

Family members of points-based system migrants

This guidance is based on the Immigration Rules

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Family members of points-based system migrants

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This guidance tells you how to consider applications from people who wish to enter or remain in the UK as the dependent family member of a points-based system (PBS) migrant.

This guidance is based on paragraphs 319A-319K and appendix E of the Immigration Rules.

An applicant can apply as the dependent family member of a PBS migrant if they are:

- the family member of a person with, or applying for, leave under Tiers 1, 2, 4 or 5 of PBS
- the spouse or partner of a person with indefinite leave to remain or British citizenship who last held leave in Tier 1, 2, or 5 of PBS and they do not yet qualify for indefinite leave to remain, or
- the child of a person with indefinite leave to remain or British citizenship who last held leave in Tier 1, 2, or 5 of PBS, and:
 - their other parent does not yet qualify for indefinite leave to remain, and
 - they last held leave as the family member of a PBS migrant granted on or after 9 July 2012.

Eligible family members

To apply in this category family members must be related to the PBS migrant as either their:

- husband
- wife
- civil partner
- unmarried partner
- same sex partner, or
- child (under the age of 18).

For more information on the requirements for entry or extension in this category, see related link.

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Links to staff intranet removed

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	<p>Adult children and other relatives</p> <p>Children over the age of 18 who have not previously been granted leave as the family member of a PBS migrant cannot be granted leave in this category. Similarly, other relatives, for example parents or grandparents, cannot apply in this category. For information on how to consider such applications, see related link: Applications submitted on a PBS (Dependant) form for relatives who are neither the partner nor the child of the main applicant.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	
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Changes to this guidance

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page lists changes to the family members of points-based system migrants guidance with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>4 July 2013</td><td><p>Six month review by the modernised guidance team and change request:</p><ul style="list-style-type: none">• Key facts – partners of points-based system migrants:<ul style="list-style-type: none">○ ‘Eligibility requirements’, fourth bullet point, third sub-bullet point changed○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Key facts – children of points-based system migrants:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General migrants – paragraph 319H(i), new content• Entry or extension requirements – partners:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Entry or extension requirements – children:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants – paragraph 319H(i)’, link to the additional requirements as set out on the ‘Entry or extension requirement – partners page• Indefinite leave requirements:<ul style="list-style-type: none">○ sub-heading ‘Partners – paragraph 319E of the Immigration Rules’, sixth bullet point, after ‘knowledge of’ ‘language and’ inserted○ eighth bullet point has been amended○ sub-heading ‘Children – paragraph 319J of the Immigration Rules’, fifth bullet point after ‘PBS migrant’ ‘or their partner’</td></tr></table>	Date of the change	Details of the change	4 July 2013	<p>Six month review by the modernised guidance team and change request:</p> <ul style="list-style-type: none">• Key facts – partners of points-based system migrants:<ul style="list-style-type: none">○ ‘Eligibility requirements’, fourth bullet point, third sub-bullet point changed○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Key facts – children of points-based system migrants:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General migrants – paragraph 319H(i), new content• Entry or extension requirements – partners:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Entry or extension requirements – children:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants – paragraph 319H(i)’, link to the additional requirements as set out on the ‘Entry or extension requirement – partners page• Indefinite leave requirements:<ul style="list-style-type: none">○ sub-heading ‘Partners – paragraph 319E of the Immigration Rules’, sixth bullet point, after ‘knowledge of’ ‘language and’ inserted○ eighth bullet point has been amended○ sub-heading ‘Children – paragraph 319J of the Immigration Rules’, fifth bullet point after ‘PBS migrant’ ‘or their partner’	<p>Related links</p> <p>Key facts - partners of points-based system migrants</p> <p>Key facts - children of points-based system migrants</p> <p>Entry or extension requirements - partners</p> <p>Indefinite leave requirements</p> <p>Family members of PBS migrants granted ILR or British citizenship</p> <p>See also</p> <p>Contact</p> <p>Information owner</p>
Date of the change	Details of the change					
4 July 2013	<p>Six month review by the modernised guidance team and change request:</p> <ul style="list-style-type: none">• Key facts – partners of points-based system migrants:<ul style="list-style-type: none">○ ‘Eligibility requirements’, fourth bullet point, third sub-bullet point changed○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Key facts – children of points-based system migrants:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General migrants – paragraph 319H(i), new content• Entry or extension requirements – partners:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants’, new content• Entry or extension requirements – children:<ul style="list-style-type: none">○ sub-heading ‘Additional requirements for dependants of Tier 4 (General) migrants – paragraph 319H(i)’, link to the additional requirements as set out on the ‘Entry or extension requirement – partners page• Indefinite leave requirements:<ul style="list-style-type: none">○ sub-heading ‘Partners – paragraph 319E of the Immigration Rules’, sixth bullet point, after ‘knowledge of’ ‘language and’ inserted○ eighth bullet point has been amended○ sub-heading ‘Children – paragraph 319J of the Immigration Rules’, fifth bullet point after ‘PBS migrant’ ‘or their partner’					

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		<p>has been inserted</p> <ul style="list-style-type: none"> ○ new tenth bullet point ● Family members of PBS migrants granted ILR or British citizenship: Second paragraph new <ul style="list-style-type: none"> ○ sub-heading 'Changes to the Immigration Rules – 9 July 2012', section completely rewritten ○ sub-heading 'Action for caseworkers' after 'PBS migrant' 'was granted ILR in that category' inserted ● Minor housekeeping changes. 	
	22 January 2013	Completely revised by the modernised guidance team.	

