



Home Office

**UK Border
Agency**

PBS
(DEPENDANT)

Points Based System (Dependants) - Policy Guidance

CONTENTS

Introduction.....3

Documents we require 3

Verification and other checks..... 3

Date of Application..... 6

Overview of Terms and Conditions for Applications by Family Members of Points Based System Migrants6

Age requirements for spouses or civil partners 7

Doctor in training condition 7

Maintenance Requirement.....7

Family member of a Tier 1 migrant 8

Family member of a Tier 2 migrant..... 8

Family member of a Tier 4 (General) Student 9

How many months money does a family member of a Tier 4 (General) Student need 9

The family member of a Tier 4 (General) Student where the student does not have an established presence in the United Kingdom..... 10

The family member of a Tier 4 (General) Student where the student does have an established presence in the United Kingdom..... 11

Family member of a Tier 4 (Child) Student migrant 11

Family member of a Tier 5 (Temporary Worker) migrant 11

Documents we require 12

Evidence for applications made under Tiers 1, 2 and 5.....12

Evidence of ceRtifying maintenance for family members of Tier 2 migrants13

Evidence required for applications made under Tier 4.....14

Children of PBS Migrants16

Not have formed an independent family unit 16

Not be living an independent life..... 16

Documents required 16

Annex A - Applicants currently on an NHS Foundation Programme or working as a Doctor in Training.....18

INTRODUCTION

1. This document provides policy guidance for family members of a Points Based System migrant. It reflects policy at the date of publication and we may change it. It should be read together with paragraphs 319A to 319K of the Immigration Rules. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the UK Border Agency.

2. A family member of a Points Based System migrant in the United Kingdom who wishes to remain in the United Kingdom as a family member of a Points Based System migrant should apply using application form PBS (Dependants).

3. This application form and more general information are on our website at <http://www.ukba.homeoffice.gov.uk>

Documents we require

4. The family member must ensure he/she provides all of the necessary supporting documents at the time he/she sends us the application. We will only accept the documents specified in this guidance.

5. If the family member does not provide the specified documents, we will not contact him/her to ask for them. Therefore, if the family member fails to send the correct documents we may refuse the application.

6. Any documentary evidence that the family member provides must be the original (not a copy) unless we say otherwise.

7. Where a document is not in English or Welsh, the original must be accompanied by a fully certified translation by a professional translator. This translation must include details of the translator's credentials and confirmation that it is an accurate translation of the original document. It must also be dated and include the original signature of the translator.

8. We only need evidence that is directly relevant to the application, as set out in this guidance. We will not consider unrelated evidence.

Verification and other checks

9. We aim to consider applications quickly. However, we must also be confident that applications meet the requirements of the Immigration Rules, and that the information a family member provides is a true reflection of his/her background.

10. We will ask for a variety of verifiable documents to enable us to consider the application.

11. We may want to check the supporting documents a family member sends with his/her application. Therefore, he/she must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.

12. There are two situations in which we will undertake a check:

- **Verification checks** – where we have reasonable doubts that the documents are genuine; or
- **Other checks** – where we carry out further checks, for example, where we have doubts about an application or the documents sent with the application but the doubts are not serious enough for us to make a verification check.

Verification checks

13. Where we have **reasonable doubts** that a specified document is genuine we may want to verify the document with an independent person or government agency.

14. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles the family member to claim those points.

15. Verification may delay our decision on an application so we will only do it when there are clear reasons for it.

Reasonable doubt

16. There are many reasons why we may doubt that a specified document is genuine and what we consider to be a reasonable doubt will depend on an individual application. However, our judgments will be based on the facts we have.

Outcome of verification check

17. There are three possible outcomes of a verification check:

- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if a family member sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the family member does not meet the funds requirement and because he/she has sent a false document.
- **Verification check inconclusive.** If we cannot verify that the document is either genuine or false then we will ignore it as evidence for scoring points. If the family member has sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If the family member has not sent any other documents, we will award zero points in that area.

