



Home Office

**UK Border  
Agency**

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**TIER 1  
(INVESTOR)**

# Tier 1 (Investor) of the Points Based System - Policy Guidance

This guidance  
is to be used  
for applications  
made on or after  
1 October 2009

## CONTENTS

<b>Introduction</b> .....	<b>4</b>
<b>General Guidance for Applicants to the Points Based System</b> .....	<b>4</b>
Self-assessment .....	4
Documents we require.....	5
Verification and other checks.....	5
Additional evidence for sponsored students.....	8
Administrative review (entry clearance applications only) .....	9
Appeal Rights (in-country applications) .....	9
Date of application .....	9
<b>Tier 1 (Investor) Overview of Terms and Conditions</b> .....	<b>9</b>
<b>Tier 1 (Investor) - Points Scoring</b> .....	<b>12</b>
Points scoring requirements .....	12
Applications for initial entry.....	12
Applications to extend permission to stay.....	12
All applications.....	13
<b>Attributes</b> .....	<b>14</b>
Applications for initial entry.....	14
<b>Section A:</b> .....	<b>14</b>
Claiming points .....	14
Documents we require.....	14
Evidence of funds .....	15
Evidence of source of funds .....	17
Evidence that the money can be transferred .....	22
Evidence required for the grant of points under joint funding .....	23
<b>Section B:</b> .....	<b>25</b>
Claiming points .....	25
Documents we require.....	25

**Extension Applications .....25**

    Claiming points ..... 25

    Documents we require ..... 27

    Evidence of investment ..... 27

    Evidence of the balance of funds – to a maximum value of £250,000 ..... 29

    Evidence of investment made within three months of the specified date. .... 29

    Evidence of investment having been maintained ..... 30

**Tier 1 (Investor) - Indefinite Leave to Remain.....30**

**Annex A - Glossary of Terms and Further Information .....32**

**Annex B - Administrative Review .....38**

**Annex C - Templates .....42**

**Annex D - Applicants currently on an NHS Foundation Programme or  
working as a Doctor in Training .....45**

## INTRODUCTION

1. This document provides policy guidance on Tier 1 (Investor) of the points based system. Please note that it reflects policy at the time of publication and is subject to change. For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the UK Border Agency. It should be read in conjunction with the relevant paragraphs of the Immigration Rules.
2. An applicant making an application from outside the United Kingdom for entry clearance should go to the International Group website (formerly known as UK Visas) at <http://www.ukvisas.gov.uk/en/howtoapply/vafs>, where he/she can find the forms and more information on how to fill them in.
3. An applicant making an application from inside the United Kingdom for an initial grant of leave or an extension of his/her existing leave under Tier 1 (Investor) should go to our website to find the application form at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier1investor>
4. Applicants in all the points based system categories will be subject to General Grounds for Refusal. This means that even if the applicant qualifies under the specific category of the Rules under which he/she is applying to come here, there may be other reasons (such as his/her previous immigration history) that may lead to the application being refused. Further information on General Grounds for Refusal is available on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9/>.
5. Please be advised that you should not make plans to travel outside of the Common Travel Area whilst your application is under consideration. Where you travel prior to a decision being reached on your application, your application will be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.
6. Please be advised that notification of our decision and any documents that you have submitted in support of your application will usually be returned by Royal Mail Recorded Delivery. If you require your documents to be returned by Royal Mail Special Delivery you must provide a pre-paid Special Delivery envelope of a sufficient size to return all your documentation with your application.

## GENERAL GUIDANCE FOR APPLICANTS TO THE POINTS BASED SYSTEM

### Self-assessment

7. We have a points based calculator that enables an applicant to self-assess whether he/she is likely to score enough points for his/her application to succeed.
8. The points based calculator is on our website at: <http://www.ukba.homeoffice.gov.uk/pointscalculator>
9. An applicant can enter details of his/her attributes (main requirements). The points based calculator then calculates the points we may award for the attributes section of the points assessment.
10. The points based calculator will provide a summary of the information an applicant enters, the points awarded for each section and the overall score.

11. Under Tier 1 (Investor), an applicant must score at least 75 points for attributes (Appendix A of the Immigration Rules).

12. The results of the points based calculator show the possible points an applicant might score and do not guarantee the application will be successful. We make a decision after receiving the full application and the evidence to support it.

## Documents we require

13. The applicant 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.

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

15. Any documentary evidence that the applicant provides must be the original (not a copy) unless we say otherwise.

16. 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.

17. We only need evidence that is directly relevant to the application, as set out in this guidance. We will not consider unrelated evidence when calculating the points score.

## Verification and other checks

18. 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 an applicant provides is a true reflection of his/her background.

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

20. We may want to check the supporting documents an applicant 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.

21. 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

22. 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.

23. 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 applicant to claim those points.

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

### **Reasonable doubt**

25. 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**

26. 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 applicant 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 applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.
- **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 applicant has sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If the applicant has not sent any other documents, we will award zero points in that area.

### **Refusing applications without making verification checks**

27. 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 an applicant 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 applicant does not meet the funds requirement and because he/she has sent a false document.

## Other checks

28. 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.

29. 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

30. 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

31. 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 an applicant 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 applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.
- **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

32. 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.

## Standard procedure

33. We will use a standard form to record the results of our enquiries, to ensure that we record any feedback consistently.
34. If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.
35. If we make checks on an applicant who is self-employed we will try to establish the business presence, for example by checking business and/or tax registration.
36. Our compliance team may visit the applicant's employer or educational institution (if the applicant is a student) before we make a decision on the application.

## Additional evidence for sponsored students

37. For the purposes of this section of the guidance, 'sponsored' means 'wholly supported by an award that covers both fees and living costs'.
38. An applicant who has had permission to be in the United Kingdom in one of the following categories, within the last 12 months, may have been sponsored in his/her studies by a Government or an international scholarship agency:
- student (or Tier 4 when introduced); or
  - student nurse; or
  - student re-sitting an examination; or
  - student writing up a thesis.
39. If the applicant is currently sponsored by a Government or an international scholarship agency, or such sponsorship ended within the past 12 months of this application being made, the applicant must provide us with the sponsor's unconditional consent in writing to us, giving the applicant permission to remain in or re-enter the United Kingdom. If the sponsor does not give unconditional consent or gives permission for a limited time, we will refuse the application.
40. The evidence must be original, on the official letter-headed paper or stationery of the organisation and have the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
41. If an applicant has received private sponsorship during his/her studies (for example from an employer or relative), we do not require the sponsor's consent.
42. For more advice on sponsored students, see **chapter 3, section 3** of the Immigration Directorate Instructions, which you can find on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter3/>

## Administrative review (entry clearance applications only)

43. If we refuse an application for entry clearance and the applicant thinks that a mistake has been made, the applicant can ask us to check our decision. This is known as an ‘administrative review’. Full guidance on administrative reviews can be found at **Annex B** below. Please note, applicants who are already in the United Kingdom cannot apply for an administrative review.

## Appeal Rights (in-country applications)

44. If we refuse an application for leave to remain and the applicant thinks that a mistake has been made, the applicant may be able to appeal against our decision. Details on how and if an applicant can appeal against our decision will be included with his/her reasons for refusal letter.

## Date of application

45. The date of application will be taken to be the following:

### For applications made in the UK:

- 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 UK:

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

## TIER 1 (INVESTOR) OVERVIEW OF TERMS AND CONDITIONS

46. The following table explains some of the key features of Tier 1 (Investor). Full details of the requirements are at paragraph 245O to 245U of the Immigration Rules.