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Family members of points-based system migrants

Key facts

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Family members of points-based system migrants

Key facts - partners of points-based system migrants

This page shows you the key facts for partners of points-based system (PBS) migrants.

Category: Partners of points-based system migrants	
Eligibility requirements	<p>Requirements of paragraph 319C of the Immigration Rules</p> <p>The requirements are as follows:</p> <ul style="list-style-type: none">• Both the applicant and the PBS migrant must be aged 18 years or older on the date they arrive in the UK or the date that leave is granted.• If they are applying for leave as the husband, wife or civil partner of a PBS migrant the PBS migrant must not be in polygamous marriages or civil partnerships, as set out in paragraphs 278 and 279 of the Immigration Rules.• There must not be any reasons why the application might be refused because of general grounds and the applicant must not be an illegal entrant.• The applicant must be the spouse, civil partner, unmarried partner or same sex partner of a person who:<ul style="list-style-type: none">○ has leave as a PBS migrant○ is being granted leave at the same time as a PBS migrant, or○ if the applicant is applying for an extension of stay, their partner must have indefinite leave to remain (ILR) as a PBS migrant or have obtained British citizenship after having ILR as PBS migrant. .• If the applicant is the unmarried or same-sex partner, then:<ul style="list-style-type: none">○ any previous marriage or civil partnership that the applicant or PBS migrant had with another person must have permanently broken down○ the applicant and PBS migrant must not be so closely related that they would not be allowed to marry in the UK○ the applicant and PBS migrant must have been living in a relationship similar to marriage or civil partnership for a period of at least two years.• The relationship between the applicant and the PBS migrant must be subsisting when the application is made.• The applicant and the PBS migrant must intend to live together as spouse, civil partner, unmarried or same sex partner throughout the applicant's stay in the UK.• The applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant.• The applicant must meet the maintenance requirements, unless the PBS migrant is a:<ul style="list-style-type: none">○ Tier 1 (Investor), or○ Tier 1 (Exceptional talent).

	<ul style="list-style-type: none"> • If they are applying for an extension of stay the applicant must have or have last been granted leave: <ul style="list-style-type: none"> ○ as the partner of the PBS migrant ○ as the spouse, civil partner, unmarried or same sex partner of a person with leave in another category of the Immigration Rules who has since been granted or is being granted leave as a PBS migrant, or ○ in any other category of the Immigration Rules if they are applying for leave as the partner of a Tier 5 (Temporary worker) migrant in the creative and sporting subcategory. <p>Additional requirements for dependants of Tier 4 (General) migrants</p> <p>The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:</p> <ul style="list-style-type: none"> • is a government sponsored student taking a course of study that will be longer than six months • the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the: <ul style="list-style-type: none"> ○ Department for Employment and Learning in Northern Ireland ○ Higher Education Funding Council for England ○ Higher Education Funding Council for Wales, or ○ Scottish Funding Council • is on the doctorate extension scheme, or • is applying for entry clearance or leave to remain to take a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than six months duration in the three months immediately preceding the date of the application and: <ul style="list-style-type: none"> ○ the partner must have or have last had leave the same as the student, and ○ the relevant PBS migrant and partner must be applying at the same time. <p>To apply in the UK the spouse must also:</p> <ul style="list-style-type: none"> • have previously held leave as the dependant of the Tier 4 (General) applicant, in this, or in another immigration category
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Application forms	<ul style="list-style-type: none"> • Application made outside UK – VAF10 • Extension (within UK): <ul style="list-style-type: none"> ○ Tier 1, 2 or 5 dependant ○ Tier 4 dependant • Indefinite leave to remain – SET(O).
Cost of application:	Fees for Home Office services (Links to staff intranet removed)
Entry clearance mandatory?	<p>Yes, unless:</p> <ul style="list-style-type: none"> • they are not a visa national, and • they are accompanying a Tier 5 (Temporary worker) migrant, who is being granted leave to enter at the same time, and: <ul style="list-style-type: none"> ○ they meet all of the requirements of 319C of the Immigration Rules.
Is biometric information required for applications made in the UK?	Yes, if the applicant's PBS migrant partner has a biometric residence permit (BRP) or is applying for one as part of their PBS application.
Code of leave to remain granted	<ul style="list-style-type: none"> • Code 4B for partners of Tier 1, 2 and 5 migrants, or • Code 1 for partners who have shown: <ul style="list-style-type: none"> ○ they have a UK degree in medicine or dentistry, or ○ they have worked as a doctor or dentist in training during their previous leave. <p>Partners of Tier 4 migrants</p> <ul style="list-style-type: none"> • Code 1 conditions for family members of Tier 4 migrant's whose course is degree level or above and lasts 12 months or longer. Partner's who have worked as a doctor or dentist in training may also be granted Code 1 conditions provided they have: <ul style="list-style-type: none"> ○ shown they have a UK degree in medicine or dentistry, or ○ shown that they have worked as a doctor or dentist in training during their previous leave. • Code 3 for family members of Tier 4 (General) migrants who have: <ul style="list-style-type: none"> ○ been granted less than 12 months leave ○ are studying below degree level. • Code 4B for family members of Tier 4 (General) migrants who have worked as a doctor or dentist in training during their last period of leave but have not: <ul style="list-style-type: none"> ○ shown they have a UK degree in medicine or dentistry, or ○ shown that they have worked as a doctor or dentist in training during their previous leave.
Entry clearance endorsements	<ul style="list-style-type: none"> • TIER 1 (GENERAL) PARTNER • TIER 1 (ENTREPRENEUR) PARTNER • TIER 1 (INVESTOR) PARTNER • TIER 1 (POST STUDY) PARTNER

