



# POINTS-BASED SYSTEM POLICY GUIDANCE

## TABLES OF CHANGES, DECEMBER 2010

Changes made in version 12/10 of each guidance document

**SECURING OUR BORDER CONTROLLING MIGRATION**

## TIER 1 (GENERAL)

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
several		Errors	Updates to links and small corrections
4	46	Overview table	Now mirrors Immigration Rules
10	New paragraph 48	Help on when to apply for further leave, to prevent shortfall at ILR	We encourage applications to be made at least a month before the applicant's extant (still existing) leave expires. Applicants should note however that if the application is made significantly earlier than one month before the expiry of their leave, there is a risk of a shortfall in the required period of leave should they subsequently make an application for settlement. This is because any further leave to remain (for example Indefinite Leave to Remain or Settlement) is granted from the date that we make the decision, not the date the applicant's extant leave expires
10	49	Further explanation of the application of the restriction on working as a Doctor or Dentist in training when switching from Tier 2 to Tier 1.	NB Doctors or Dentists in Training who are currently in the UK under Tier 2 of the Points Based System, or as work permit holders, will not currently have this condition prohibiting employment as a Doctor or Dentist in training applied to them. Please note that any grant of leave under Tier 1 will include the restriction on working as a doctor or dentist in training unless applicants can meet the conditions explained in Annex D. Therefore migrants currently in the UK under Tier 2 of Points Based System or as work permit holders, and who are seeking further leave for the purposes of continuing to work as a doctor or dentist in training, are advised to consider Annex D carefully to decide whether Tier 1 is the appropriate route to enable them to continue in this employment
11	51		Re-worded to mirror Immigration Rules
15	85 and 195	We will always assess the qualifications an applicant uses by referring to the points based calculator on our website.	Removal of the work 'always'.

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
21	130-132	More clarification on when the uplift ratio is applied.	No uplift ratio is applied to the earnings made if the applicant has been in the UK while doing the work for an overseas company, and no applicants will be entitled to claim uplift ratios on overseas earnings for extension applications.
22	139	Addition of how we will check that an accountant is a member of a registered body.	Where an applicant is providing evidence from an accountant or accountancy firm the accountant must be either a fully qualified chartered accountant or a certified accountant who is a member of a registered body. If the earnings were for work done while the applicant was in the UK, such evidence must come from an accountant or accountancy firm in the UK who is a member of a recognised supervisory body. These are: The Institute of Chartered Accountants in England and Wales (ICAEW); the Institute of Chartered Accountants in Scotland (ICAS); the Institute of Chartered Accountants in Ireland (ICAI); the Association of Chartered Certified Accountants (ACCA); <a href="#">the Chartered Institute of Public Finance and Accountancy</a> (CIPFA); or the Chartered Institute of Management Accountants (CIMA). If the earnings were made while the applicant was not in the UK, the evidence must come from one of the above accountants or from an accountant or accountancy firm on the list of full members given on the website of the International Federation of Accountants, on <a href="http://web.ifac.org/about/member-bodies">http://web.ifac.org/about/member-bodies</a>
23	140	Addition of information that the person must have been registered as self-employed when they earned money, and that the evidence must be provided.	In addition to the documents required to demonstrate earnings, applicants claiming points for self employed earnings made in the UK must provide documents to show that they are registered as self employed and were registered as self-employed for the period when this money was earned.
25	142 and 143	Revision of the requirements for evidence of self-employment to the same as for Entrepreneur applicants	This is now: quarterly bill for Class 2 NI or direct debit shown in the bank statement; small earnings exemption certificate or welcome letter for workers newly registered as self-employed.