<b>Description of category:</b>	The Tier 1 (Investor) category is for high net worth individuals making a substantial financial investment in the United Kingdom.
<b>Length of grant of leave:</b>	
<b>Entry clearance</b>	Three years
<b>Leave to remain where previous grant of leave was not as a Tier 1 (Investor)</b>	Three years
<b>Leave to remain where previous grant of leave was as a Tier 1 (Investor)</b>	Two years

<p><b>Qualifying for indefinite leave to remain</b></p>	<p>Full requirements for a grant of ILR under Tier 1 (Investor) may be found at paragraph 245U of the Immigration Rules. The applicant must have spent the most recent period with permission to stay as a Tier 1 (Investor) migrant.</p> <p>The rest of this period may be made up of permission to stay either as a Tier 1 (Investor) or under the previous Investor category.</p>
<p><b>Switching into the Tier 1 (Investor) route</b></p>	<p>Switching (moving while in the United Kingdom from one immigration category to another) is allowed for applicants currently here with permission to stay as:</p> <ul style="list-style-type: none"> <li>• a highly skilled migrant;</li> <li>• a Tier 1 (General) migrant;</li> <li>• a Tier 1 (Entrepreneur) migrant;</li> <li>• a Tier 1 (Post-Study Work) migrant;</li> <li>• a business person;</li> <li>• an innovator;</li> <li>• a student;</li> <li>• a student nurse;</li> <li>• a student re-sitting an examination;</li> <li>• a student writing up a thesis;</li> <li>• a work permit holder;</li> <li>• a writer, composer or artist;</li> <li>• an investor;</li> <li>• a Tier 2 Migrant; or</li> <li>• a Tier 4 Migrant</li> </ul>

<p><b>Applicants must meet the following conditions:</b></p>	<p>Entry clearance or leave to remain under this route will be subject to the following conditions:</p> <ul style="list-style-type: none"> <li>a) no recourse to public funds (which means the migrant will not be able to claim most benefits paid by the state);</li> <li>b) registration with the police, if this is required by paragraph 326 of the Immigration Rules, and</li> <li>c) no employment as a doctor in training where the applicant is applying for entry clearance; or</li> </ul> <p>no Employment as a Doctor in Training, unless the applicant 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, where the applicant is applying for leave to remain.</p> <p>Migrants who are currently here with permission to stay under the former Investor category (the one that was available before we introduced the Tier 1 (Investor) category) are excluded from taking up employment in the United Kingdom. These migrants must continue to observe the employment restriction imposed on their permission to stay until or unless they make a successful application under the Tier 1 (Investor) category and are given permission to extend their stay by moving into this category.</p>
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47. All applicants wanting to travel to the United Kingdom under Tier 1 (Investor) of the points based system will need prior entry clearance.

48. Applicants who are currently working as a 'Doctor in Training' should submit the documents specified in Annex D of this guidance. Where an applicant does not include all of the requested information, any grant of leave will be subject to the 'Doctor in Training' restriction.

## TIER 1 (INVESTOR) - POINTS SCORING

### Points scoring requirements

49. In order to obtain entry clearance or leave to remain within Tier 1 (Investor) an applicant must score enough points and send supporting evidence where appropriate.

50. Under Tier 1 (Investor), an applicant must score:

- 75 points for attributes (Appendix A of the Immigration Rules).

51. Applicants will not need to meet the separate English language requirement that applies to most other applicants under the points based system. This is because, while they are allowed to work in the United Kingdom if they wish to, they should not need to work.

52. Applicants will not need to meet the separate requirement for maintenance (funds) that applies to most other applicants under the points based system. This is because they will have met the attributes (main requirements) for this category and shown their ability to support themselves in the United Kingdom without needing help from public funds.

### Applications for initial entry

53. Points available for initial entrants under Tier 1 (Investor) are included in the table below. This table applies to all applicants seeking:

- entry clearance in this category; and
- further leave to remain in the United Kingdom in this category when their previous permission to stay was given under a category other than Tier 1 (Investor) or the former Investor category.

Attributes (pass mark = 75 points)	Points
<b>A)</b> The applicant has money of his own, under his control, held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1 million; <b>or</b>	<b>75</b>
<b>B)</b> a) the applicant owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million; <b>and</b>  b) The applicant has money under his control held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1million, which has been loaned to him by a financial institution regulated by the Financial Services Authority (FSA).	<b>75</b>

### Applications to extend permission to stay

54. Points available for applicants seeking to extend their permission to stay in the United Kingdom under Tier 1 (Investor) are in the table below. This table applies to:

- all applicants whose previous permission to stay was given under Tier 1 (Investor) or under the former Investor category.

Attributes (pass mark = 75 points)	Points
<b>A)</b> The applicant has money of his own, under his own control, in the United Kingdom amounting to not less than £1 million; <b>or</b>	<b>30</b>
<b>B)</b> a) the applicant owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million; <b>and</b>  b) the applicant has money under his control and disposable in the United Kingdom amounting to no less than £1 million, which has been loaned to him by a financial institution regulated by the Financial Services Authority (FSA).	<b>30</b>
The applicant has invested not less than £750,000 of his capital in the United Kingdom by way of United Kingdom Government bonds, share capital or loan capital in active and trading United Kingdom registered companies other than those principally engaged in property investment.	<b>30</b>
The investment referred to above was made within three months of the specified date. This being either;  The date of entry to the United Kingdom in the case of an applicant granted clearance as a Tier 1(Investor) migrant where there is evidence to establish the applicant's date of entry to the United Kingdom; <b>or</b>  The date of the applicant's grant of entry clearance, in the case of an applicant granted entry clearance as a Tier 1 (Investor) migrant where there is no evidence to establish the applicant's date of entry to the United Kingdom; <b>or</b>  The date of the applicant's grant of leave to remain as a Tier 1 (Investor), in any other case except where the applicant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.	<b>15</b>

## All applications

55. Where the applicant meets the requirements above by scoring enough points, and meets all other requirements of the Immigration Rules, he/she will be eligible for permission to stay under Tier 1 (Investor).

## ATTRIBUTES

### Applications for initial entry

56. For the application to be approved the applicant must score at least 75 points for their attributes.

You will find explanations of some of the terms we use in **Annex A**.

57. For applications for initial entry, points can be awarded if the applicant can show using the specified evidence that he/she meets the criteria in either Section A or Section B below. Applicants may not mix personal money and borrowed money in order to meet the total £1 million investment required for the award of 75 points.

#### SECTION A:

**The applicant has money of his own, under his own control, held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1 million (75 points)**

#### Claiming points

58. The applicant must show that he/she is able to make an investment of £1 million or more in the United Kingdom. This money may be held overseas at the time of application, or it may already be in the United Kingdom.

59. If the money is not held in pounds sterling the applicant must convert its value into pounds sterling on the application form to show that he/she has the minimum investment required. We will check this rate using the exchange rate shown on the Oanda website ([www.oanda.com](http://www.oanda.com)) on the date on which the application was made.

60. Under this section, applicants may rely on money that they own jointly with their husband, wife, civil partner, unmarried or same-sex partner. They may also rely on money that is owned solely by their husband, wife, civil partner or unmarried or same-sex partner. The applicant must have unrestricted right to transfer and dispose of the money held jointly and solely by their civil partner, unmarried or same-sex partner, and the applicant must have permission from his/her husband, wife, civil partner, or unmarried or same-sex partner to have control of this money in the United Kingdom.

The money must:

- be held in a regulated financial institution;
- be disposable in the United Kingdom; and
- amount to £1 million or more.

#### Documents we require

61. Paragraphs 245AA and 46 of Appendix A of the Immigration Rules states that only specified documents will be accepted as evidence of this requirement. The specified documents are listed below. Applicants must provide one or more of these documents.

## Evidence of funds

1. Portfolio report or breakdown of investments in a letter produced by an authorised financial institution (AFI) (one that is regulated by the Financial Services Authority). If the money has already been invested in the United Kingdom in the last 12 months, the applicant may use a report on his/her portfolio of investments produced by an authorised financial institution as evidence that the money is available.

If the money is held abroad but the applicant has a portfolio of investments produced by an authorised financial institution, he/she may use this as evidence that the money is available.

Alternatively, the applicant may supply a breakdown of his/her investments in a letter from the authorised financial institution. This must be on an original letter, on the official letter-headed paper of the institution. The letter must have been issued by an authorised official of that institution.

Only investments made in the United Kingdom within the 12 months immediately before the date of the application will be eligible for the award of points. In all cases the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) must be the beneficial owner of the funds and not holding the investments on behalf of anyone else.

The portfolio report or letter must cover the three consecutive months before the date of application. The report must be no more than one calendar month old at the time of application. The portfolio report or letter must confirm all the following:

- the amount of the money held in the investments;
- the beneficial owner of the funds. Only investments made in the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) are acceptable;
- the date of the investment period covered;
- that the institution is regulated by the Financial Services Authority, with the details of the registration shown on the documentation; and
- that the money can be transferred into the United Kingdom should the application be successful, if it is held abroad; or
- that the money has already been invested in the United Kingdom in the form of United Kingdom Government bonds, share capital or loan capital in active and trading companies registered in the United Kingdom. In this case the dates of these investments must also be included. Only investments made within the 12 months immediately before the date of application will be eligible for the award of points.