	<ul style="list-style-type: none"> • TIER 2 PARTNER • TIER 4 (GENERAL) DEP. PARTNER • TIER 5 TW (PARTNER).
Conditions of leave to remain	<ul style="list-style-type: none"> • No access to public funds. • Must register with the police, if required. • Can work in the UK unless they are applying for leave as a partner of a Tier 4 migrant, and: <ul style="list-style-type: none"> ○ the Tier 4 migrant has been granted less than 12 months leave, and/or ○ the Tier 4 migrant is following a course below degree level. • Must not work as a doctor in training, unless they: <ul style="list-style-type: none"> ○ have obtained a degree in medicine or dentistry at bachelors level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the points-based system, or ○ are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period.
How long is leave to remain normally granted for?	<p>Either:</p> <ul style="list-style-type: none"> • for the same period as the PBS migrant, or • for a period of three years if the PBS migrant: <ul style="list-style-type: none"> ○ has indefinite leave to remain, or ○ has become a British citizen.
Are dependants allowed?	No.
Work and study allowed?	<p>Study - Yes, if in the UK for more than 12 months.</p> <p>Work – see ‘conditions of leave above’.</p>
Switching into this category allowed?	<p>Partners of Tier 1, 2, and 5 migrants can switch when:</p> <ul style="list-style-type: none"> • they have or last had entry clearance or leave to remain as the partner of a person who: <ul style="list-style-type: none"> ○ had leave under another category and who has since been granted leave to remain as a relevant PBS migrant, or ○ is being granted leave to remain as a relevant PBS migrant at the same time. <p>Partners of Tier 4 (General) migrants</p> <p>Partners of Tier 4 (General) migrant can switch when:</p> <ul style="list-style-type: none"> • they have or last had entry clearance or leave to remain as the partner or child of a person who: <ul style="list-style-type: none"> ○ had leave under another category and who has since been granted leave to remain as a relevant PBS migrant, or ○ is being granted leave to remain as a relevant PBS migrant at the same time as the applicant.

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	<p>And</p> <p>The Tier 4 (General) migrant must:</p> <ul style="list-style-type: none"> • be a government sponsored student who has or is applying for leave for a course of study that is longer than six months • be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level, or • have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than six months long, and: <ul style="list-style-type: none"> ○ have had this leave within the three months before the date of the application ○ be applying for a course of study of more than six months, and ○ be applying for leave at the same time as the family member.
Does this category lead to settlement (indefinite leave to remain)?	Yes, if the main applicant is granted indefinite leave as a PBS migrant.
Is knowledge of language and life required?	Yes
CID case type	T1HSDPILR T1 HS Dep Partner Joining Relatives – ILR T2DPILR T2 SW – Dep Partner Joining Relatives - ILR
Immigration Rules paragraphs	319AA-319E

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Family members of points-based system migrants

Key facts - children of points-based system migrants

This page shows you the key facts for children of points-based system (PBS) migrants.

Category: Children of points-based system migrants	
Eligibility requirements	<p>Requirements of paragraph 319H of the Immigration Rules</p> <p>To be granted entry clearance or leave to remain as the child of a PBS migrant, an applicant must meet the requirements of paragraph 319H of the Immigration Rules:</p> <ul style="list-style-type: none">• The applicant must not fall for refusal on general grounds and must not be an illegal entrant.• The applicant must be the child of a person who:<ul style="list-style-type: none">○ has leave as a PBS migrant○ is being granted leave at the same time as a PBS migrant, or○ has indefinite leave to remain or British citizenship and who last held leave in Tier 1, 2, or 5 of PBS○ their other parent does not yet qualify for indefinite leave to remain, and○ they last held leave as PBS dependant granted on or after 9 July 2012.• The applicant must be under the age of 18 on the date of application unless they are applying for leave to remain and were last granted leave as:<ul style="list-style-type: none">○ the child of a PBS migrant, or○ the child of a migrant granted leave under a different category of the rules who has since been granted leave as a PBS migrant or who is applying for leave as a PBS migrant at the same time.• The applicant must not:<ul style="list-style-type: none">○ be married or in a civil partnership○ have formed an independent family unit○ be leading an independent life.• The applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant.• Both of the applicant's parents must be lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless:<ul style="list-style-type: none">○ the PBS migrant is the applicant's sole surviving parent○ the PBS migrant has and has had sole responsibility for the applicant's upbringing, or○ there are serious or compelling family or other considerations which would make it desirable not

