

## **PBS Dependant Guidance changes – 4 July 2011**

### **Under Para 8 insert:**

8A. Dependants of Tier 4 Students who qualify for our differentiation arrangements because they are considered to be “low risk” will be required to provide fewer evidential documents when submitting their application. Where the Dependant of a Tier 4 Student is exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. The UK Border Agency reserves the right to request these documents from dependants of Tier 4 Students in all cases.

8B. A Dependant of a Tier 4 Student qualifies for our differentiation arrangements if:

- the main applicant is sponsored by a Highly Trusted Sponsor; and
- the Dependant is applying at the same time as the main applicant; and
- the Dependant is applying for entry clearance in his/her country of nationality or for leave to remain in the UK; and
- the Dependant holds the same nationality as the main applicant and both are nationals of:
  - Argentina
  - Australia
  - Brunei
  - Canada
  - Chile
  - Croatia
  - Hong Kong
  - Japan
  - New Zealand
  - Singapore
  - South Korea
  - Taiwan
  - Trinidad and Tobago
  - United States of America or is
  - a British National Overseas

### **Delete table in Para 34 and insert:**

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| <b>Periods of grant:</b> | Entry Clearance and Leave to Remain. The period of leave granted should reflect the expiry date of the Points Based System Migrant's (the main applicant's) |
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|   | leave.   |
| <p><b>Switching into the route for Family Members of Points Based System Migrants</b></p> | <p>For family members of Tier 1, 2, and 5 applicants, switching is permitted when applying as a family member who has or last had entry clearance or leave to remain as the partner or child of a person who had leave under another category and who has since been granted, or is, at the same time, being granted leave to remain as a Relevant Points Based System Migrant.</p> <p>For family members of Tier 4 (General) Students only, switching is permitted when applying as a family member who has or last had entry clearance or leave to remain as the partner or child of a person who had leave under another category and who has since been granted, or is, at the same time, being granted leave to remain as a Relevant Points Based System Migrant; and if:</p> <ol style="list-style-type: none"> <li>1. the Tier 4 (General) Student is applying for a course of study that is more than six months long and has or last had entry clearance or leave to remain as a Tier 4 (General) Student or Student, for a course of more than six months duration. The Tier 4 (General) Student must have had this leave within the three months immediately preceding the date of the application; and <ul style="list-style-type: none"> <li>• the family member has or last had entry clearance or leave to remain as the family member of a Tier 4 General Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and</li> <li>• the Tier 4 (General) Student and the family member are applying at the same time;</li> </ul> </li> </ol> <p>or</p> <ol style="list-style-type: none"> <li>2. the Tier 4 (General) Student is a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months,</li> </ol> <p>or</p> <ol style="list-style-type: none"> <li>3. the Tier 4 (General) Student will be studying a</li> </ol> |

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|  | <p>course that is of post-graduate level with a Tier 4 sponsor which is a UK Higher Education Institution and that course is 12 months or longer.</p>  |
| <p><b>Conditions of leave as a Family Member of a Points Based System Migrant.</b></p> | <p>Family Members of Points Based System Migrants will have the following conditions attached to any leave:</p> <ul style="list-style-type: none"> <li>• No recourse to public funds,</li> <li>• Registration with the police, if this is required by paragraph 326 of the Immigration Rules,</li> <li>• No Employment as a Doctor or Dentist in Training, unless the applicant ;       <ol style="list-style-type: none"> <li>1. has obtained 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 of the Points Based System; or</li> <li>2. is applying for leave to remain and has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to a condition restricting their employment, whether that is employment as a Doctor or Dentist in Training or otherwise, and has been employed during that leave as a Doctor or Dentist in Training.</li> </ol> </li> <li>• For family members of Tier 4 (General) Students only – if the main applicant’s grant of leave is for less than 12 months the family member will not be allowed to work whilst in the UK, unless the main applicant is a Government Sponsored Student.</li> <li>• For family members of Tier 4 (General) Students only – if the main applicant’s grant of leave is for a course of study below degree level, the family member will not be allowed to work whilst in the UK, unless the main applicant is a Government Sponsored Student.</li> </ul> |

Tier 4 General students who will be studying in the UK for six months or less cannot bring their partners and/or children (also known as dependants) to the United Kingdom with them.

**Before Para 90 insert:**

89A. Where the family member of a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The family member must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a family member who qualifies for our differentiation arrangements

**Delete Para 91 and insert:**

91. The money a family member shows us must be for his/her use for living in the UK. The full amount of this money – which should be held in the manner specified in this guidance - must continue to be available to the family member after his/her application is made, except for any money that has been paid for living costs.

**Delete Para 92 and insert:**

92. A family member will not be awarded points for maintenance where the money he/she is showing us is held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements will be published on our website at :  
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions.pdf>

**Delete Para 93 (No replacement paragraph)**