2 CHILD
Tier 4 (General)	D TIER 4 (GENERAL) DEP. CHILD
Tier 5	D TIER 5 TW CHILD

You must add the initial and surname of the PBS migrant in the endorsement.

You must normally grant entry clearance on Code 1 conditions. But you must grant Code 3 conditions when the:

- applicant is the partner of a Tier 4 (General) migrant who has been granted less than 12 months leave
- Tier 4 (General) migrant is studying below degree level

Entry clearance must be valid from the date the applicant intends to travel to the UK.

Restriction on Study

If the child of a PBS migrant is either 18 or will turn 18 during the period of leave that is being granted, the leave granted will be subject to a condition limiting study. The condition prohibits study on a discipline covered by appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

For more information on conditions of leave, see related link: [Conditions of leave](#).

Refuse entry clearance

When the applicant has not provided the required evidence that they meet all the requirements of paragraph 319H, or if any of the general reasons for refusal in paragraphs 320 to 324 apply you must refuse the application.

Family members of points-based system migrants

This guidance is based on the Immigration Rules

Family members of PBS migrants: grant or refuse leave at a UK port: children

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you how to grant or refuse leave to enter at a UK port for a person who wishes to enter the UK as the child of a points-based system (PBS) migrant.

Granting leave to enter

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

- the applicant has valid entry clearance as the child of a PBS migrant (unless they are the child of a Tier 5 (Temporary worker) migrant – see below)
- there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply

For more information on entry requirements and general grounds for refusal, see related links:

- [Entry or extension requirements: children](#)
- [General grounds for refusal](#)

Children of Tier 5 (Temporary worker) migrants

Applicants seeking entry as the child of a Tier 5 (Temporary worker) migrant do not need entry clearance provided they:

- are not a visa national
- are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time
- meet all of the requirements of paragraph 319H of the Immigration Rules

For a list of which nationals need visas to enter the UK, see related link: [Immigration Rules: Appendix 1](#).

Landing cards

In this section

[Grant or refuse entry clearance: children](#)
[Grant or refuse extension: children](#)
[Grant or refuse indefinite leave: children](#)
[Refusal paragraphs and rights of appeal: children](#)

Related links

[Entry or extension requirements: children](#)
[Conditions of leave](#)

See also

Links to staff intranet removed

External links

[Immigration Rules: Appendix 1](#)
[Immigration Rules paragraphs 319AA-319K](#)

This guidance is based on the Immigration Rules

The table below tells you which landing card code you must use if you are granting leave to enter.

Category of PBS migrant	Landing card code
Tier 1	T1R
Tier 2	T2R
Tier 4	T4R
Tier 5	T5R

For more information on the conditions of leave, see related link.

Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the rules, or if any of the general grounds for refusal apply, you must refuse leave to enter. For more information on refusing leave to enter and cancelling entry clearance, see related link: Refusal of leave to enter.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse an extension: children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse an application for an extension as the child of a points-based system (PBS) migrant.</p> <p>Grant an extension You must grant leave to remain for the same period as the PBS migrant:</p> <ul style="list-style-type: none">• if the person meets all the requirements of paragraph 319H of the Immigration Rules• provided none of the general grounds for refusal in paragraphs 320 to 324 apply <p>Where both parents are already settled, being granted settlement at the same time or have since become British citizens you must grant for a period of 3 years.</p> <p>For more information on extension requirements and general grounds for refusal, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements: children• General grounds for refusal <p>You must normally grant entry clearance on Code 1 conditions. But you must grant Code 3 conditions when:</p> <ul style="list-style-type: none">• the applicant is the child of a Tier 4 (General) migrant who has been granted less than 12 months leave• the Tier 4 (General) migrant is studying below degree level <p>To determine the correct condition code, see related links: Flowchart – determining the condition code for Tier 4 dependants.</p> <p>For more information on the conditions of leave for children of PBS migrants, see related link: Conditions of leave.</p>	<p>In this section Grant or refuse entry clearance: children Grant or refuse entry at a UK port: children Grant or refuse indefinite leave: children Refusal paragraphs and rights of appeal: children</p> <p>Related links Entry or extension requirements: children Conditions of leave Family members of PBS migrants granted ILR or British citizenship</p> <p>Links to staff intranet removed</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	--	---

This guidance is based on the Immigration Rules

For information on considering an application where the PBS migrant has both indefinite leave to remain and sole responsibility for the PBS dependent child, see related link: [Family members of PBS migrants granted ILR or British citizenship.](#)

Restriction on Study

If the child of a PBS migrant is either 18 or will turn 18 during the period of leave that is granted, they will be subject to a condition limiting study. The condition prohibits study on a discipline covered by appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

Refuse an extension

If the applicant does not meet the requirements of the rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice (ICD 3966) to each family member.