	<p>to refuse the application and suitable arrangements have been made in the UK for the applicant's care.</p> <ul style="list-style-type: none"> • The applicant must meet the maintenance requirements, unless the PBS migrant is a: <ul style="list-style-type: none"> ○ Tier 1 (Investor), or ○ Tier 1 (Exceptional talent). • An applicant applying for leave to remain must: <ul style="list-style-type: none"> ○ have leave, or have last been granted leave, as the child of a parent who had leave under any category of the Immigration Rules, or ○ have been born in the UK to a parent who had leave under any category of the Immigration Rules • If the applicant is a child born in the UK to a PBS migrant and their partner, they must provide a full UK birth certificate showing the names of both parents. • All arrangements for the applicant's care and accommodation in the UK must comply with relevant UK legislation and regulations. <p>Additional requirements for dependants of Tier 4 (General) migrants - paragraph 319H(i)</p> <p>The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:</p> <ul style="list-style-type: none"> • is a government sponsored student taking a course of study that will be longer than six months • the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the: <ul style="list-style-type: none"> ○ Department for Employment and Learning in Northern Ireland ○ Higher Education Funding Council for England ○ Higher Education Funding Council for Wales, or ○ Scottish Funding Council • is on the doctorate extension scheme, or • is applying for entry clearance or leave to remain to take a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than six months duration in the three months immediately preceding the date of the application <p>To apply in the UK the child must also:</p> <ul style="list-style-type: none"> • Be a child born in the UK to a PBS migrant and their
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	<p>dependent partner. The child must have been born in the UK to a PBS migrant and their dependent partner and either:</p> <ul style="list-style-type: none"> ○ have been born during the PBS migrant's most recent period of leave as a Tier 4 (General) student or student and their course must have been for more than six months duration ○ if the PBS migrant's most recent period of leave was to re-sit examinations or repeat a module of a course, the child must have been born during a period of leave granted for the purposes of re-sitting examinations or repeating a module of a course or during the relevant PBS migrant's grant of leave for a course of more than six months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, or ○ have been born no more than three months after the expiry of that most recent grant of leave and must be applying for entry clearance. <p>Children of Tier 4 (General) migrants born since the PBS migrant was last granted leave A child whose parent is a Tier 4 (General) student who does not meet the requirements of paragraph 319H(i) must:</p> <ul style="list-style-type: none"> • have been born since the Tier 4 (General) student or pre-PBS student's most recent grant of entry clearance, leave to enter or leave to remain: <ul style="list-style-type: none"> ○ for a course lasting more than six months ○ to re-sit an examination or to repeat a module, or ○ for a course lasting more than six months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, and • have been born no more than three months after the expiry of that most recent grant of leave.
Application forms	<ul style="list-style-type: none"> • Application made outside UK – VAF10 • Extension (within UK): <ul style="list-style-type: none"> ○ Tier 1, 2 or 5 dependant ○ Tier 4 dependant • Indefinite leave to remain – SET(O).
Cost of application:	Fees for Home Office services (Links to staff intranet removed)
Entry clearance mandatory?	<p>Yes, unless:</p> <ul style="list-style-type: none"> • the child is not a visa national, and • they are accompanying a Tier 5 (Temporary worker) migrant, who is being granted leave to enter at the same time, and

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	<ul style="list-style-type: none"> they meet all of the requirements of 319H of the Immigration Rules.
Is biometric information required for applications made in the UK?	Yes, if the applicant's PBS migrant partner has a biometric residence permit (BRP) or is applying for one as part of their PBS application.
Code of leave to remain granted	<p>Code 1 conditions unless the applicant is the child of a Tier 4 migrant who:</p> <ul style="list-style-type: none"> has been granted less than 12 months leave, or is following a course of study that is below degree level, with the exception of foundation degree courses. <p>If this is the case you must grant the child of the PBS migrant leave on code 3 conditions.</p>
Entry clearance endorsements	<ul style="list-style-type: none"> TIER 1 (GENERAL) CHILD TIER 1 (ENTREPRENEUR) CHILD TIER 1 (INVESTOR) CHILD TIER 1 (POST STUDY) CHILD TIER 2 CHILD TIER 4 (GENERAL) DEP. CHILD TIER 5 TW CHILD
Conditions of leave to remain	<ul style="list-style-type: none"> No access to public funds. Must register with the police, if required. Can work in the UK unless they are applying for leave as the child of a Tier 4 migrant and: <ul style="list-style-type: none"> the Tier 4 migrant has been granted less than 12 months leave, and/or the Tier 4 migrant is following a course below degree level (with the exception of a foundation degree).
How long is leave to remain normally granted for?	<p>For the same period as:</p> <ul style="list-style-type: none"> the PBS migrant, or (if the PBS migrant has been granted ILR or has become a British citizen) the same period as the PBS migrant's partner.
Are dependants allowed?	No
Work and study allowed?	<p>Study - Yes, if in the UK for more than 12 months.</p> <p>Work – see 'conditions of leave' above.</p>
Switching into this category allowed?	<p>Children of Tier 1, 2, and 5 applicants can switch when:</p> <ul style="list-style-type: none"> they have or last had entry clearance or leave to remain as the child of a person who: <ul style="list-style-type: none"> had leave under another category and who has since been granted leave to remain as a relevant PBS migrant is being granted leave to remain as a relevant PBS migrant at the same, or