Refusing applications without making verification checks

18. We may refuse an application without making verification checks in two circumstances:

- Where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.
- Where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if a family member sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the family member does not meet the funds requirement and because he/she has sent a false document.

Other checks

19. We will make other checks where, for example we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.

20. These checks may delay our decision on an application so we will only make them when we have clear reasons to do so.

Extra checks

21. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases, we may carry out more checks.

Outcome of other checks

22. There are four possible outcomes of these checks:

- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if a family member sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the family member does not meet the funds requirement and because he/she has sent a false document.
- **Check inconclusive.** If we cannot verify that the document is either genuine or false then we will consider the application as if it is the document is genuine.
- **Check gives us cause to have reasonable doubt about the genuineness of a specified document.** If we cannot verify that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

Procedure for verification and other checks

23. The procedures for both verification checks and other checks will usually be similar and will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

For family members of Tier 4 (General) students who are applying at the same time as the main applicant only: Applying for a Biometric Immigration Document (ICFN)

24. All applicants making an in-country family member application on behalf of their family members at the same time as his/her own application must ensure that all apply for a Biometric Immigration Document (ICFN).

25. The process for a postal application will be as follows:

- The applicant sends his/her Tier 4 application for leave to us, with payment, visa letter or confirmation of acceptance for studies and other supporting documents;
- Once the payment has cleared, the applicant will receive a letter from us telling him/her that he/she needs to make an appointment to provide his/her biometric details;
- Once the applicant's biometric details have been given, we will consider the application.

26. The application will not be considered until we receive confirmation that the applicant has attended his/her appointment to provide his/her biometrics.

27. The process for an application in person at one of our public enquiry offices will be as follows:

- The main applicant will make the family member's appointment in advance with one of the public enquiry offices (PEOs);
- The family member will attend the PEO with the main applicant if applying at the same time, on a specified appointment date;
- The family member will submit their application, with payment, visa letter and other supporting documents at the PEO appointment;

- The family member and the main applicant, applying with him/her, will have their biometric details taken;
- Once the family member's and the main applicant's biometric details have been given, we will consider the application.

28. Under Biometric Registration Regulations, any child under the age of 16 who is required to provide a record of their fingerprints and/or a photograph, must have them taken in the presence of a responsible adult who is the child's parent or guardian, or another person who for the time being takes responsibility for the child.

29. If there is any reason preventing a parent/legal guardian from accompanying the child, the parent/legal guardian must nominate the responsible adult who will be accompanying him/her.

30. The responsible adult accompanying any child under the age of 16 must provide an acceptable form of identification, such as a passport or driving licence. If that person is not the parent or guardian of the child, he/she must have a letter confirming that he/she is a responsible adult who has a close connection to the child and has been authorised to accompany him/her.

31. Further information on the ID card can be found at <http://www.ukba.homeoffice.gov.uk/managingborders/idcardsforforeignnationals/>.

Date of Application

32. The date of his/her application will be taken to be the following:

For applications made in the United Kingdom:

- where the application form is sent by post, the date of posting; or
- where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office;

For applications made outside the United Kingdom:

- the date that the fee associated with the application is paid. This means the date shown on his/her payment receipt, which depends on how he/she paid for his/her visa application, for example, at a British Diplomatic Post, visa application centre or online.

OVERVIEW OF TERMS AND CONDITIONS FOR APPLICATIONS BY FAMILY MEMBERS OF POINTS BASED SYSTEM MIGRANTS

33. A family member of a Points Based System migrant should read the Immigration Rules that apply at the time he/she applies.

34. The following table sets out some of the key features of the category for family members of Points Based System migrants route are shown in the table below.