A template is included at the end of this guidance for the convenience of applicants who wish to use it (Document 1).

2. If the applicant manages his/her own investments, or has a portfolio manager who does not operate in the United Kingdom and is not therefore regulated by the Financial Services Authority, he/she must supply documentary evidence of the holdings he/she is using to claim points. This evidence must cover the three consecutive months in the period immediately before the date of application. In such circumstances applicants must provide one or more of the documents from the list below, as relevant to their type of investments.

- i) Certified copies of bond documents showing the value of the bonds, the date of purchase and the owner;
- ii) Share documents showing the value of the shares, the date of purchase and the owner;
- iii) The latest audited annual accounts of the organisation in which the investment has been made. These accounts must clearly show:
  - the amount of money held in the investments;
  - the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner); and
  - the date of investment.

Where no accounts have been produced, we will consider a certificate from an accountant. The certificate must show the amount of money held in the investments.

In all circumstances the accountant must be a member of a recognised supervisory body – in the United Kingdom 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); and the Association of Authorised Public Accountants (AAPA). Accountants not based in the United Kingdom must be members of an equivalent, appropriate supervisory or regulatory body in the country in which they operate.

- iv) Trust fund document: This should be an original document from a legal adviser showing the amount of money in the fund, the date that the money is available and the beneficial owner. It should include the name and contact details of the legal adviser and at least one of the trustees (someone who holds the legal title of the money and deals with it for the benefit of the beneficial owner). Assets or possessions will not be accepted for the award of points.

3. Personal bank statements from a bank that is regulated by the home regulator (official regulatory body for the country in which the institution operates and the funds are located), showing the amount of money available in the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner). The applicant should provide bank statements, covering the three full consecutive months before the date of application. The most recent statement must be no more than one calendar month old at the date of application. All bank statements provided must be original documents and not copies, be on the official bank stationary and each must show the full amount of the available money.

If the applicant wishes to submit electronic bank statements from an online account he/she should also provide a supporting letter from their bank on the institution's official headed paper confirming the content and that the document is genuine. This letter must have been issued by an authorised official of that institution. If the full amount does not appear in all of the bank statements from the three-month period then the applicant must also provide evidence of the source of the money, from the list of additional evidence from the list below.

The bank must be regulated by the home regulator.

4. Letter from a bank that is regulated by the home regulator (official regulatory body for the country in which the institution operates and the funds are located). If the applicant cannot provide bank statements, we will require a letter from his/her bank, stating that the account has held the required amount of money on the day the letter was produced and for the three full consecutive months immediately before the date of the letter. The letter must be dated no more than one calendar month before the date of application. The letter must be an original letter and not a copy; on the institution's official headed paper; and it must have been issued by an authorised official of that institution. The letter must confirm the following:

- the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner), and that the money is available in their name/s;
- the bank is regulated by the home regulator;
- the dates of the period covered. This must include both the day the letter was produced and three full consecutive months immediately before the date of the letter; and
- the balance of the account to cover the amount claimed as a credit balance on the date of the letter and the three full consecutive months before the date of the letter.

If the letter does not confirm a minimum sufficient credit balance for the full period required, the applicant must also provide further evidence of the source of the money, from the list below.

The bank must be regulated by the home regulator.

## **Evidence of source of funds**

62. Whether the money is held in the UK or overseas at the time of application, if the money has not been held in the bank account or portfolio (see evidence of funds 1-4, above) for three months or more the applicant must always provide evidence of the source of the money. The applicant must supply every item of evidence that is necessary to establish the source of his/her money. We will contact the source of these documents to confirm the information as necessary.

We will consider the following sources of funds, if the evidence specified below is provided:

- gift;
- deeds of sale;
- evidence from a business;
- will;
- divorce settlement; or
- award or winnings.

1. Original documents in the form of a) an irrevocable memorandum of gift and b) letter from a legal adviser.

a) Money given to the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) within the three months immediately before the application must be shown in an irrevocable memorandum of gift (an official document that confirms the gift). Irrevocable means that the person who gave the gift cannot insist on having it back. The original memorandum of gift must be provided with the application **together with** confirmation from a legal adviser that the memorandum of gift is valid and binding according to the laws of

the country in which it was made. A template for a memorandum of gift is in the Annex for the convenience of applicants who wish to use it (Document 2).

The memorandum must clearly show the following:

- the name and signature of the person receiving the gift;
- the name and signature of the person giving the gift;
- the date of the memorandum;
- the amount of money being given;
- a statement that the legal ownership of the gift is transferred and that the document is the memorandum of transfer;
- a clear description of the gift; and
- a statement that the gift is irrevocable.

b) The confirmation letter in the form of an original document from a legal adviser capable of providing the information (this is a legal adviser permitted to practise in the country where the gift was made) must clearly show the following:

- the name of the legal adviser who is confirming the details;
- the registration or authority of the legal adviser to practise legally in the country in which the gift was made;
- the date of the confirmation of the memorandum;
- the names of the person giving the gift and the person receiving it;
- the amount of money given;
- the date that the money was transferred to the applicant, or to the husband, wife, civil partner, or unmarried partner or same-sex partner;
- that the memorandum is signed and valid;
- that the gift is irrevocable; and
- that the memorandum is binding according to the laws of the country in which it was made.

## 2. Original documents in the form of a) deeds of sale of assets and b) letter from a legal adviser.

a) We will require deeds of sale of assets such as business or property if the applicant has generated these funds within the three months immediately before the date of application, **together with** confirmation from a legal adviser that the sale was genuine and that the money is available to the applicant. The deed of sale must be an original document and be provided with the application. All deeds of sale should meet the relevant legal requirements of the country of sale. As a minimum requirement the deed of sale document must show:

- the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner);

- the amount of money raised; and
- the date of the sale.

If a sale is required to be registered on an official public register in the country of sale, we may carry out relevant searches to verify the information.

b) The confirmation letter in the form of an original document from a legal adviser capable of providing the information (this is a legal adviser permitted to practise in the country where the gift was made) must clearly show the following:

- the name of the legal adviser confirming the details;
- the registration or authority of the legal adviser to practise legally in the country in which the sale was made;
- the date of the sale;
- the date of production of the letter confirming the sale;
- the details of what was sold and the amount of money received from the sale;
- the name of the person receiving the money from the sale;
- the date that the money was transferred; and
- that the sale was valid according to the laws of the country in which it was made.

3. a) Business financial accounts and b) an original document in the form of a letter from a legal adviser.

If the funds are currently held in the applicant's business (or the business of the applicant and/or his/her husband, wife, civil partner, or unmarried or same-sex partner), the applicant should provide business accounts **together with** a letter from a legal adviser who is capable of providing the information (this is a legal adviser permitted to practise in the country where business was operating). This letter must confirm that the applicant can lawfully extract the money from the business.

a) Accounts must be a profit and loss account (or income and expenditure account if the organisation is not trading for profit). Accounts should be prepared and signed off in accordance with statutory requirements and should clearly show the amount of money available for investment.

b) The confirmation letter in the form of an original document from a legal adviser capable of providing the information must confirm that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) can lawfully extract the money from the business. The letter must:

- be an original document and not a copy;
- show the name of the legal adviser who is confirming the details;
- show the registration or authority of the legal adviser to practise legally in the country in which the business is operating;

- show the date on which the details are confirmed; and
- confirm that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) can lawfully extract the money from the business in question.

4. a) Notarised copy of a will and b) an original document in the form of a letter from legal adviser confirming the will's validity:

If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has been the beneficiary of a will within the three months before making the application, and has received money as a result, then a notarised copy of the will should be provided **together with** a letter from a legal adviser confirming the validity of the will (this is a legal adviser permitted to practise in the country where will was made). If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received possessions or assets, rather than money, then the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) may not use estimates of the value of the items as evidence of funds for investment.

a) The will should show the following:

- the date of the will;
- the beneficiary of the will (this should be the applicant or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner);
- the amount of money that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has inherited; and
- the names of any executors, plus any codicils (additions) to the will that affect the amount of money that was received.

b) The confirmation letter in the form of an original document from a legal adviser capable of providing the information must clearly show:

- the name of the legal adviser confirming the details;
- the registration or authority of the legal adviser to practise legally in the country in which the will was made;
- the date of the document produced by the legal adviser confirming the will;
- the date that the applicant received the money as a result of the settlement of the will (assets or possessions will not be accepted for the award of points);
- the names of the person making the will and the beneficiary;
- confirmation of the amount of money received by the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner);
- that the will is signed and valid; and
- that the will is valid according to the laws of the country in which it was made.