	<ul style="list-style-type: none"> ○ is a child born in the UK to a PBS migrant and their dependent partner. <p>Children of Tier 4 (General) migrants Children of a Tier 4 (General) migrant can switch when they have or last had entry clearance or leave to remain as the child of a person who:</p> <ul style="list-style-type: none"> • had leave under another category and who has since been granted leave to remain as a relevant PBS migrant, or • is being granted leave to remain as a relevant PBS migrant at the same time. <p>Children born in the UK to a Tier 4 (General) migrant and their dependent partner may switch provided they:</p> <ul style="list-style-type: none"> • were born since the migrant's most recent grant of entry clearance, leave to enter or leave to remain: <ul style="list-style-type: none"> ○ for a course lasting more than six months ○ to re-sit an examination or to repeat a module, or ○ for a course lasting more than six months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, and • they were born no more than three months after the expiry of that most recent grant of leave, and • they are applying for entry clearance. <p>And</p> <p>The Tier 4 (General) student must:</p> <ul style="list-style-type: none"> • be a government sponsored student who has or is applying for leave for a course of study that is longer than six months • be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level, or • have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than six months long, and <ul style="list-style-type: none"> ○ have had this leave within the three months before the date of the application ○ be applying for a course of study of more than six months, and ○ be applying for leave at the same time as the family member.
<p>Does this category lead to settlement (indefinite leave to remain)?</p>	<p>Yes, if the main applicant is granted indefinite leave as a PBS migrant.</p>

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Is knowledge of language and life required?	Yes, unless the applicant is under the age of 18.
CID case type	T1HSDCILR T1 HS Dep Child Joining Relatives – ILR T2DCILR T2 SW – Dep Child Joining Relatives – ILR.
Immigration Rules paragraphs	319F-319J

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Verifying documents

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This page tells you about how to verify supporting documents submitted by family members of points-based system migrants.

If you have reasonable doubts about the authenticity of supporting document(s) you must attempt to verify them. The process for doing this will vary but may involve checking the authenticity of documents with:

- employers
- banks
- universities
- professional bodies
- the relevant embassy or high commission, or
- other government departments (in the UK and overseas).

The purpose of these checks is to make sure the document provided is genuine and accurately reflects statements made in the application. For guidance on how to refer documents to the Northeast, Yorkshire and Humber regional verification team and/or the regional intelligence unit, see related links.

If...	Then...
Document(s) have been confirmed as genuine.	You must continue to consider the application as normal.
Document(s) have been confirmed as false.	<p>You must refuse the application (regardless of whether or not the document(s) are essential to the application) under:</p> <ul style="list-style-type: none">• general grounds, and/or• the relevant parts of paragraph 319H. <p>For information on refusing on general</p>

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		grounds, see related link.	
	The verification check is inconclusive.	<p>You must disregard the document(s) under paragraph 39B of the Immigration Rules.</p> <p>If the family member has provided other specified documents to meet the requirements of the rules you can consider these as normal.</p>	

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Family members of points-based system migrants

Entry, extension and indefinite leave requirements

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This section tells you about the requirements for a person applying for entry, an extension, or indefinite leave to remain as the family member of a points-based system (PBS) migrant.</p> <p>Before considering an application you must check that:</p> <ul style="list-style-type: none">• the application is valid• the applicant has submitted their biometrics, if the PBS migrant partner has or is applying for a biometric residence permit (BRP) as part of their PBS application• the applicant's passport or travel document is genuine• there are no general grounds for refusal. <p>For more information, see related links:</p> <ul style="list-style-type: none">• Applications submitted with the main PBS migrant's application• Specified application forms and procedures• Biometric information• Passports and travel documents• General grounds for refusal. <p>Referring cases Before progressing an application, you must check whether the applicant meets the requirements for referral to:</p> <ul style="list-style-type: none">• criminal casework directorate• special cases directorate• counter-terrorism unit• human trafficking unit, or• regional intelligence unit <p>by checking:</p>	<p>In this section Entry or extension requirements - partners Entry or extension requirements - children Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • GCID • warehouse • case reference system (CRS) • biometric residence permits (BRP) • the police national computer (PNC), and • internal Home Office security systems. <p>For information on transferring or referring a case and GCID special conditions flags, see related links.</p> <p>Representatives If an applicant has a representative, you must check that the representative is approved to provide immigration advice with an accrediting body. For more information, see related link: Establish whether the representative is registered with the approved accrediting body.</p> <p>Supporting documents Family members must make sure they provide all of the required supporting documents with their application. Dependants of Tier 4 (General) students who make an application may qualify for the differentiation arrangements which allow them to apply with fewer supporting documents. For more information, see related link: Tier 4 (General) – differentiation arrangements for dependants.</p> <p>If you have doubts about the supporting document(s) an applicant has provided you must attempt to verify they are genuine. For more information, see link related link: Verifying documents.</p> <p>Requesting more information If, having considered the application, you could grant it providing you obtained or clarified certain details, you may consider making an enquiry to request the information. For more information, see related link: Evidential flexibility.</p> <p>Translating documents If the documents provided are not in English or Welsh, the applicant must provide a certified</p>	
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	For information on the specific entry, extension and indefinite leave requirements for partners and children of PBS migrants, see related links.	
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Family members of points-based system migrants

