



Home Office

**UK Border
Agency**

**Tier 1 (Dependant)
of the Points Based System –
Policy Guidance**

**TIER 1
(DEPENDANT)**

VERSION 06/08

POINTS-BASED SYSTEM – DEPENDANT POLICY GUIDANCE

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INTRODUCTION

1. This document provides policy guidance for family members of a Tier 1 migrant. It reflects policy at the current date and we may change it. It should be read together with paragraphs 319A to 319K of the Immigration Rules.
2. A family member of a Tier 1 migrant in the United Kingdom who wishes to remain in the United Kingdom as a family Member of a Tier 1 migrant should apply using application form T1 (Dependants).
3. This application form and more general information are on our website at <http://www.ukba.homeoffice.gov.uk>

Documentary evidence to support applications

Supporting evidence

4. The family member must ensure that he/she provides all of the necessary supporting documents at the time of applying. If the immigration rules say that specific documents must be provided, we will only accept the documents set out in this guidance.
5. If the family member does not provide the specified documents, we will not contact him/her to ask for the documents we need. If he/she fails to submit the specified documents, we may refuse the application.
6. All documentary evidence that the family member provides should be original (not a copy, unless we say otherwise in this guidance).
7. The family member must carefully choose the right documents to submit as evidence. If he/she sends us a lot of irrelevant documents, or ones of poor quality, it may take us longer to consider the application. We only require evidence that is directly appropriate to the application, as set out in this guidance. We will not consider unrelated evidence.

Verification and other checks

8. The Agency aims to consider applications quickly. However, the Agency must also be confident that applications meet the Immigration Rules, and that the statements and information provided are a true reflection of the family member's background.

9. The Agency will ask for a variety of verifiable documents to enable the consideration of the application.

10. The Agency may seek to check supporting documents submitted with the application. Therefore, the family member must ensure that all evidence provided is from a clear source and can be independently confirmed as being genuine.

11. There are two situations in which the Agency will undertake a check:

- Verification checks – where the Assessing Officer has reasonable doubts that the documents are genuine;
- Other checks – where the Assessing Officer carries out further checks, for example:
 - Allegations – where an allegation has been received that a family member has made a false application;
 - Additional checks – where the Assessing Officer has doubts about an application or the documents submitted with the application but these are not sufficient to undertake verification checks.

Verification Checks

12. Where the Agency has reasonable doubts that a document is genuine they may seek to verify the document with an independent third party or government agency.

13. The purpose of such checks is to ensure that the document provided is genuine and accurately reflects the statements made in the application.

14. Verification may lead to a delay in family members receiving a decision on their application and therefore the process will only be used when there are clear reasons to do so.

Reasonable Doubt

15. What is considered to be a reasonable cause to doubt that a document is genuine will depend on an individual application. All judgments will be made on fact.

Outcome of a Verification Check

16. The information below details the three possible outcomes of a verification check.

- Document confirmed as genuine: If the Agency is able to conclude that the document is genuine, then the application will be considered as normal.
- Document confirmed as being false: If the Agency is able to conclude that the document is false, then the application will be refused, regardless of whether or not the document is material to the application.

Where a document is confirmed to be false the Agency will normally refuse the application on more than one basis. For example, a family member submits a bank statement to show that he has adequate funds, if the Agency has evidence that the statement is false, the application will be refused on the basis that the family member does not satisfy the funds requirement and on the basis he has submitted a false document.

- Verification check inconclusive: If the Agency is unable to verify that the document is either genuine or false then the document will be disregarded as evidence.

If further documents have been submitted as evidence for the relevant section, these will be considered as normal. If no further documents have been submitted, then the Assessing Officer will consider the application as containing no evidence for this area.

Refusal of Applications Without Undertaking Further Checks

17. An application may be refused without undertaking verification checks in the following circumstances:

- The application would still fall for refusal whether or not the evidence is verified as genuine

If a piece of submitted evidence raises a cause for concern but the application will fall for refusal on other grounds, it is these other grounds that will form the basis of refusal. Verification checks will not be undertaken in these circumstances. Passports however, will always be verified, where there is doubt as to their authenticity.

- There is evidence that proves a particular document is false

Where a document is confirmed to be false the Agency will normally refuse the application on more than one basis. For example, a family member submits a bank statement to show that he has adequate funds, if the Agency has evidence that the statement is false, the application will be refused on the basis that the family member does not satisfy the funds requirement and on the basis he has submitted a false document.

Other Checks

18. An Assessing Officer will also undertake further checks in some cases, for example:

- Allegations – where an allegation has been received that the family member has made a false application;
- Additional checks – where the Assessing Officer has doubts about an application or the documents submitted with the application but these are not sufficient to undertake a verification check.

19. Checks may lead to a delay in family members receiving a decision on their application and therefore the process will only be used when there are clear reasons to do so.

Allegations

20. Where the Agency has received an allegation about a particular individual, company or document, in relation to an application, the Assessing Officer may undertake further checks to confirm that the application and all information provided is correct.

Additional Checks

21. Sometimes the Agency will have suspicions about a document, but those suspicions will not be sufficient to doubt the genuineness of a document. For example, where previous verification checks have found some supporting evidence to be invalid and some to be genuine, or where evidence provided contradicts information already held by the Agency. In these cases, the Agency may carry out further checks.