5. a) Notarised copy of the terms of a divorce settlement and b) an original document in the form of a letter from legal adviser confirming that the document is valid.

a) If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex

partner) has obtained money as a result of a divorce settlement within the three months immediately before the date of application, and has received money as a result, then a notarised copy of a financial agreement following a divorce should be provided **together with** a letter from a legal adviser confirming that the document is valid (this is a legal adviser permitted to practice in the country where the divorce took place). If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received possessions or assets, rather than money, then we will not accept estimates of the value of the items as evidence of money for investment.

b) The confirmation letter in the form of an original document from a legal adviser capable of providing the information must clearly show:

- the name of the legal adviser confirming the details;
- the registration or authority of the legal adviser to practise legally in the country in which the divorce took place;
- the date of the document produced by the legal adviser confirming the divorce settlement;
- the date that the applicant received the money as a result of the settlement;
- the names of the persons who are divorced (one is expected to be the applicant);
- confirmation of the amount of money received by the applicant;
- that the divorce settlement is complete and valid; and
- that the divorce settlement is valid according to the laws of the country in which it was made.

6. a) An original document in the form of a letter from an organisation issuing a financial award or winnings and b) an original document in the form of a confirmation letter from a legal adviser.

Winnings must be declared genuine by an original letter from the organisation issuing the award or winnings together with confirmation in the form of a letter from a legal adviser.

a) The letter from the organisation issuing the winnings must show:

- the name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner);
- the date of the award;
- the amount of money won;
- the contact details for the organisation issuing the award or winnings.

b) The original document in the form of a confirmation letter from a legal adviser capable of providing the information (this is a legal adviser permitted to practise in the country where the award was made) must clearly show:

- the name of the legal adviser confirming the details;
- the registration or authority of the legal adviser to practise legally in the country in which the award was made;
- the date of the letter of confirmation;

- the date of the award;
- the name of the recipient of the award;
- the amount of the winnings;
- the source of the winnings; and
- the date that the money was transferred to the applicant, or husband, wife, civil partner, or unmarried or same-sex partner;

7. If the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) has received money from a source not listed above, they must provide original documentation as evidence of the source of the money, together with independent supporting evidence. For example, if the money was received as a result of court action, we would require original documents in the form of a letter of confirmation of the court proceedings, together with a letter from the applicant's solicitor. Both pieces of evidence must confirm.

- the amount of money received;
- the date that the money was received ;
- the source of the money; and
- that the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner) was the legal recipient of the money.

Contact details must always be provided to enable us to verify the evidence.

## **Evidence that the money can be transferred**

63. All of the £1 million funds required to meet the Tier 1 (Investor) requirements must be freely transferable to the United Kingdom and convertible to pounds sterling. Many countries have controls over the transfer of currency and we must therefore ensure that the money can be transferred to the United Kingdom. If the applicant's money is not already in the United Kingdom, the applicant must confirm that the money can be transferred into the United Kingdom if the application is successful.

64. Applicants who have funds that are not held in the United Kingdom, or have a portfolio of investments that are not in the United Kingdom, should provide a letter from their bank or financial institution as evidence that the money can be transferred into the United Kingdom.

65. This must be an original letter, on the official letter-headed paper of the bank or financial institution. It must have been issued by an authorised official of that institution and must confirm:

- the name of the beneficial owner, which should be the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner);
- the date of the letter;
- the amount of money to be transferred;
- that the money can be transferred to the United Kingdom if the application is successful; and
- that the institution will confirm the content of the letter to us at our request.

66. The bank or financial institution must be regulated by the home regulator (official regulatory body for the country in which the institution operates and the funds are located).

## **Evidence required for the grant of points under joint funding**

67. If an applicant relies on money held jointly with or solely by his/her husband, wife, civil partner, or unmarried or same-sex partner, he/she must provide specified evidence to establish the relationship.

68. If money is held jointly with a husband, wife, civil partner, or unmarried or same-sex partner, or solely by the husband, wife, civil partner, or unmarried or same-sex partner, then the husband, wife, civil partner, or unmarried or same-sex partner must give permission for the applicant to control this money in the United Kingdom, and a document confirming this must be sent with the application.

1. In these circumstances, applicants must provide evidence from each of the following sections 1-3 with their application:

i) The original certificate of marriage or civil partnership, to confirm the relationship.

This should include the name of the applicant and the husband, wife or civil partner;

or

ii) Evidence to demonstrate a two-year relationship similar in nature to marriage or civil partnership.

A relationship that is similar in its nature to a marriage or civil partnership includes both unmarried and same-sex relationships. To prove they are living together within a committed relationship, applicants should provide at least three pieces of evidence of joint commitments from the following list (all must have been held for a minimum of two years and the evidence must cover the full two-year period):

- a bank statement or letter from a bank confirming a joint bank account (an account held in both names);
- official document such as a mortgage agreement showing a joint mortgage;
- official documents such as deeds of ownership or a mortgage agreement showing a joint investment, for example in property or business;
- joint rent (tenancy) agreement;
- any other official correspondence linking both partners to the same address, for example bills for council tax, electricity, gas, or water supply;
- life insurance policy naming the other partner as beneficiary;
- birth certificates of any children of the relationship, showing both partners as parents.

We may also agree to consider any other evidence that adequately demonstrates a couple's long-term commitment to one another.

2. A declaration from the husband, wife, civil partner, or unmarried or same-sex partner that he/she will permit all joint or personal money used to claim points for the application to be under the control of the applicant in the United Kingdom. This is known as a gift of beneficial ownership of the money while retaining the legal title.

This must be an original document and not a copy. The effect of the document is that the husband, wife, civil partner, or unmarried or same-sex partner of the applicant must not be able to access the money without the applicant's consent, and the applicant must be able to use the money freely without the consent of the husband, wife, civil partner, or unmarried or same-sex partner. A template is in the Annex for the convenience of applicants who wish to use it (Document 3).

The declaration must clearly show:

- the names of husband, wife, civil partner, or unmarried or same-sex partner and the applicant;
- the date of the declaration;
- the signatures of the husband, wife, civil partner, or unmarried or same-sex partner and applicant;
- the amount of money available; and
- a statement that the husband, wife, civil partner, or unmarried or same-sex partner agrees that the applicant has sole control over the money.

3. A letter from a legal adviser confirming that the declaration is valid.

The confirmation from a legal adviser capable of providing the information (this is a legal adviser permitted to practise in the country where the declaration was made) must clearly show:

- the name of the legal adviser confirming that the declaration is valid;
- the registration or authority of the legal adviser to practise legally in the country in which the document was drawn up;
- the date of the confirmation of the declaration;
- the names of the applicant and husband, wife, civil partner, or unmarried or same-sex partner; and
- that the declaration is signed and valid according to the laws of the country in which it was made.

## SECTION B:

**The applicant owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million;**

**and**

**The applicant has money under his control held in a regulated financial institution and disposable in the United Kingdom amounting to no less than £1 million, which has been loaned to him/her by a financial institution regulated by the Financial Services Authority (FSA). (75 points)**

### Claiming points

69. For applicants who intend to borrow money from an authorised financial institution, and are pledging the investment as security, we have set the level of personal net worth at £2 million.
70. Applicants may borrow all of their £1 million investment funds.
71. Assets held by the applicant's husband, wife, civil partner, or unmarried or same-sex partner, either jointly or in the partner's own name, can be taken into account when assessing the applicant's net worth.
72. Applicants may not mix personal funds and borrowed funds in order to meet the total £1 million investment required for the award of 75 points.

### Documents we require

73. Paragraphs 245 AA and 46 of Appendix A of the Immigration Rules state that only specified documents will be accepted as evidence of this requirement. The specified documents are listed below.