Entry or extension requirements - partners

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you about the requirements for entry or an extension as the partner of a points-based system (PBS) migrant.</p> <p>Entry clearance</p> <p>People who wish to enter the UK in this category must have entry clearance unless they seek entry as the partner of a Tier 5 (Temporary worker) migrant and:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time, and• they meet all of the requirements of paragraph 319C of the Immigration Rules described below. <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules - appendix 1.</p> <p>Requirements of paragraph 319C of the Immigration Rules</p> <p>The requirements are as follows:</p> <ul style="list-style-type: none">• Both the applicant and the PBS migrant must be aged 18 years or older on the date they arrive in the UK or the date that leave is granted.• If they are applying for leave as the husband, wife or civil partner of a PBS migrant the PBS migrant must not be in polygamous marriages or civil partnerships, as set out in paragraphs 278 and 279 of the Immigration Rules. For more information, see related link: 1.4 Polygamous and potentially polygamous marriages.• There must not be any reasons why the application might be refused because of general grounds and the applicant must not be an illegal entrant. For more information, see related link: General grounds for refusal.• The applicant must be the spouse, civil partner, unmarried partner or same sex partner of a person who:	<p>In this section</p> <p>Entry or extension requirements – children Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Related links</p> <p>Maintenance requirements</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> ○ has leave as a PBS migrant, or ○ is being granted leave at the same time as a PBS migrant. ● If the applicant is the unmarried or same-sex partner, then: <ul style="list-style-type: none"> ○ any previous marriage or civil partnership that the applicant or PBS migrant had with another person must have permanently broken down ○ the applicant and PBS migrant must not be so closely related that they would not be allowed to marry in the UK ○ the applicant and PBS migrant must have been living in a relationship similar to marriage or civil partnership for a period of at least two years. ● The relationship between the applicant and the PBS migrant must be subsisting when the application is made. ● The applicant and the PBS migrant must intend to live together as spouse, civil partner, unmarried or same sex partner throughout the applicant's stay in the UK. ● The applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant. ● The applicant must meet the maintenance requirements, unless the PBS migrant is a: <ul style="list-style-type: none"> ○ Tier 1 (Investor), or ○ Tier 1 (Exceptional talent). For more information, see related link: Maintenance requirements. ● If they are applying for an extension of stay the applicant must have or have last been granted leave: <ul style="list-style-type: none"> ○ as the partner of the PBS migrant ○ as the spouse, civil partner, unmarried or same sex partner of a person with leave in another category of the Immigration Rules who has since been granted or is being granted leave as a PBS migrant, or ○ in any other category of the Immigration Rules if they are applying for leave as the partner of a Tier 5 (Temporary worker) migrant in the creative and sporting subcategory. <p>Additional requirements for dependants of Tier 4 (General) migrants The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:</p>	
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	<ul style="list-style-type: none"> • is a government sponsored student taking a course of study that will be longer than six months • the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the: <ul style="list-style-type: none"> ○ Department for Employment and Learning in Northern Ireland ○ Higher Education Funding Council for England ○ Higher Education Funding Council for Wales, or ○ Scottish Funding Council • is on the doctorate extension scheme, or • is applying for entry clearance or leave to remain to take a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than six months duration in the three months immediately preceding the date of the application and: <ul style="list-style-type: none"> ○ the partner must have or have last had leave the same as the student, and ○ the relevant points-based system migrant and partner must be applying at the same time. <p>To apply in the UK the spouse must also:</p> <ul style="list-style-type: none"> • have previously held leave as the dependant of the Tier 4 (General) applicant, in this, or in another immigration category 	
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Family members of points-based system migrants