Periods of grant:	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) leave.
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<p>Switching into the route for Family Members of Points Based System Migrants</p>	<p>Switching is permitted when applying as a family member who currently holds leave 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>Conditions of leave as a Family Member of a Points Based System Migrant.</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"> • No recourse to public funds, • Registration with the police, if this is required by paragraph 326 of the Immigration Rules, • No work as a doctor in training unless the family member 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 in Training or otherwise, and has been employed during that leave on an NHS Foundation Programme or as a Doctor in Training. • 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 United Kingdom.

Age requirements for spouses or civil partners

35. In order to be granted entry clearance as a spouse or civil partner, the family member and the main applicant must be aged 18 or over on the date he/she is due to arrive in the United Kingdom.

Doctor in training condition

36. Family members who are currently working as a ‘Doctor in Training’ should submit the documents specified in Annex A of this guidance. Where the family member does not include all of the requested information, any grant of leave will be subject to the ‘Doctor in Training’ restriction

MAINTENANCE REQUIREMENT

37. Please refer to paragraphs 319C, 319H and appendix E of the Immigration Rules.

38. One of the requirements for family members of Points Based System migrants is that he/she must be able to support themselves for the entire duration of their stay in the United Kingdom without needing help from public funds (for example benefits provided by the state). If he/she cannot, he/she could face financial hardship because he/she will not have access to most state benefits.

Family member of a Tier 1 migrant

39. If the Tier 1 migrant is outside the United Kingdom or has been present in the United Kingdom for less than 12 months, each family member of the Tier 1 migrant must show that he/she, the Tier 1 migrant, or (for children) his/her other parent who is also legally present in the United Kingdom has at least £1600 to support him/her; this is in addition to any funds the Tier 1 migrant needs to prove he/she has enough money to support himself/herself.

40. If the Tier 1 migrant has been in the United Kingdom for 12 months or more, each family member of the Tier 1 migrant must have £533 to support himself/herself.

41. For example, the Tier 1 migrant has been in the UK for 6 months and is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £1600 for his spouse and a further £1600 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold £5600 in available funds ($£1600 \times 3 = £4800 + £800$).

42. If the same Tier 1 migrant and his family had been present in the UK for two years, they would require evidence that they held £2399 ($£533 \times 3 = £1599 + £800$) in available funds.

43. If a family member applies separately from the Tier 1 migrant, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child, the main applicant has been in the United Kingdom for two years and the family applies for leave to remain for the third child separately, they must provide evidence that they have an additional £533 in available funds.

Family member of a Tier 2 migrant

44. The family member of the Tier 2 migrant must have £533 to support himself/herself.

45. This requirement can be met by:

- having savings of £533 which must have been held for at least three months prior to the date of application; or
- the Tier 2 A-rated sponsor providing a written undertaking that, should it become necessary, it will maintain and accommodate the family member until the end of the first month of employment. The undertaking may be limited provided the limit is at least £533 per family member.

46. For example, the Tier 2 migrant is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £533 for his/her spouse and a further £533 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold £2399 in available funds ($£533 \times 3 = £1599 + £800$).

47. However, a family member of a Tier 2 migrant is only required to provide evidence that he/she meets the maintenance requirement when the Tier 2 migrant is also required to meet the maintenance requirement.

48. For example, where the Tier 2 migrant is submitting an application because he/she is changing employment within Tier 2, neither the Tier 2 migrant nor any family member is required to submit evidence that they meet the maintenance requirement.

49. If a family member applies separately from the Tier 2 migrant, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain for the third child separately, they must provide evidence that they have an additional £533 in available funds.

Family member of a Tier 4 (General) Student

50. The maintenance requirements for a family member of a Tier 4 (General) Student depend on the following circumstances of the Tier 4 (General) Student:

- the length of the course;
- where the main applicant will be studying in the United Kingdom; and
- whether the main applicant already has an established presence studying in the United Kingdom.

51. The Tier 4 (General) Student will be either:

- On a course based in inner London
- On a course based in outer London or anywhere else in the United Kingdom.

