



Home Office

**UK Border
Agency**

PBS

(DEPENDANT)

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Points Based System (Dependant) - Policy Guidance

This guidance is to be used for all PBS (Dependant) applications made on or after 6 April 2012

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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 Tier 2 and Tier 5 Points Based System migrant applying in the United Kingdom can make their PBS (Dependants) application online or using the equivalent paper application form. Family members of a Tier 1 and Tier 4 Points Based System migrant applying in the United Kingdom must make their PBS (Dependants) using the paper application form.
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 ordinarily contact him/her to ask for them. Therefore, if the family member fails to send the correct documents we may refuse the application. However, there may be occasions where we will contact them to ask for them only when they have submitted:
 - A sequence of documents, and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);
 - A document that is in the wrong format;
 - A document that is a copy and not an original document.

In these circumstances we would contact the family member or their representative in writing to request this. If we request evidence, then it must be received by the UK Border Agency processing centres within 7 working days of the date of the request. If the correct documents are not submitted within the specified timescale then we may refuse the application. We will not ask for further information where none of the information has been submitted (for example an English language certificate is missing); or where we do not anticipate that a correction of minor errors or omissions will lead to an approval because the application will fail for other reasons.

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.

9. 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.

10. 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

Verification and other checks

11. 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.

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

13. 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.

14. 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

15. 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.

16. 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 score those points.

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

Reasonable doubt

18. 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

19. 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 an 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

20. 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

21. 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.

22. 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

23. 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

24. 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 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

25. 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.

Date of application

26. 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;
- where the application form is submitted online, the date when you submit your application form and pay your application fee online.

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

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

Periods of grant

28. We will grant leave in line with the expiry date of the Points Based System migrant's (or main applicant's) leave.

'Switching' or moving into the route for Family Members Tier 1, 2 and 5 migrants

29. 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; or
- a child born in the UK to a PBS migrant and their dependant partner

Switching into the route for Family Members of Tier 4 (General) Migrants

30. Whether a family member of a Tier 4 (General) applicant is allowed to switch into the PBS Dependant category, depends on the type of permission to stay that the family member has and type of course the Tier 4 (General) student is/will be studying.

31. For family members of a Tier 4 (General) student, switching is permitted when the family member has previously held leave as:

- the dependant of the lead applicant in another immigration category and the lead applicant has since been granted leave as a Tier 4 (General) migrant or is applying for leave at the same time as the lead applicant; or
- a child born in the UK to a PBS migrant and their dependant partner. A child born in the UK to a PBS Migrant and their dependant partner must either:
 - 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 six months duration; or

- where 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 six 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; or
- must have been born no more than three months after the expiry of that most recent grant of leave and must be applying for entry clearance.

The main applicant must also:

- be a Government sponsored student who has or is applying for leave for a course of study that is longer than 6 months; or
- be studying a course of study that is 12 months or more at a recognised body or a UK HEI and which is at post-graduate level; or
- have or have last had leave as a Tier 4 (General) migrant or as a Student for a course of study that more than 6 months long, and:
 - have had this leave within the 3 months immediately preceding 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.

32. 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.

Additional evidential requirement for dependant children of PBS migrants who are born in the UK.

33. If the family member is a child born in the UK to a PBS migrant and their dependant partner, the applicant will need to submit a full UK Birth Certificate showing the names of both of the child's parents.

Conditions of Stay

34. Family members of Points Based System migrants will have the following conditions attached to any leave:

- No recourse to public funds,
- Registration with the police, if this is required by paragraph 326 of the Immigration Rules,
- No Employment as a Doctor or Dentist in Training, unless the applicant:

- 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
- 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.

35. 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.

36. 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.

37. In order to be granted entry clearance as a spouse, civil partner, unmarried or same sex 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.

Care Arrangements for Children

38. All arrangements for children's care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations. More information can be found on the Department of Health website:

- Accommodation of students under eighteen by further education colleges: national minimum standards and inspection regulations: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629
- Boarding schools: national minimum standards, inspection regulations: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331
- Residential special schools: national minimum standards, inspection regulations: http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH_4006472

Doctor or Dentist in training condition

39. Family members who have been working as a 'Doctor or Dentist in Training' during their most recent period of leave 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 or Dentist in Training' restriction.

MAINTENANCE REQUIREMENT

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

41. 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.

42. Please note that from 14 June 2012, the amount of maintenance required by family members of Tier 1, Tier 2 and Tier 5 migrants will be increased. More details, including the new amount of maintenance that will be required can be found on our website: www.homeoffice.gov.uk/publications/agencies-public-bodies/changes-study-visa-soi?view=Binary

Family member of a Tier 1 migrant (Excluding Tier 1 Investor dependants and Tier 1 Exceptional Talent dependants)

43. 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. Please note dependants of Tier 1 Investors do not need to satisfy the maintenance requirement.

44. 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.

45. 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 x 3 = £4800 + £800).

46. 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 x 3 = £1599 + £800) in available funds.

47. 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

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

49. 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 for a month. The undertaking may be limited provided the limit is at least £533 per family member.

50. 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 x 3 = £1599 + £800).