- i) A letter of confirmation produced by an authorised financial institution in the United Kingdom.

This must be an original letter, on the official letter-headed paper of the institution. It must have been issued by an authorised official of that institution and must confirm all of the following:

- that not less than £1 million are available for the applicant to borrow; and
- that the money is available on the date that the letter is issued; and
- that the authorised financial institution is regulated by the Financial Services Authority; and
- that the applicant's personal net worth is at least £2 million (see the glossary in Annex A for an explanation of personal net worth); and
- that the institution will confirm the content of the letter to us at our request.

### EXTENSION APPLICATIONS

#### Claiming points

74. For the application to be approved the applicant must score 75 points.

75. For applications to extend permission to stay, applicants will receive these points if they can show that they meet the following requirements:

**1) The applicant has money of his own under his control in the United Kingdom amounting to not less than £1 million [30 points]**

76. (Section A and B) Applicants can claim 30 points if they can show that they have £1 million or more in the United Kingdom. This should consist of money invested here and any further money necessary to bring the total funds to at least £1 million.

This is a requirement for all applicants who:

- borrowed their investment money;
- used their own money; or
- used joint money for the initial application.

**2) The applicant has invested £750,000 in specified ways [30 points]**

77. There are restrictions on the type of investment we will consider as part of the qualifying sum of £1 million. This is so that money is invested in ways that help to stimulate growth in the United Kingdom as directly as possible.

78. The applicant must have invested not less than £750,000 of his/her capital in the United Kingdom by way of United Kingdom Government bonds, share capital or loan capital in active and trading companies that are registered in the United Kingdom. Investment in share or loan capital in active and trading companies that are registered in the United Kingdom can include investment held in foreign currencies.

79. Applicants whose previous permission to stay was given under the former Investor category are not subject to all of these restrictions. Annex A gives more information on the restrictions that do apply to them.

**3) The applicant made the investment within three months of the specified date. This being either;**

The date of entry to the United Kingdom in the case of an applicant granted clearance as a Tier 1 (Investor) migrant where there is evidence to establish the applicant's date of entry to the United Kingdom; or

The date of the applicant's grant of entry clearance, in the case of an applicant granted entry clearance as a Tier 1 (Investor) migrant where there is no evidence to establish the applicant's date of entry to the United Kingdom; or

The date of the applicant's grant of leave to remain as a Tier 1 (Investor), in any other case; or

The applicant has, or was last granted entry clearance, leave to enter or leave to remain as an Investor in the category in place before we introduced Tier 1 (Investor) **[15 points]**

**For applicants whose previous permission was as a Tier 1 (Investor)**

80. The applicant must show that he/she invested at least the required £750,000 within three months of the [specified date](#).

81. This requirement must be met within three months of the [specified date](#). If the applicant wishes their [specified date](#) to be the date they entered the UK they must provide evidence to establish this date. Where evidence is not available the three months will be from the date the applicant was granted Entry Clearance or leave to enter the category. Evidence we will accept includes:

- Passport containing the Visa stamped on entry to the UK;
- Flight Tickets and Boarding Card.

Where the applicant can not provide either of these pieces of evidence they can supply other documents for consideration which prove the date they entered the UK.

The applicant will have their leave as a Tier 1 (Investor) curtailed if found not to have made the £750,000 investment within three months of the [specified date](#).

82. Before awarding points, we will seek to ensure that the applicant made the full investment required within 13 weeks of their specified date.

### **For those whose previous permission was under the former Investor category**

83. The requirement to have made the investment within three months of the [specified date](#) **does not apply to** applicants whose previous permission to stay was given under the former Investor category. However, they must have made the investment before applying to extend their permission to stay.

### **All applicants**

84. All applicants must also show that the minimum investment (£750,000) was maintained at that level throughout the period of their permission to stay (from the date that their investments were made). We do not intend to restrict investors to keeping the same investments that they made on entering this category, but they must keep the same level of investment.

85. If the value of any investment in stocks or shareholdings is reduced by fluctuations in share prices, it must be corrected by the next reporting period, so that the overall value of these investments has been maintained throughout the applicant's permission to stay.

## **Documents we require**

### **Evidence of investment**

86. Paragraphs 245AA and 46 of Appendix A of the Immigration Rules state that only specified documents will be accepted as evidence of this requirement. The specified documents are listed below.

- 1) A portfolio of investments certified as correct by an authorised financial institution (AFI) (one that is regulated by the Financial Services Authority).

The portfolio must:

- Cover the required period of the applicant's permission to stay in this category. This period begins no later than 13 weeks after the applicant's [specified date](#).
- continue to the last reporting date of the most recent quarter of the year directly before the date of the application for an extension;

- include the value of the investments;
- show that any shortfall in investments was made up by the next reporting period. For example if the investments are shown to have fallen in value in the February report in a year, and the investments have a quarterly reporting period, the value has been made up by the June report;
- show the dates that the investments were made;
- show the destination of the investments, which should be United Kingdom companies (see annex A for more details);
- (for investments made as loan funds only) include audited accounts or unaudited accounts with an accountant's certificate (see 2c below for more details) for investments made as loan funds to companies, which must give the full details of the applicant's investment;
- show the name and contact details of the financial institution that has certified the portfolio as correct, and confirmation that this institution is regulated by the Financial Services Authority (FSA) – this will normally appear on the letterhead of all official documentation;
- show that the investments were made in the applicant's name and/or that of his/her spouse, civil partner, unmarried or same-sex partner and not in the name of an offshore company or trust even if this is wholly owned by the applicant
- include the date that the portfolio was certified by the financial institution: and
- state that the institution will confirm the content of the letter to us at our request.

2) Where an applicant's initial grant of leave was made under the former Investor category and the applicant is unable to provide the evidence listed above because he/she manages his/her own investments, or has a portfolio manager who does not operate in the United Kingdom and is therefore not regulated by the FSA, the applicant must provide documentary evidence of his/her holdings used to claim points.

In such circumstances, applicants must provide the following documents, as relevant to the type of their investment.

- a) Certified copies of bond documents showing the value of the bonds, the date of purchase and the owner.
- b) Share documents showing the value of the shares, the date of purchase and the owner.
- c) The latest audited annual accounts of the organisation in which the investment has been made:

These accounts must clearly show:

- amount of money held in the investments;
- name of the applicant (or applicant and/or husband, wife, civil partner, or unmarried or same-sex partner); and
- the date of investment.

If the organisation is not required to produce accounts, we will consider a certificate from an accountant. The certificate must show the amount of money held in the investments.

The accountant must be a member of 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); or the Association of Authorised Public Accountants (AAPA). Please refer to the Companies House for information on audits on the website on <http://www.companieshouse.gov.uk/about/gbhtml/gba3.shtml>

## **Evidence of the balance of funds – to a maximum value of £250,000**

87. The balance of funds is any further money necessary to bring the total funds invested by the applicant up to £1 million.

88. If the applicant's investments total £1 million, no balance of funding is necessary. If the investments amount to between £750,000 and £1 million, the applicant must provide evidence of the balance of the funds.

89. The applicant must have maintained a balance of up to £250,000, depending on how much is required to bring his/her total investment in the United Kingdom up to £1 million.

In these circumstances, the applicant must provide one of the following documents:

- a) Documents confirming the purchase of assets (for example property) in the United Kingdom. These must show the assets purchased, the value of these assets and the dates of purchase. When using property only the unmortgaged portion of the applicant's own home can be considered, up to a value of £250,000. This valuation must have been provided on a report issued by a surveyor who is a member of the Royal Institution of Chartered Surveyors (RICS). This report must have been produced in the three months prior to the date of application.
- b) Statements of accounts. If the applicant maintained money on deposit in the United Kingdom he/she must provide a statement or statements of account on the official stationery of the institution that holds the funds. These statements must be in the name of the applicant (or applicant and /or husband, wife, civil partner, or unmarried or same-sex partner) and confirm the dates and amount of money held. The applicant must ensure that the institution will confirm the content of the statement to us at our request.
- c) A letter from the financial institution that holds the cash on deposit. This must be an original letter and not a copy, on the institution's official headed paper, and it must have been issued by an authorised official of that institution. The letter must confirm the dates and amount of money held and that the institution will confirm the content of the letter to us at our request.