52. It has been established that to meet basic living expenses, not including fees, a student:

- Studying in inner London for the majority of his/her study needs £800 per month;
- Studying in outer London or anywhere else in the United Kingdom for the majority of his/her study needs £600 per month.

53. We will use the address given as the main study site to assess whether the student will study for the majority of the time in inner London (more than 50% of their study time). The following London Boroughs are subject to the £800 per month maintenance requirement: Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth, and Westminster. All other London Boroughs and any other area in the United Kingdom will be subject to the £600 per month requirement.

54. The student's education provider will be able to tell the student which London Borough he/she is based in.

55. If the student will be studying at more than one site, and one site is in inner London and one site is not, we will base the maintenance requirements on where the student will spend the majority of his/her time studying, which is shown on the visa letter. If the student has a Confirmation of Acceptance for Studies he/she will need to get this address from the Tier 4 sponsor.

56. If the course involves study that is split equally between two or more sites, the main study site named by the sponsor in the visa letter or Confirmation of Acceptance for Studies will be used to assess the level of maintenance required.

57. If we do not have the borough in the address we will enter the postcode into <http://www.aboutmyvote.co.uk/> and if it confirms that the address is in a London Borough that is listed above we will apply the inner London maintenance requirement.

How many months money does a family member of a Tier 4 (General) Student need

58. A family member of a Tier 4 student must show that he/she has enough money to cover his/her monthly living costs whilst the student is studying in the United Kingdom.

59. The amount of money a family member has to show will depend on whether the student already has an established presence studying in the United Kingdom. Where a student has an established presence studying in the United Kingdom, the family member will need to show less money for living costs.

60. A student has an established presence studying in the United Kingdom if:

- He/she has completed a course that was at least six months long within their last period of leave, and this leave finished within the last four months; or

- He/she is applying for continued study on a course where he/she has studied at least six months of that course and has been studying within the last four months; or
- He/she is applying to continue in Tier 4 as a sabbatical officer or as a Postgraduate Doctor or Dentist and he/she has completed a course that was at least six months long within his/her last period of leave, and this leave finished within the last four months.

61. A family member can qualify for the reduced maintenance levels whether he/she is applying from inside the United Kingdom or from overseas.

62. Where a student does not have an established presence studying in the United Kingdom, the family member must show that he/she has money for his/her living costs for each month of the students course up, to a maximum of 9 months.

63. A student with an established presence studying in the United Kingdom must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 2 months.

64. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the family member must show he/she has enough money for eight months.

The family member of a Tier 4 (General) Student where the student does not have an established presence in the United Kingdom

If the Tier 4 (General) Student is studying in inner London

65. The family member of a Tier 4 (General) Student who is studying in inner London must have £533 per month up to a maximum of 9 months, to support himself/herself.

66. For example, if the Tier 4 (General) Student who is studying in inner London is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £533 for his/her spouse and a further £533 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold £2399 in available funds ($£533 \times 3 = £1599 + £800$) per month up to a maximum of 9 months.

67. If a family member applies separately from the Tier 4 (General) Student who is studying in inner London, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain for the third child separately, he/she must provide evidence that he/she has an additional £533 per month up to a maximum of 9 month, in available funds.

If the Tier 4 (General) Student is studying in outer London or anywhere else in the United Kingdom

68. The family member of a Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom must have £400 per month up to a maximum of 9 months, to support himself/herself.

69. For example, if the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £400 for his/her spouse and a further £400 for each child, in addition to £600 required for his/her own support. In total the family will require evidence that they hold £1800 in available funds ($£400 \times 3 = £1200 + £600$) per month up to a maximum of 9 months.

70. If a family member applies separately from the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain

for the third child separately, they must provide evidence that they have an additional £400 per month up to a maximum of 9 months, in available funds.

The family member of a Tier 4 (General) Student where the student does have an established presence in the United Kingdom

If the Tier 4 (General) Student is studying in inner London

71. The family member of a Tier 4 (General) Student who is studying in inner London must have 2 months maintenance of £533 per month, to support himself/herself.