## TIER 1 (ENTREPRENEUR)

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
various		Links and errors	Updates and corrections
	New paragraph 49	Advice on when to make an application for further leave.	We encourage applications to be made at least a month before the applicant's extant (still existing) leave expires. Applicants should note however that if the application is made significantly earlier than one month before the expiry of their leave, there is a risk of a shortfall in the required period of leave should they subsequently make an application for settlement. This is because any further leave to remain (for example Indefinite Leave to Remain or Settlement) is granted from the date that we make the decision, not the date the applicant's extant leave expires.

## TIER 1 (INVESTOR)

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
various		Links and errors	Updates and corrections
11	New paragraph 48	Advice on when to make an application for further leave.	We encourage applications to be made at least a month before the applicant's extant (still existing) leave expires. Applicants should note however that if the application is made significantly earlier than one month before the expiry of their leave, there is a risk of a shortfall in the required period of leave should they subsequently make an application for settlement. This is because any further leave to remain (for example Indefinite Leave to Remain or Settlement) is granted from the date that we make the decision, not the date the applicant's extant leave expires.
11	49	Addition to the instruction on working as a Doctor or Dentist in training.	NB Doctors or Dentists in Training who are currently in the UK under Tier 2 of the Points Based System, or as work permit holders, will not currently have this condition prohibiting employment as a Doctor or Dentist in training applied to them. Please note that any grant of leave under Tier 1 will include the restriction on working as a doctor or dentist in training unless applicants can meet the conditions explained in Annex D. Therefore migrants currently in the UK under Tier 2 of Points Based System or as work permit holders, and who are seeking further leave for the purposes of continuing to work as a doctor or dentist in training, are advised to consider Annex D carefully to decide whether Tier 1 is the appropriate route to enable them to continue in this employment

## TIER 1 (POST-STUDY WORK)

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
11	Switching Table	Switching into the Tier 1 (Post-Study Work) category will only be permitted where the applicant has or has last been granted leave as a: student; student nurse; student re-sitting examinations; student writing up a thesis; Tier 4 Migrant;	Switching into the Tier 1 (Post-Study Work) category will only be permitted where the applicant has or has last been granted leave as a: student; student nurse; student re-sitting examinations; student writing up a thesis; Tier 4 Migrant; Postgraduate Doctor or Dentist.
17			Web link updated
18	73 and throughout document	In order to score 20 points for this attribute, the specified items of evidence the applicant must provide are: original passport(s), travel document(s) or ICFN (Identity Card for Foreign Nationals) containing the relevant grant(s) of leave in the United Kingdom for the period during which the applicant studied and/or conducted research for his/her eligible qualification in the United Kingdom; and	In order to score 20 points for this attribute, the specified items of evidence the applicant must provide are: original passport(s), travel document(s) or <b>BRP (Biometric Residence Permit)</b> containing the relevant grant(s) of leave in the United Kingdom for the period during which the applicant studied and/or conducted research for his/her eligible qualification in the United Kingdom; and

## TIER 5 (TEMPORARY WORKER)

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
4	N/A	Insert new paragraph 7 and renumber accordingly thereafter	We will return your passport(s) and other documents by recorded delivery. If you would like them to be returned by Special Delivery, you must provide a prepaid Special Delivery envelope which is large enough. If your application is successful, your Biometric Residence Permit will be sent to you separately by secure delivery.
13	81 (hyperlink)	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf</a>	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance</a> .
13	84 (hyperlink)	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf</a> .	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance</a> .
14	86 (period of grant table – first row)	For a maximum period of 12 months, or the time given in the certificate of sponsorship plus 28 days, whichever is shorter.	For a maximum period of 12 months, or the time given in the certificate of sponsorship plus 28 days, whichever is shorter <b>(beginning no more than 14 days before the start date given on the Certificate of Sponsorship)</b> .
14	86 (period of grant table – second row)	For a maximum period of 24 months, or the time given in the certificate of sponsorship plus 28 days, whichever is shorter.	For a maximum period of 24 months, or the time given in the certificate of sponsorship plus 28 days, whichever is shorter <b>(beginning no more than 14 days before the start date given on the Certificate of Sponsorship)</b> .
	86 (switching table – last paragraph)	None	Delete the following text: The exception is for applicants who have, or were last granted, leave in the Tier 5 (Temporary Worker) Creative and Sporting sub-category as a footballer, who may switch into Tier 2 (Sportsperson).