## **Evidence of investment made within three months of the specified date.**

90. If the applicant wishes their specified date to be taken as the date they entered the United Kingdom they must provide evidence which proves this date. This could include:

- Stamp in passport; or
- Aircraft boarding card

## **For an applicant whose previous leave was under Tier 1 (Investor)**

91. We will seek to ensure that the applicant made the full investment required within three months from the [specified date](#). We will accept investments made in the required form from the twelve months before the [specified date](#). We will refer to the portfolio provided as evidence of the applicant's investment and the date of the applicant's previous permission to stay. If the portfolio does not confirm that the investments were made within three months of the [specified date](#), we will not award any points.

## **For an applicant whose previous leave was under the former Investor category**

92. We will award the points for the investments having been made within the three months of the [specified date](#) if the applicant's previous permission to stay was under the former Investor category. Such an applicant can claim these points by indicating that they meet this requirement on the application form.

## **Evidence of investment having been maintained**

93. No separate documents are needed to meet this requirement.

94. The portfolio provided will be used to establish the level of the investments maintained from the date that the funds were invested. If the portfolio does not confirm that the level of the investment was maintained for the full period of remaining leave we will not award any points.

## **TIER 1 (INVESTOR) - INDEFINITE LEAVE TO REMAIN**

95. If an applicant has spent a continuous period of at least five years in the UK with permission to stay under the Tier 1 (Investor) category, or a combination of permission to stay under the former Investor category and under the Tier 1 (Investor) category, they may be eligible for indefinite leave to remain (settlement) in the United Kingdom.

96. Applicants should make their application for indefinite leave to remain as a Tier 1 (Investor) on form SET(O).

97. The Immigration Rules for Tier 1 (Investors) can be viewed, together with the application form SET(O), on the website on [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk).

98. Please note that the requirements for indefinite leave to remain as a Tier 1 (Investor) differ slightly depending on whether the individual's continuous period of five years leave in the UK was spent i) fully as a Tier 1 (Investor) or ii) most recently as a Tier 1 (Investor) but prior to that in the former Investor category. The difference is set out below.

## **Applicants whose full period of leave was as a Tier 1 (Investor)**

99. Applicants should refer to paragraphs 245U of the Immigration Rules.

100. General guidance on indefinite leave to remain requirements are in Chapter 5 section 1 Annex F of the Immigration Directorate Instructions (IDI)

101. In addition to these general requirements the applicant must also have maintained their investments as explained in table 8 of Appendix A of the Immigration Rules throughout their period of five years in this category, with the exception of the first three months of this period.

102. To show this, the applicant must provide the specified documents as described for extension applications for the Tier 1 (Investor) category, to cover the full five year period (with the exception of the first three months). The documentary requirements for Tier 1 (Investor) extension applications are set out in section 3 of the extension application guidance in the guidance notes.

**Applicants who currently have leave as a Tier 1 (Investor) and previously had leave under the former Investor category**

103. Applicants should refer to paragraphs 245U and 224 – 229 of Appendix F of the Immigration Rules.

104. These applicants will have originally had a period of leave under the former Investor category and then extended their leave under Tier 1 (Investor), in order to complete a continuous period of at least five years in the United Kingdom.

105. General guidance on indefinite leave to remain requirements are in Chapter 5 section 1 Annex F of the Immigration Directorate Instructions (IDI).

106. In addition to these general requirements these applicants must also have maintained their investments as explained in table 8 of Appendix A of the Immigration Rules throughout their period of leave in this category, with the exception of the first three months of this period.

107. To show this, the applicant must provide the specified documents as described for extension applications for the Tier 1 (Investor) category, to cover the time where they had permission to stay as a Tier 1 (Investor) migrant (with the exception of the first three months). The documentary requirements for Tier 1 (Investor) extension applications are set out in section 3 of the extension application guidance in the guidance notes. For the period of leave spent in the former Investor category applicants should provide again the documents submitted with their application to extend leave into Tier 1 (Investor).

## ANNEX A - GLOSSARY OF TERMS AND FURTHER INFORMATION

### **A relationship similar in nature to marriage or civil partnership (including same-sex and unmarried partners)**

**A1** This is a relationship where two people have been living together in a relationship similar to marriage. The applicant must show evidence of living together with his/her partner in the two years immediately before the application. This may include periods of up to six months spent apart when there are good reasons for the separation, for example where it was not possible for one partner to accompany the other because of work commitments or looking after a relative. However, the applicant must show that the relationship continued throughout that period, for example by giving evidence of visits or letters.

Where a couple have been living together for the two years before the application but have divided their time between countries, this will be enough to meet the requirement.

### **Currency conversion**

**A2** The exchange rate used for overseas currency will be a rate conversion made using the exchange rate shown on the OANDA website on the date the application was made. We use the OANDA database (<http://www.oanda.com>) to convert any quoted amount of overseas funds into pounds sterling when considering Investor applications.

### **Certified copy**

**A3** A duplicate of an original document, certified as an exact reproduction, usually by the officer or clerk responsible for issuing or keeping the original, or by a solicitor, notary public, Justice of the Peace or by any other person authorised to take a statutory declaration. The certified copy should be accompanied by a certificate, stamp or seal and the certifier's signature.

### **A new investment is required.**

**A4** An applicant entering the Investor category can only claim points for a new investment in the United Kingdom. A new investment is one that has been made within the 12 months immediately before the date of application. Investments that have been in the United Kingdom for longer than 12 months will not be considered for the award of points.

### **Assets or possessions will not be accepted for the award of points**

**A5** Funds that the applicant claims are available but that have not been converted to money will not be accepted for the award of points. This includes estimates of the money that will become available when assets are sold. This is because until the sale of these assets is complete and cash transferred to the seller there is no guarantee that the estimated value of the assets will be realised. However if the applicant has arranged to borrow the investment funds from an Authorised Financial Institution (AFI), the AFI may take into account assets when calculating an applicant's net worth. In this case the applicant will still have evidence of £1 million available to invest in the United Kingdom.

### **Financial institutions**

**A6** For the purposes of this guidance, a financial institution is one that acts as an agent that provides financial services for its clients. Common types of financial institutions include banks, building societies, credit unions, stock brokerages and asset management firms. This is not intended to be an exhaustive list. Financial institutions are responsible for transferring funds

from investors to companies in need of those funds. Financial institutions fall under financial regulation from a government authority.

## **Financial regulation**

**A7** Financial regulations are a form of control or supervision, which subjects financial institutions to local requirements, restrictions and guidelines, aiming to maintain the integrity of the financial system. This may be handled by either a government or non-government organization. In the United Kingdom, by law, most financial service firms must be authorised by the Financial Services Authority (FSA) to do business in the United Kingdom.

Financial markets and insurance activities are both regulated by the FSA in the United Kingdom, but this is not always the case. Some countries have several bodies.

## **The home regulator**

**A8** The home regulator is an official financial regulatory body, appropriate to the type of financial transaction, in the country of operation where the funds are located

## **Only money held in a regulated financial institution will be accepted for the award of points**

**A9** The money must be held in one or more financial institutions (for example a bank or building society), each of which must be regulated by the appropriate regulator in the country where they are operating. In order for a firm to hold money on someone's behalf the financial institution must first be authorised by its home regulator and meet the minimum requirements to safeguard these funds. This activity is usually referred to as 'deposit taking'.

Money held in a financial institution that is not regulated by the home regulator will not be accepted for the award of points.

## **Confirmation that the financial institution is regulated by the home regulator**

**A10** We may seek to confirm that a financial institution is regulated by the home regulator. We may do this by accessing the appropriate website and/or by contacting the institution directly.

**A11** We will access the Financial Services Authority (FSA) register at first, through its website at <http://www.fsa.gov.uk/Pages/register/>. Institutions are registered as 'firms' under the name of the institution or as 'individuals' if a person is the authorised body.

## **The FSA listing process**

**A12** Firms that have applied to the FSA for registration may not carry on regulated activities until their registration is complete. This may take three months or longer in some cases. Once the firm is authorised the website will be updated to contain the name of the firm within a day. For the purposes of this guidance we will only accept institutions that are already registered and listed on the website.

## **Overseas institutions not regulated by the FSA**

**A13** For overseas companies not registered with the FSA, we will use the information available from the Companies House list of overseas regulatory institutions under Worldwide registries at <http://www.companieshouse.gov.uk/links/introduction.shtml>.