72. For example, if the Tier 4 (General) Student who is studying in inner London is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £533 for his/her spouse and a further £533 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold 2 months maintenance of £2399 per month in available funds ($£533 \times 3 = £1599 + £800$).

73. If a family member applies separately from the Tier 4 (General) Student who is studying in inner London, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain for the third child separately, they must provide evidence that they have an additional 2 months maintenance of £533 per month, in available funds.

If the Tier 4 (General) Student is studying in outer London or anywhere else in the United Kingdom

74. The family member of a Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom must have 2 months maintenance of £400 per month, to support himself/herself.

75. For example, if the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom is making an application at the same time as his/her spouse and two children. He/she must show that he/she has £400 for his/her spouse and a further £400 for each child, in addition to £600 required for his/her own support. In total the family will require evidence that they hold 2 months maintenance of £1800 per months in available funds ($£400 \times 3 = £1200 + £600$).

76. If a family member applies separately from the Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain for the third child separately, they must provide evidence that they have an additional 2 months maintenance of £400 per month, in available funds.

Family member of a Tier 4 (Child) Student migrant

77. The dependant route is not available for a family member of a Tier 4 (Child) Student migrant.

Family member of a Tier 5 (Temporary Worker) migrant

78. The family member of the Tier 5 (Temporary Worker) migrant must have £533 to support himself/herself.

79. For example, the Tier 5 (Temporary Worker) migrant is making an application at the same time as his spouse and two children must show that he has £533 for his spouse and £533 for each child, in addition to £800 required for his own support. In total the family will require evidence that they hold £2399 in available funds ($£533 \times 3 = £1599 + £800$).

80. Family members of Tier 5 (Temporary Worker) main applicants extending their leave are required to provide evidence of meeting the maintenance requirement.

81. If a family member applies separately from the Tier 5 (Temporary Worker) migrant, there must still be enough funds to support each member of the family. Therefore in the example above, if the family has a third child and the family applies for leave to remain for the third child separately, they must provide evidence that they have an additional £533 in available funds.

Documents we require

82. This evidence must be original, on the official letter-headed paper or stationery of the organisation and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

83. Evidence must be in the form of cash funds. Other accounts or financial instruments such as shares, bonds, pension funds etc, regardless of notice period are not acceptable.

84. If the applicant wishes to rely on a joint account as evidence of available funds, he/she, the main applicant, or (for children) his/her other parent who is legally present in the United Kingdom, must be named on the account along with one or more other named individual(s).

85. All evidence must be dated no more than one month before the application is submitted.

86. Where the funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of the application, taken from the rates published on www.oanda.com.

EVIDENCE FOR APPLICATIONS MADE UNDER TIERS 1, 2 AND 5

87. The documents required by appendix E of the immigration rules are specified below.

i) Personal bank or building society statements covering the three-month period immediately before the application.

The personal bank or building society statements should clearly show:

- 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 United Kingdom;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- transactions covering the three-month period;
- that there are sufficient funds present in the account (the balance must not fall below £533 or £1600, as above, at any time during the three-month period).

Only the most recent statement must be dated within one month of the date of application

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

If the applicant wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the applicant will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

Statements that simply show the balance in the account on a particular day are not sufficient.

ii) Building society passbook. The building society passbook should clearly show:

- 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 United Kingdom;
- the account number;
- the financial institution's name and logo;
- transactions covering the three-month period;
- that there are sufficient funds present in the account (the balance must not fall below £533 or £1600, as above, at any time during the three-month period).

iii) Letter from bank confirming funds and that they have been in the bank for at least three months. The letter from a bank or building society should show:

- 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 United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- that the funds have been in the bank for at least three months and the balance has not fallen below £533 or £1600, as in the examples above, at any time during the three-month period.

Letters that simply state the balance in the account on a particular day or an average balance over the three-month period are not sufficient.

iv) 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.