For more information on refusal paragraphs and appeal rights, see related link: [Refusal paragraphs: children.](#)

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: grant or refuse indefinite leave: children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse applications for indefinite leave to remain as the child of a points-based system (PBS) migrant.</p> <p>Grant settlement You must grant indefinite leave to remain:</p> <ul style="list-style-type: none">• if the applicant meets all the requirements of paragraph 319J of the Immigration Rules• provided none of the general grounds for refusal in paragraphs 320 to 324 apply <p>For more information on the indefinite leave requirements and general grounds for refusal, see related links.</p> <p>Refuse settlement You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.</p>	<p>In this section Grant or refuse entry clearance: children Grant or refuse entry at a UK port: children Grant or refuse extension: children Refusal paragraphs and rights of appeal: children</p> <p>Related links Indefinite leave requirements</p> <p>See also Links to staff intranet removed</p> <p>External links Immigration Rules paragraphs 319AA-319K</p>
---	---	--

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: refusal paragraphs: children

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you which paragraph you must refer to where an application for an extension as the child of a points-based system (PBS) migrant is being refused.

The table below tells you what paragraph you must refer to in the refusal notice. Each dependant requires a separate notice of refusal

Relevant paragraph of the Immigration Rules	Reason for refusal
Paragraph 319H(b)	The main applicant has been refused leave as a PBS migrant.
Paragraph 319H(c)	The child is over 18 years of age and their last leave was not as the child of a PBS migrant.
Paragraph 319H(d)	The applicant is married, in a civil partnership, has formed an independent life or family unit.
Paragraph 319H(e)	The applicant intends to stay in the UK beyond the period of leave granted to the PBS migrant.
Paragraph 319H(f)	Both of the applicant's parents are not in the UK and the PBS migrant is not their sole surviving parent, does not have sole responsibility for their upbringing and there are no serious or compelling family considerations.
Paragraph 319H(g)	Maintenance – missing documents.
Paragraph 319H(g)	Maintenance – insufficient funds.
Paragraph 319H(h)	No switching.
Paragraph 319H(i)	The applicant is applying for leave as the child of a Tier 4 migrant and the Tier 4 migrant is not applying for or has not been granted entry clearance or leave for a course of study that lasts longer than 6 months.

In this section

[Grant or refuse entry clearance: children](#)
[Grant or refuse entry at a UK port: children](#)
[Grant or refuse extension: children](#)
[Grant or refuse indefinite leave: children](#)

External links

[Immigration Rules paragraphs 319AA-319K](#)

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: conditions of leave

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you the conditions of leave for people granted entry or an extension as the partner or child of a points-based system (PBS) migrant.</p> <p>Partners or children of a PBS migrant:</p> <ul style="list-style-type: none">• are not allowed to access public funds• must register with the police (if they are required to do so by paragraph 326 of the Immigration Rules)• can take employment in the UK, apart from the restrictions explained below• Study, subject to a restriction explained below <p>For more information, see related links:</p> <ul style="list-style-type: none">• Public funds• Police registration• Paragraph 326 of the Immigration Rules <p>Employment for family members of Tier 4 (General) migrants</p> <p>Family members of Tier 4 migrants can only take employment in the UK if:</p> <ul style="list-style-type: none">• the Tier 4 (General) migrant has been granted leave for 12 months or more (except government sponsored students who may take employment even if granted less than 12 months)• the Tier 4 (General) migrant is following a course of study at or above degree level <p>Employment as a doctor or dentist in training</p> <p>A person with leave as the partner of a PBS migrant cannot take employment as a doctor or dentist in training unless they:</p> <ul style="list-style-type: none">• have obtained a degree in medicine or dentistry at bachelors level or above from a UK	<p>Related links</p> <p>Grant or refuse extension: partners</p> <p>See also</p> <p>Links to staff intranet removed</p> <p>External links</p> <p>Paragraph 326 of the Immigration Rules Register of Tier 4 sponsors Immigration Rules paragraphs 319AA-319K</p>
---	--	---

This guidance is based on the Immigration Rules

institution, that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4

- are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period

Professional sportsperson

A person with leave as the partner of a PBS migrant cannot take employment as a professional sportsperson (including as a sports coach).

Study on a discipline covered by appendix 6 of the Immigration Rules

Where an applicant is either 18 or over at the time of application or will turn 18 during the period of leave that is granted, they will be subject to a condition limiting study. The condition prohibits study on a discipline covered by appendix 6 of the Immigration Rules, unless the individual obtains an Academic Technology Approval Scheme (ATAS) certificate for their course or research before they start it.

For more information, see related link: Grant or refuse extension: partners.

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: contact

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains who to contact for more help with a specific case for leave as the family member of a points-based system (PBS) migrant.</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 the economic migration policy team.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must email the economic migration policy team, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT 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: Guidance – making changes.</p>	<p>Related links Changes to this guidance Information owner</p> <p>External links</p>
---	---	---

This guidance is based on the Immigration Rules

Family members of points-based system migrants

Family members of PBS migrants: information owner

[About this guidance](#)
[Key facts](#)
[Verifying documents](#)
[Entry, extension and indefinite leave requirements](#)
[Maintenance requirements](#)
[Age and dependence requirement for children aged 16 or over](#)
[Granting or refusing](#)
[Conditions of leave](#)

This page tells you about this version of the 'Family members of points-based system migrants' guidance and who owns it.

Version	11.0
Published for Home Office staff on	24 November 2016
Approver's role	G7 Migration Policy Adviser
Approval date	3 October 2016

Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must email Economic Migration Policy Team, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT 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: Guidance – making changes.

In this section
[Changes to this guidance](#)
[Contact](#)

External links