Alternatively for overseas institutions not registered with the FSA, we may also use the International Organization of Securities Commissions (IOSCO) general membership lists at: <http://www.iosco.org/lists/index.cfm?section=general>

Ordinary, associate and affiliate members make up a very high percentage of all overseas financial regulatory bodies on this site. Enquirers searching for a regulatory body may need to look under all three membership categories. For example, Canada's regulatory bodies are listed under affiliate bodies.

Central banks may also have supervision over some financial market. For a list of international central banks not registered with the FSA, we will use the list of central bank websites on the Bank for International Settlements website at [http://www.bis.org/central\\_bank\\_hub\\_overview.htm](http://www.bis.org/central_bank_hub_overview.htm).

**A14** Overseas regulatory bodies appearing on any of these websites will be accepted as an appropriate regulatory body. Only overseas regulatory bodies appearing on the websites listed may be accepted for the purpose of this guidance. If an application relies on money held in a financial institution not regulated by one of these bodies, it will not be accepted for the award of points.

### **European Economic Area (EEA) financial institutions.**

**A15** If the EEA firm is already operating in the United Kingdom it will be on the FSA register. If not, the firm must be registered for operations in the country in which it operates (see the lists of regulatory bodies on the IOSCO website under A13 above). Under what is termed 'passporting' agreements, an EEA firm can provide financial services in the United Kingdom if it is entitled to carry on an activity in another EEA state, but in this case the firm must still be regulated by the appropriate overseas authority.

### **Financial exchanges are not responsible for control.**

**A16** Financial exchanges are a form of market for the financial industry, and may be in charge of some of the listing and disclosure requirements for traded financial products on stock markets. These exchanges are not likely, however, to operate any form of control or monitoring of firms. Therefore listing on a financial exchange cannot be accepted as an appropriate form of regulation of an overseas firm. For example if a bank is listed on a recognised stock exchange, this is no guarantee that the bank is properly regulated and authorised. We will need to seek evidence of registration from an authority on one of the websites listed above.

### **Authorised financial institution (AFI)**

**A17** To ensure the integrity of the Investor category and its participants, we will only accept AFIs regulated by the Financial Services Authority (FSA) as the source of loan funds to applicants who borrow their £1 million investment funds. Financial institutions regulated by the FSA will display this on their letterhead and will also be listed on the FSA website.

### **Personal net worth (PNW)**

**A18** To calculate an individual's personal net worth, the authorised financial institution should consider the applicant's assets (A) and liabilities (B).

Assets such as personal cash, investments and property will be offset against personal debts such as mortgages and other personal loans to give a personal net worth.  $PNW = A - B$ .

## **Assets held by the applicant's husband, wife, civil partner, or unmarried or same-sex partner or jointly held**

**A19** Assets held by the applicant's husband, wife, civil partner, or unmarried or same-sex partner, jointly or in the name of the husband, wife, civil partner, or unmarried or same-sex partner, can be taken into account by the authorised financial institution when assessing the applicant's personal net worth. Assets held by an applicant or the applicant's husband, wife, civil partner, or unmarried or same-sex partner through an offshore company or trust can be taken into account when assessing personal net worth provided the applicant or husband, wife, civil partner, or unmarried or same-sex partner is the beneficial owner of the assets.

## **Portfolio**

**A20** A portfolio of investments is a collection of investments all owned by the same person.

Financial institutions measure the performance of the funds under their management. A report is usually made every quarter and will show a percentage change compared with the previous quarter.

## **Active and trading companies**

**A21** In order to count for the award of points, investments made as loan or share capital must be made in companies that are active and trading. A trading company is one that is doing business. Non-trading companies and dormant companies will not be accepted for the award of points for loan or share capital. Further information on dormant companies is available on the Companies House website at <http://www.companieshouse.gov.uk/about/gbhtml/gba10.shtml>

## **What is a United Kingdom company?**

**A22** In order to be counted for the award of points for investments made as loan or share capital an applicant must have made a capital investment in a business operating within the United Kingdom economy and subject to United Kingdom taxation. We will consider a United Kingdom company to be one that meets all of the following requirements:

- has its registered office or, if it has no registered office, its head office in the United Kingdom;
- has a United Kingdom business bank account showing transactions for the business that are current; and
- is subject to United Kingdom taxation.

Multinational companies that are registered as United Kingdom companies with either a registered office or head office in the United Kingdom are acceptable.

## **Definition of a company registered in the United Kingdom**

**A23** There are four different types of company registered in the United Kingdom.

- Private company limited by shares ("Ltd") – the members' liability is limited to the amount unpaid on shares they hold.
- Private company limited by guarantee – the members' liability is limited to the amount they have agreed to contribute to the company's assets if it is wound up.
- Private unlimited company – there is no limit to the members' liability.

- Public company limited by shares (“plc”) – the company’s shares are offered for sale to the general public through a stock exchange and the members’ liability is limited to the amount unpaid on shares held by them.

An overview of the types of registered company is on the UK Trade and Investment website, at <http://www.ukinvest.gov.uk/Information-sheets/4015991/en-GB.html>

## **Investments that will not be counted towards the award of points**

**A24** Investors are required to make their investment in the United Kingdom in the form of United Kingdom Government bonds, share capital or loan capital.

- The £750,000 must not be invested through an offshore company or trust. This is to ensure, among other things, maximum tax benefit to the United Kingdom. We do not regard investment from offshore companies as investment in the United Kingdom. (This requirement does not apply to applicants whose previous permission to stay was given under the former Investor category).
- The £750,000 must not be invested in open-ended investment companies, investment trust companies or pooled investment vehicles. This is because such investments cannot be guaranteed to be in the United Kingdom. (This requirement does not apply to applicants whose previous permission to stay was given under the former Investor category).
- The £750,000 must not be invested in companies mainly engaged in property investment, property management or property development. This requirement prevents investment in companies whose main function is to own or manage land or buildings. It does not prevent investment in, for example, construction firms, manufacturers or retailers who own their own premises.
- The £750,000 must not be invested by using deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits.
- For those applicants whose previous permission to stay was given under the Tier 1 (Investor) category this exclusion also applies to ISAs, premium bonds and saving certificates issued by the National Savings and Investment Agency (NS&I). This is because the intention of the Investor category is to encourage long-term investment in the United Kingdom. NS&I Guaranteed Income Bond and the Guaranteed Growth Bond are acceptable because they mature after a minimum fixed period, but the other forms of saving with NS&I do not have this incentive for funds to be kept in them.
- We will not approve applications that rely on leveraged investment funds. These applicants will have purchased stocks or other investments by using borrowed funds (on margin). An investor who borrows money from his/her broker to purchase stocks uses leverage in order to increase his/her potential gain. However, if the investments decline in value, then the amount of money the investor loses is likely to increase too. The funds used will not be accepted as the applicant’s own funds. (This requirement does not apply to applicants whose previous permission to stay was given under the preceding Investor category.)

## **Balance of funds**

**A25** Major assets in the United Kingdom, such as unmortgaged property, may be taken into account for the balance of funds, provided that they do not make up more than £250,000 of the £1 million investment sum required. The following can be taken fully into account subject to a limit of £250,000:

- the value of the unmortgaged portion of the applicant's own home which has been provided by a surveyor who is a member of the Royal Institution of Chartered Surveyors (RICS). For more information on membership of RICS please see [www.rics.org](http://www.rics.org). This valuation must have been produced within the three months prior to the date of application;
- assets in the United Kingdom held for investment purposes (but not personal possessions);
- the value of all other investment in the United Kingdom (including for example any investments in open-ended investment companies); and
- cash on deposit in the United Kingdom.

## Legal representative

**A26** This is a person who oversees the legal affairs of someone else. Examples include the executor or administrator of an estate and a court-appointed guardian of a child or incompetent person. We will accept a lawyer or a notary public as a legal representative.

### Lawyer

A professional person authorised to practise law, conduct lawsuits or give legal advice.

### Notary public

A public official whose main powers include administering oaths and confirming signatures

## What is notarisatio

**A27** Notarisatio is the certification by a notary public that the signature appearing on a document is genuine. Notaries assess documents and confirm that copies are exact representations of the original. A notarisatio should include a notary's signature and an official stamp.