The letter from the financial institution regulated by the FSA should show:

- 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 United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- that the funds have been in the bank for at least three months and the balance has not fallen below £533 or £1600, as in the examples above, at any time during the three-month period.

Letters that simply state the balance in the account on a particular day or an average balance over the three-month period are not sufficient.

EVIDENCE OF CERTIFYING MAINTENANCE FOR FAMILY MEMBERS OF TIER 2 MIGRANTS

88. The evidence of the sponsor certifying the maintenance must be a letter from the A-rated sponsor. The letter, which can be posted or faxed to the family member, must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and must show:

- the family member's name;
- the sponsor's name and logo;
- confirmation that the sponsor has certified the maintenance; and

- details of limiting the undertaking if appropriate

EVIDENCE REQUIRED FOR APPLICATIONS MADE UNDER TIER 4

89. A family member of a Tier 4 (General) student applying from outside the United Kingdom must show that he/she has held the required money for a 28 day period (finishing on the date of the closing balance) ending no more than 1 month before his/her application.

90. Normally when applying for a visa in the United Kingdom, a family member of a Tier 4 (General) student must show that he/she has held the money needed for the 28 days. However, we recognise that many students and family members already in the United Kingdom will not have had to show money before so we have agreed to allow a longer transition period for applications made in the United Kingdom to allow for this adjustment.

91. A family member of a Tier 4 (General) student who applies from in the United Kingdom before 1 February 2010 will only need to show proof that they have the money needed, on the day that they apply. A family member of a Tier 4 (General) student must still provide the correct documents to support their application.

92. If a family member applies separately from the Tier 4 (General) student we will require all family members who are overseas to show that they have held the money for 28 days. Family members who are already in the United Kingdom as dependants of the Tier 4 (General) student can continue to take advantage of the longer transition period in line with the Tier 4 (General) student. A family member of a Tier 4 (General) student must still provide the correct documents to support their application.

93. The documents required by appendix E of the immigration rules are specified below.

- i) Personal bank or building society statements covering a 28 day period ending no more than one month before the date of the application. The personal bank or building society statements should clearly

show:

- 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 United Kingdom;
- the account number;
- the date of the statement;
- the financial institution's name and logo; and
- the amount of money available.

The family member can use Ad hoc bank statements printed on the bank's letterhead paper as evidence as long as all of the above information is included (this excludes mini-statements from cash points).

If the family member wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the family member will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

Statements that simply show the balance in the account on a particular day are not sufficient.

- ii) Building society passbook covering a 28 day period ending no more than one month before the date of the application. The building society passbook should clearly show:

- 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 United Kingdom;
- the account number;
- the financial institution's name and logo; and
- the amount of money available.

- iii) Letter from the bank confirming funds

covering a 28 day period ending no more than one month before the date of the application. The letter from a bank or building society should show:

- 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 United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- the amount of money available

Letters that simply state the balance in the account on a particular day or an average balance are not sufficient.

iv) 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 covering a 28 day period ending no more than one month before the date of the application.

The letter from the financial institution regulated by the FSA or home regulator should show:

- 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 United Kingdom;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the account; and
- the amount of money available.

Letters that simply state the balance in the account on a particular day or an average balance are not sufficient.

Official financial sponsorship or government sponsor

94. If the Tier 4 (General) Student has official financial sponsorship (i.e. is being given money to cover their course fees and living costs), this sponsorship may also be intended to cover costs of the family member(s).

Where this is the case, he/she must provide:

i) a letter of confirmation from the Tier 4 (General) Student's official financial sponsor.

95. This may be Her Majesty's Government, his/her home government, the British Council or any international organisation, international company or university.

96. The letter must be on official letter-headed paper or stationery of the organisation of the official financial sponsor and have the official stamp of that organisation on it. It must show:

- the Tier 4 (General) student's name and family member(s) name;
- the name and contact details of the official financial sponsor;
- the date of the letter
- the length of the sponsorship and
- the amount of money they are providing or a statement that they will cover the family member's full maintenance.