Entry or extension requirements - children

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you about the requirements for entry or an extension as the child of a points-based system (PBS) migrant.</p> <p>Entry clearance</p> <p>People who wish to enter the UK in this category must have entry clearance unless they are the child of a Tier 5 (Temporary worker) migrant and:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time, and• they meet the requirements of paragraph 319H. <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules - Appendix 1.</p> <p>Requirements of paragraph 319H of the Immigration Rules</p> <p>To be granted entry clearance or leave to remain as the child of a PBS migrant, an applicant must meet the requirements of 319H of the Immigration Rules:</p> <ul style="list-style-type: none">• There must not be any reasons why the applicant would be refused because of general grounds and the applicant must not be an illegal entrant. For more information, see related link: General grounds for refusal.• The applicant must be the child of a person who:<ul style="list-style-type: none">○ has leave as a PBS migrant, or○ is being granted leave at the same time as a PBS migrant.• The applicant must be under the age of 18 on the date of application unless they are applying for leave to remain and were last granted leave as:<ul style="list-style-type: none">○ the child of a PBS migrant, or○ the child of a migrant granted leave under a different category of the rules who has since been granted leave as a PBS migrant or who is applying for leave as a PBS	<p>In this section</p> <p>Entry or extension requirements – partners Indefinite leave requirements Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Related links</p> <p>Maintenance requirements</p> <p>Links to staff intranet removed</p>
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	<p>migrant at the same time.</p> <ul style="list-style-type: none"> • The applicant must not: <ul style="list-style-type: none"> ○ be married or in a civil partnership ○ have formed an independent family unit, or ○ be leading an independent life. For more information on what is considered to be an independent life, see related link: 5A.1 – Children – guidance – (general). • The applicant must not intend to stay in the UK beyond any period of leave granted to the PBS migrant. • Both of the applicant's parents must be lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless: <ul style="list-style-type: none"> ○ the PBS migrant is the applicant's sole surviving parent ○ the PBS migrant has and has had sole responsibility for the applicant's upbringing, or ○ there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care. For more information on sole responsibility and compelling considerations, see related link: 5A.1 – Children – guidance – (general). • The applicant must meet the maintenance requirements, unless the PBS migrant is a: <ul style="list-style-type: none"> ○ Tier 1 (Investor), or ○ Tier 1 (Exceptional talent). <p>For more information on the maintenance requirements, see related link.</p> • An applicant applying for leave to remain must: <ul style="list-style-type: none"> ○ have leave, or have last been granted leave, as the child of a parent who had leave under any category of the Immigration Rules, or ○ been born in the UK to a parent who had leave under any category of the Immigration Rules. • If the applicant is a child born in the UK to a PBS migrant and their partner, they must provide a full UK birth certificate showing the names of both parents. • All arrangements for the applicant's care and accommodation in the UK must comply with relevant UK legislation and regulations. <p>Additional requirements for dependants of Tier 4 (General) migrants - paragraph 319H(i)</p>	
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	<p>The applicant can be the family member of a Tier 4 (General) student who is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the UK if the Tier 4 migrant:</p> <ul style="list-style-type: none"> • is a government sponsored student taking a course of study that will be longer than six months • the Tier 4 migrant is a postgraduate student on a course of 12 months or longer and they have a sponsor who is either a recognised body or one in receipt of funding as a higher education institution from the: <ul style="list-style-type: none"> ○ Department for Employment and Learning in Northern Ireland ○ Higher Education Funding Council for England ○ Higher Education Funding Council for Wales, or ○ Scottish Funding Council • is on the doctorate extension scheme, or • is applying for entry clearance or leave to remain to take a course of study of more than six months duration and must have or have last had entry clearance, leave to enter or leave to remain as a Tier 4 (General) student or student for a course of more than six months duration in the three months immediately preceding the date of the application <p>To apply in the UK the child must also be a child born in the UK to a PBS migrant and their dependent partner. The child must have been born in the UK to a PBS migrant and their dependent partner and either:</p> <ul style="list-style-type: none"> • have been born during the PBS migrant's most recent period of leave as a Tier 4 (General) student or student and their course must have been for more than six months duration • if the PBS migrant's most recent period of leave was to re-sit examinations or repeat a module of a course, the child must have been born during a period of leave granted for the purposes of re-sitting examinations or repeating a module of a course or during the relevant PBS migrant's grant of leave for a course of more than six months, where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, or • have been born no more than three months after the expiry of that most recent grant of 	
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leave and must be applying for entry clearance.

Children of Tier 4 (General) migrants born since the PBS migrant was last granted leave

A child whose parent is a Tier 4 (General) student who does not meet the requirements of paragraph 319H(i) must:

- have been born since the Tier 4 (General) student or pre-PBS student's most recent grant of entry clearance, leave to enter or leave to remain:
 - for a course lasting more than six months
 - to re-sit an examination or to repeat a module, or
 - for a course lasting more than six months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, and
- have been born no more than three months after the expiry of that most recent grant of leave.