## What is the 'specified date'

**A28** A Tier 1 (Investor) migrant must have made an investment of at least £750,000 within three months (13 weeks) of either;

The date of entry to the United Kingdom in the case of an applicant granted clearance as a Tier 1 (Investor) migrant where there is evidence to establish the applicant's date of entry to the United Kingdom; or

The date of the applicant's grant of entry clearance, in the case of an applicant granted entry clearance as a Tier 1 (Investor) migrant where there is no evidence to establish the applicant's date of entry to the United Kingdom; or

The date of the applicant's grant of leave to remain as a Tier 1 (Investor), in any other case.

This does not apply where the applicant's last grant of leave prior to the grant of leave that he currently has was as a Tier 1 (Investor) migrant or as an Investor.

Where the applicant has been found not to have made the investment within three months of the specified date, may have their leave curtailed.

## **ANNEX B - ADMINISTRATIVE REVIEW**

### **(Entry clearance applications only)**

#### **1. What is Administrative Review?**

Administrative Review is the mechanism for reviewing refusal decisions made under the Points Based System where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by the applicant. For time limits for making a request, see further paragraphs 6 and 7 below.

Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

#### **2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review?**

Where this occurs the matters should be dealt with under the normal complaints procedure. In such cases the applicant will be advised in writing.

#### **3. Who conducts the Administrative Review?**

An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. The applicant may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

#### **4. Who can apply for Administrative Review?**

Anyone refused entry clearance under Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

#### **5. How does the applicant apply?**

The applicant will receive the Administrative Review Request Notice with the entry clearance refusal notice.

The applicant must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

Applicants must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, the applicant will be asked to send in their passport.

#### **6. What is the deadline for applying for Administrative Review?**

The applicant has 28 days from the date of receipt of the refusal notice, to submit a request for Administrative Review.

## **7. What if an application is submitted late?**

Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline.

If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to the applicant with a letter explaining why it is not being accepted.

## **8. How many times can an applicant request an Administrative Review?**

Applicants may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to the applicant.

However, where the Administrative Review upholds a refusal but with different refusal grounds, the applicant may request an administrative review of these new refusal grounds.

If the applicant has new or further information, documents or other paperwork that they failed to submit with their original application, they will need to make a new application and pay the appropriate fee.

## **9. How long will the Administrative Review take?**

The administrative reviewer will complete their review and notify the applicant in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.

If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify the applicant in writing as to when to expect a decision.

## **10. What will the administrative reviewer look at?**

The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.

The applicant is not allowed to provide new evidence. Any new evidence must be disregarded unless the applicant was refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph 12).

Any new evidence submitted by the applicant must be returned to them together with the outcome of the Administrative Review.

## **11. How are Administrative Review decisions made?**

The administrative reviewer should focus on the areas which the applicant has asked to be reviewed. They will check that:

- points have been correctly awarded;
- documents have been correctly assessed; and
- verification checks have been properly carried out.

The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:

- failed to properly consider evidence submitted with the original application;
- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;
- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, the applicant may still be refused but with new grounds for refusal.

The administrative reviewer will not recommend that the original decision is overturned simply because the applicant claims there is a fault with United Kingdom Border Agency's underlying processes or policies.

## **12. Does Administrative Review cover General Grounds for Refusal?**

Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal."

### **Reviews of refusals made under paragraphs 320(7A) and 320(7B) of the Immigration Rules**

The applicant may submit further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

If an application has been refused because a false document was used or a false representation was made, the applicant may claim that they were unaware of the false documents or false representations. The refusal will still stand but the applicant would have to prove that they did not know that false documents or false representations were used, if they are not to have any future applications automatically refused for 10 years. Where the documents related directly to the applicant (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless the applicant has clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

If the administrative reviewer does accept that the applicant did not knowingly use false documents or false representations, the refusal will still stand, but the applicant will not automatically have any future applications refused under the rules (paragraph 320 (7B) where false documents or false representations were used.

## **13. Does Administrative Review cover verification?**

Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

## **14. What are the possible outcomes of Administrative Review?**

There are three possible outcomes of Administrative Review:

- Uphold decision, reasons for refusal remain the same;
- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

### **15. How is the applicant informed of the result of the Administrative Review?**

Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify the applicant by letter. The applicant will not be entitled to a further Administrative Review as the grounds for refusal has not changed.

Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which were not notified originally, the applicant will be able to submit a further Administrative Review request limited to those fresh reasons.

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify the applicant by letter and request the applicant's passport.

### **16. Limited Right of Appeal**

The applicant can only appeal on any or all of the grounds referred to in section 84 (1)(b) and (c) of the Nationality, Immigration and Asylum Act 2002. These are that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

All entry clearance applicants under the Points Based System who are refused will be limited to residual grounds of appeal stated above.

The process for dealing with limited rights of appeal remains unchanged.

## ANNEX C - TEMPLATES

### Document 1

Letter for Authorised Financial Institution, this should be submitted as an original document, and not a copy, on the letter-headed paper of the financial institution

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CONFIDENTIAL

For the attention of the UK Border Agency

In regards to the application of Mr/Mrs/Ms **[Name]** for Investor status in the United Kingdom:

I have the consent of **[name]** to share these findings with the Agency. I will confirm the contents of this letter to the Agency at their request.

**[Name]** has £ available for investment in the United Kingdom

**[Name]** is the beneficial owner of the funds.

This money is held in this institution the name of **[name of holder, applicant or their husband, wife, civil partner, or unmarried or same-sex partner]**.

This report covers the period from [date as dd/mm/yyyy] to **[date as dd/mm/yyyy]**

Name and address of authorised financial institution:

This institution is regulated by the FSA **[state form of registration]**

Name and contact details of the author of this document:

If the investment in the United Kingdom has already been made: **[name of applicant and/or husband, wife, civil partner, or unmarried or same-sex partner]** has invested £1 million in the form of United Kingdom Government Bonds, share capital or loan capital in active and trading companies registered in the United Kingdom within the last 12 months.

List of investments showing the form of investment (bonds, shares or loan funds); name of company; date funds were invested; amount in pounds sterling.

Signature of authorised person of the authorised financial institution

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## Document 2

Memorandum of deed of gift for Investors

Memorandum of transfer of ownership of money  
This should be an original document and not a copy.

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CONFIDENTIAL

For the attention of the UK Border Agency

In regards to the application of Mr/Mrs/Ms **[Name]** for Investor status in the United Kingdom:

I have the consent of **[Name]** to share this information with the Agency. I will confirm the contents of this document to the Agency at their request.

**[Name]** has been gifted £ (please give amount in pounds sterling)

**[name]** is the recipient of the gift  
Contact details, which must include  
Full address including postal code  
Landline telephone number  
Email address if applicable  
Identity document number (for example passport or national identity card); place of issue; and dates of issue and expiry

Signature

**[Name]** is the donor of the gift.  
Contact details

Signature

Date that the memorandum of gift was made

The legal ownership of this money is transferred to **[name]**. This is an irrevocable gift.

If the application for Investor status is successful, the money detailed above can be transferred into the United Kingdom and converted to pounds sterling within three months of the date of approval.

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### Document 3

Declaration for joint funding for Investors

Declaration of beneficial ownership of joint personal money used for an application for Investor status

This must be an original document and not a copy

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CONFIDENTIAL

For the attention of the UK Border Agency

In regards to the application of Mr/Mrs/Ms **[Name]** for Investor status in the United Kingdom:

I **[name]** am the husband, wife, civil partner, or unmarried or same-sex partner (please delete as appropriate) of **[name]** who has made an application for Investor status in the United Kingdom. I am willing to share this information with the Agency. I will confirm the content of this document with the Agency at their request.

I give permission for **[Name]** to have the beneficial ownership of £ (please give amount in pounds sterling).

I understand that I will not have access to this money without the consent of **[Name]**, and that **[name]** will be able to dispose of this money freely without my consent.

Contact details of husband, wife, civil partner, or unmarried or same-sex partner of applicant, these must include the following

Full address including postal code

Landline telephone number

Email address if applicable

Identity document number (for example passport or national identity card) place of issue and dates of issue and expiry

Signature of husband, wife, civil partner, or unmarried or same-sex partner of applicant

Contact details of applicant

Signature of applicant

Date that the declaration was made

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

Where an applicant 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.

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

**i. 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;**

**ii. 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.

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