Outcome of Checks

22. The information below details the four possible outcomes of these checks.

- **Document confirmed as genuine:** If the Agency is able to conclude that the document is genuine, then the application will be considered as normal.
- **Document confirmed as being false:** Where a document is confirmed to be false the Agency will normally refuse the application on more than one basis. For example, a family member submits a bank statement to show that he/she has adequate funds, if the Agency has evidence that the statement is false, the application will be refused on the basis that the family member does not satisfy the funds requirement and on the basis he has submitted a false document.
- **Check inconclusive:** If the Agency is unable to verify that the document is either genuine or false then the application will be processed as if it is genuine.
- **Check casts further reasonable doubt on the genuineness of the document:** If the Agency is unable to verify that the document is either genuine or false but as a result of the checks, further reasons come to light which would make the Assessing Officer have a reasonable doubt about the genuineness of a particular document, the Assessing Officer may rely on the verification rule.

Procedure for Verification and Other Checks

23. The procedures for verification and other checks will primarily follow a similar format and will vary from case to case, but may involve:

- checking details or veracity of documents with employers, the relevant High Commission, other government departments (in the UK and overseas);
- checking accuracy and authenticity of documents with banks, universities and professional bodies.

OVERVIEW OF TERMS AND CONDITIONS FOR APPLICATIONS BY FAMILY MEMBERS OF TIER 1 MIGRANTS

26. A family member of a Tier 1 migrant should read the Immigration Rules that apply at the time he/she applies.

27. The following table sets out some of the key features of the category for family members of Tier 1 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 Tier 1 (General) Migrant's (the main applicant's) leave.
Settlement	Partners of Tier 1 Migrants are required to live with their partners in the UK for a minimum period of 2 years before applying for settlement. Please see paragraph 319E of the Immigration Rules. A child of a Tier 1 Migrant is eligible to apply for indefinite leave to remain (settlement) at the same time as the Tier 1 Migrant providing that the child also meets the requirements of the immigration rules (paragraph 319J).
Switching into the route for Family Members of Tier 1 Migrants.	Switching is permitted from family members who currently hold leave as the Partner or Child of: <ul style="list-style-type: none"> • a Highly Skilled Migrant; • an Innovator; • a Participant in the Fresh Talent: Working in Scotland Scheme; • a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme); • a Postgraduate Doctor or Dentist, • a Student; • a Student Nurse; • Student Re-Sitting an Examination; • a Student Writing Up a Thesis, or • a Work Permit Holder.
Conditions of leave as a Family Member of a Tier 1 Migrant.	Family Members of Tier 1 Migrants will have the following conditions attached to any leave: <ul style="list-style-type: none"> • No recourse to public funds • Registration with the police (for specified nationals) • No work as a doctor in training unless the family member is in the UK and has, or has last been granted, entry clearance, leave to enter or remain as the spouse, civil partner, unmarried, or same-sex partner of a migrant granted leave under Parts 3, 5 or 6 of the Immigration Rules, <p>OR</p> <ul style="list-style-type: none"> • has, or has last been granted, leave to remain as the Partner of a Tier 1 (General) Migrant and that grant was not subject to a condition prohibiting Employment as a Doctor in Training.

MAINTENANCE REQUIREMENT

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

29. One of the requirements for family members of Tier 1 migrants is that they 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 they cannot, they could face financial hardship because they will not have access to most state benefits.

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

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

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

32. If the same main applicant 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.

33. If a dependant applies separately from the main applicant, 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.

Documents we require

34. 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.

For applications submitted outside of the UK, all evidence must be dated no more than 7 days before your application is submitted.

For applications submitted in the UK, all evidence must be dated no more than one month before your application is submitted.

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

1. 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 always be at least £533 or £1600 as above); and
- the receipt of funds along with regular withdrawals from the account, where appropriate.

If the family member wishes to submit electronic bank statements from an online account these must contain all of the details listed above. The applicant will also need to provide a supporting letter from the bank, on company headed paper, confirming that the statements are authentic.

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

2. 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 always be at least £533 or £1600 as above); and
- the regular receipt of funds along with regular withdrawals from the account, where appropriate.

3. 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 always been at least £533 or £1600 as in the examples above.

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.

4. Letter from a financial institution regulated by the Financial Services Authority (FSA) 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 always been at least £533 or £1600 as in the examples above.

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.

CHILDREN OF TIER 1 MIGRANTS AGED 18 OR OVER

35. Children of Tier 1 migrants who are aged 18 or over may apply for leave to remain in the United Kingdom with their parents if the child's previous grant of leave was as the child of a Tier 1 (General) migrant (paragraph 319H of the Immigration Rules).

36. Other requirements for children of Tier 1 migrants who are aged 18 or over and applying for leave to remain is that they must:

- not be married or in a civil partnership;
- not have formed an independent family unit; and
- not be living an independent life in the United Kingdom (paragraph 319H of the Immigration Rules gives more details).

37. Examples of when we will consider that there is an independent family unit include when the child:

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

38. We may consider that children are living an independent life if they are living apart from their parents, or are working in the United Kingdom and earning enough to support themselves.