51. When a family member of a Tier 2 Migrant applies at the same time as the main applicant they are 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. When a family member of a Tier 2 Migrant applies separately from the main applicant he/she will always need to have the necessary funds to meet the maintenance requirement or have a written undertaking from an A-rated Sponsor.

52. 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.

53. 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

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

- 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.

55. 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.

56. To meet basic living expenses, not including fees, a student:

- Studying in inner London for the majority of his/her study must have £1000 per month;
- Studying in outer London or anywhere else in the United Kingdom for the majority of his/her study must have £800 per month.

57. 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 £1000 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 £800 per month requirement.

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

59. 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, the student will need to get this address from the Tier 4 sponsor.

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

61. 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

62. A family member of a Tier 4 (General) 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.

63. 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.

64. A Tier 4 (General) student (including Post-graduate Doctors and Sabbatical Officers) has an established presence studying in the UK if he/she has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, as a student, or as a Post-graduate Doctor or Dentist when applying for further leave and on the date of application he/she:

- has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or
- is applying for a continued study on a single course where the applicant has completed at least six months of that course

A Tier 4 (General) student can qualify for the reduced maintenance levels whether he/she is applying from inside the UK or from overseas.

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

66. 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.

67. 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.

68. 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

69. The family member of a Tier 4 (General) Student who is studying in inner London must have £600 per month up to a maximum of 9 months, to support himself/herself.

70. 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 £600 for his/her spouse and a further £600 for each child, in addition to £1000 required for his/her own support. In total the family will require evidence that they hold £2800 in available funds ($£600 \times 3 = £1800 + £1000$) per month up to a maximum of 9 months.

71. 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 £600 per month up to a maximum of 9 months, in available funds.

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

72. The family member of a Tier 4 (General) Student who is studying in outer London or anywhere else in the United Kingdom must have £450 per month up to a maximum of 9 months, to support himself/herself.

73. 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 £450 for his/her spouse and a further £450 for each child, in addition to £800 required for his/her own support. In total the family will require evidence that they hold £2150 in available funds ($£450 \times 3 = £1350 + £800$) per month up to a maximum of 9 months.

74. 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 £450 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

75. The family member of a Tier 4 (General) Student who is studying in inner London must have 2 months maintenance of £600 per month, to support himself/herself.

76. 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 £600 for his/her spouse and a further £600 for each child, in addition to £1000 required for his/her own support. In total the family will require evidence that they hold 2 months maintenance of £2800 per month in available funds ($£600 \times 3 = £1800 + £1000$).

77. 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 £600 per month, in available funds.

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

78. 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 £450 per month, to support himself/herself.

79. 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 £450 for his/her spouse and a further £450 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 £2150 per month in available funds ($£450 \times 3 = £1350 + £800$).

80. 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 £450 per month, in available funds.

Family member of a Tier 4 (Child) Student Migrant

81. 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

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

83. 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 ($£533 \times 3 = £1599 + £800$).

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

85. 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

86. 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.

87. 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.

88. 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).

89. All evidence must be dated no more than 31 days before the application is submitted.

90. 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

91. The documents required by Appendix E of the Immigration Rules are specified below:

i) Personal bank or building society statements covering the 90 day 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 90 day 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 90 day period).

Only the most recent statement must be dated within 31 days 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 90 day 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 90 days period).

iii) Letter from bank confirming funds and that they have been in the bank for at least 90 days. 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 90 days and the balance has not fallen below £533 or £1600, as in the examples above, at any time during the 90 day period.

Letters that simply state the balance in the account on a particular day or an average balance over the 90 day 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 90 days and the balance has not fallen below £533 or £1600, as in the examples above, at any time during the 90 day period.

Letters that simply state the balance in the account on a particular day or an average balance over the 90 day period are not sufficient.

EVIDENCE OF CERTIFYING MAINTENANCE FOR FAMILY MEMBERS OF TIER 2 MIGRANTS

92. The If family members are making their application at the same time as the Tier 2 Migrant, then A-rated sponsors are able to certify the maintenance of the family member either by confirming this on the Tier 2 Migrant's Certificate of Sponsorship or by providing a letter.

83A. If family members are making their application at the same time as the Tier 2 Migrant and the A-rated sponsor is certifying maintenance on the Certificate of Sponsorship, then the family member does not need to send us any documents for maintenance. We will take this information from the Certificate of Sponsorship.

83B. If the A-rated sponsor is certifying maintenance on a letter, then 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

93. 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.

94. 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.

95. 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 can be found on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

96. 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.

97. 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

98. 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.

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

100. 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.

101. 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.

102. 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 POINTS BASED SYSTEM MIGRANTS

103. 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.

104. 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.

105. 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

106. 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

107. 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

108. 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.

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

110. 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.

111. 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 WHO HAVE BEEN ON A NHS FOUNDATION PROGRAMME OR WORKING AS A DOCTOR OR DENTIST IN TRAINING DURING THEIR MOST RECENT PERIOD OF LEAVE.

1. Where a family member was last granted leave which was not subject to a condition restricting their employment and they have been on an NHS foundation programme or working as a 'Doctor or Dentist in Training' during their most recent period of leave 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 have been working as a Doctor or Dentist in Training, the applicant must provide a letter from the NHS Trust employing them, confirming that they have been working in a post/programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post.

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

OR;

- c) 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 of the Points Based System.