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
17	99 (second bullet point)	will make a significant contribution to the development of his/her sport at the highest level in the United Kingdom; and	<b>his/her employment</b> will make a significant contribution to the development of his/her sport at the highest level in the United Kingdom; and
17	101 (hyperlink)	<a href="http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/sportspeople/">http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/sportspeople/</a> .	<a href="http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/sportsgoverningbodies/">http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/sportsgoverningbodies/</a> .
19	118 (second bullet point – hyperlink)	<a href="http://www.opsi.gov.uk/acts/acts1998/ukpga_19980039_en_1">http://www.opsi.gov.uk/acts/acts1998/ukpga_19980039_en_1</a>	<a href="http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&amp;title=National+Minimum+wage+Act&amp;Year=1998&amp;searchEnacted=0&amp;extentMatchOnly=0&amp;confersPower=0&amp;blanketAmendment=0&amp;sortAlpha=0&amp;TYPE=QS&amp;PageNumber=1&amp;NavFrom=0&amp;parentActiveTextDocId=1571667&amp;ActiveTextDocId=1571728&amp;filesize=12566">http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&amp;title=National+Minimum+wage+Act&amp;Year=1998&amp;searchEnacted=0&amp;extentMatchOnly=0&amp;confersPower=0&amp;blanketAmendment=0&amp;sortAlpha=0&amp;TYPE=QS&amp;PageNumber=1&amp;NavFrom=0&amp;parentActiveTextDocId=1571667&amp;ActiveTextDocId=1571728&amp;filesize=12566</a>
19	120 (hyperlink)	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf</a> .	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/">http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/</a>
21	132	None	Delete the following text: The exception is non visa nationals entering the United Kingdom under the Creative and Sporting sub-category for a period of less than three months, who have not obtained entry clearance. An applicant, in this situation, will not be able to extend his/her leave.
22	134 (first bullet point)	Immediately	ending no earlier than one calendar month
25	158 (hyperlink)	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/migrantchangeofcircumstances.pdf">http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/migrantchangeofcircumstances.pdf</a> .	<a href="http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/migrantchangeofcircumstances.pdf">http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/migrantchangeofcircumstances.pdf</a>

## POINTS-BASED SYSTEM DEPENDANTS

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
6	Header	For family members of Tier 2 migrants and Tier 4 (General)	Delete text.
6	Header	Applying for a Biometric Immigration Document (BRP)	Applying for a Biometric Immigration Document (Biometric Residence Permit - BRP)
6	24	Replace whole paragraph	Where the main applicant holds a Biometric Immigration Document (Biometric Residence Permit - BRP), any family member making an in-country family member application must ensure they also apply for a Biometric Immigration Document (Biometric Residence Permit - BRP).
6	25	Replace whole paragraph	The applicant sends his/her application for leave to us, with payment, a Certificate of Sponsorship (CoS) or Confirmation of Acceptance for Studies (CAS) if required depending on the PBS category and other supporting documents.
6	27	Replace whole paragraph	The family member will submit their application, with payment, CoS or CAS number if required depending on the PBS category and other supporting documents at the PEO appointment.
9	40	Replace whole paragraph and title	Family member of a Tier 1 Migrant (Excluding Tier 1 Investor dependants) 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.

Previous page number	Previous paragraph number	Previous wording to be replaced	New/additional wording/action
10	46	Replace second bullet point	<p>This requirement can be met by:</p> <ul style="list-style-type: none"> <li>• Having savings of £533 which must have been held for at least three months prior to the date of application; or</li> <li>• 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.</li> </ul>
10	48	Replace whole paragraph	<p>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.</p>