97. If the official financial sponsorship only covers part of the family member's living costs, documentation must be provided to show the remaining maintenance, as detailed earlier in this guidance.

NB. If he/she is applying at the same time as the Tier 4 (General) Student, the funds that he/she provides evidence of must be in addition to the funds for the Tier 4 (General) student. The same money cannot be counted twice.

98. For example, if the Tier 4 (General) student provides a letter confirming that he/she is in receipt of official financial sponsorship and the family member provides bank statements to cover his/her own living costs, the money held in the bank account must be in addition to the money that has been provided by the official financial sponsor to cover the Tier 4 (General) Student.

CHILDREN OF PBS MIGRANTS

99. In order to apply for leave to remain as the child of a PBS migrant, the child must be under the age of 18 on the date of application. Where the child is aged 18 or over he/she must have, or have last been granted, leave as the family member of a PBS migrant or someone applying at the same time for leave as a PBS migrant.

100. Applicants will not be considered to be a child family member of a PBS migrant where it is considered that they:

- are married or in a civil partnership;
- have formed an independent family unit; or
- are living an independent life.

101. Children aged 18 or over who have not previously been granted leave as the family member of the PBS migrant cannot be granted leave as the family member of a PBS migrant.

Not have formed an independent family unit

102. Examples of when we might consider that there is an independent family unit include when the applicant:

- is living with his/her partner; or
- has children of his/her own.

Not be living an independent life

103. Examples of when we might consider an applicant to be living an independent life include:

- where he/she is living away from the family home (except where he/she is at boarding school);
- where he/she is in full time employment;
- where he/she appears to be financially independent; that is where the applicant's income exceeds their expenditure).

Documents required

104. An applicant over the age of 16 should submit the following documentation in support of his/her application:

Two items from the list below confirming the applicant's residential address:

- bank statements; and/or
- credit card bills; and/or
- driving licence; and/or
- NHS Registration document; and/or
- letter from the applicant's current school, college or university confirming the applicant's address. This must be on official headed paper and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

105. The documents submitted should be from two separate sources and dated no more than a month prior to the date of application.

106. If the applicant pays rent or board towards his/her keep, he/she should also provide details of how much this amounts to each calendar month.

107. Where the applicant is residing separately from those on which he/she is claiming to be family member the following information or documentation should be submitted:

- reasons for residing away from the family home. Where this is due to academic endeavours the applicant should submit:
- confirmation from his/her university/college confirming his/her enrolment and attendance of the specific course. This should be on official headed paper and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
- The applicant should also include evidence that he/she has been supported financially by his/her parents whilst residing away from the family home. The following documentation should be included with the application:
 - bank statements for the family member covering the three months prior to the application clearly showing the origin of the deposits; and
 - bank statements for his/her parent covering the three months prior to the application also showing corroborating payments out of his/her account.

ANNEX A - APPLICANTS CURRENTLY ON AN NHS FOUNDATION PROGRAMME OR WORKING AS A DOCTOR IN TRAINING.

1. Where a family member was last granted leave which was not subject to a condition restricting their employment and they are currently on an NHS foundation programme or working as a 'Doctor in Training' they can apply to be exempted from the condition prohibiting this type of employment.

2. In order to qualify for this exemption an applicant should provide the following evidence:

a) To prove that they are on the Foundation Programme- a letter from their Postgraduate Dean that satisfies the requirements of the Immigration Directorate Instruction (IDI) on Postgraduate Doctors and Dentists (see in particular page 17 of that IDI) confirming:

- That the applicant has a place on a Foundation Programme; and
- The Foundation Programme is recognised by the medical community; and
- The place on the Foundation Programme is full time.

OR;

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

3. Where an applicant does not include all of the requested information, any grant of leave will be subject to the 'Doctor in Training' restriction.