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Family members of points-based system migrants

Indefinite leave requirements

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains the requirements for indefinite leave to remain for family members of points-based system (PBS) migrants.</p> <p>Partners - paragraph 319E of the Immigration Rules</p> <p>To be granted indefinite leave to remain as the partner of a PBS migrant, the applicant must:</p> <ul style="list-style-type: none">• be the spouse, civil partner, unmarried or same sex partner of a person who is being, or has been, granted indefinite leave as a PBS migrant• have, or have last been granted, leave as the partner of the person who is being, or has been, granted indefinite leave as a PBS migrant• have been living with the PBS migrant in the UK in marriage or civil partnership, or in a relationship similar to marriage or civil partnership for at least:<ul style="list-style-type: none">○ two years - for applicants granted leave as the partner of a PBS migrant under the rules in place before 9 July 2012 and who have since had continuous leave in that category○ five years – for applicants granted leave as the partner of a PBS migrant under the rules in place on or after 9 July 2012, who have since had continuous leave in that category and, during that period, have met all the requirements of paragraph 319C (a) to (e)• be in a subsisting relationship with the PBS migrant at the time the application is made (for more information, see related link: 2.0 Genuine and subsisting relationship)• intend to live together permanently with the PBS migrant as their spouse, civil partner, unmarried or same sex partner (for more information, see related link: 1.0 Partners)• meet the knowledge of language and life in the UK requirements. For more information, see related link. <p>The applicant must not:</p> <ul style="list-style-type: none">• fall for refusal under general grounds• be an illegal entrant, or	<p>In this section</p> <p>Entry or extension requirements - partners Entry or extension requirements – children Family members of PBS migrants granted ILR or British citizenship Switching</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • be in the UK in breach of immigration laws. However, if the applicant has overstayed by no more than 28 days on the date of application you may disregard it. For more information, see related link: Applications from overstayers (non family routes). <p>Children – paragraph 319J of the Immigration Rules</p> <p>To be granted indefinite leave to remain as the child of a PBS migrant, the applicant must be the child of either:</p> <ul style="list-style-type: none"> • a parent who is, at the same time, being granted indefinite leave to remain as a PBS migrant (for children granted leave as the child of a PBS migrant under the rules in place before 9 July 2012) • a parent who has been granted, or is at the same time being granted, indefinite leave to remain as a PBS migrant when: <ul style="list-style-type: none"> ○ that parent is the applicant's sole surviving parent ○ that parent has and has had sole responsibility for the applicant's upbringing, or ○ there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care • a parent who is at the same time being granted indefinite leave to remain as the partner of a person who has indefinite leave to remain as a PBS migrant, or • a parent who is at the same time being granted indefinite leave to remain as the partner of a person who has become a British citizen (when immediately prior to that they had indefinite leave to remain as a PBS migrant). <p>The applicant must also:</p> <ul style="list-style-type: none"> • have, or have last been granted, leave as the child of a PBS migrant or their partner, who is being granted indefinite leave, or <ul style="list-style-type: none"> ○ have been born to a PBS migrant who is being granted indefinite leave • have both parents lawfully present in the UK or being granted entry clearance or leave to remain at the same time as the applicant, unless: <ul style="list-style-type: none"> ○ the PBS migrant is the applicant's sole surviving parent ○ the PBS migrant has, and has had, sole responsibility for the applicant's upbringing, or 	
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	<ul style="list-style-type: none">○ there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care. For more information on compelling family considerations, see related link: 5A.1 – Children – guidance – (general).● meet the knowledge of language and life in the UK requirements, unless the applicant is aged under the age of 18 on the date that they make their application. For more information on this requirement, see related link: Knowledge of language and life in the UK.● if the child was born in the UK - provide a full UK birth certificate showing the names of both parents● have arrangements in place for their care and accommodation which complies with relevant UK legislation and regulations● if the child is over the age of 16 on date of application, they must provide the specified documents and information in paragraph 319H-SD, see related link to the rules. <p>The applicant must not:</p> <ul style="list-style-type: none">● fall for refusal under general grounds● be an illegal entrant● be married or in a civil partnership or have formed an independent family unit and leading an independent life, or● be in the UK in breach of immigration laws. However, if the applicant has overstayed by no more than 28 days on the date of application you may disregard it. For more information, see related link: Applications from overstayers (non family routes).	
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Family members of points-based system migrants

Family members of PBS migrants granted ILR or British citizenship

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains how to consider applications from family members of points-based system (PBS) migrants where the PBS migrant has indefinite leave to remain (ILR).</p> <p>This must be as:</p> <ul style="list-style-type: none">• a PBS migrant, or• a British citizen, if before that they held ILR as a PBS migrant. <p>Change to the Immigration Rules - 9 July 2012</p> <p>From 9 July 2012, dependent partners of PBS migrants must complete a five year probationary period before they qualify for ILR. If the PBS migrant obtains ILR as:</p> <ul style="list-style-type: none">• a PBS migrant, or• a British citizen, if before that they held ILR as a PBS migrant <p>before their partner has completed their five year probationary period, the partner can still apply for further leave to remain as a PBS dependant rather than as the partner of a settled person. If their application meets the requirements, leave to remain can be granted for up to three years.</p> <p>If the PBS migrant has ILR on the basis of long residence, their partner cannot extend their leave or gain settlement as a PBS dependant and must switch into the partner of a settled person category and apply for limited leave. For more information see related link.</p> <p>Combining leave for ILR</p> <p>If the applicant has previously been granted leave in another category of the Immigration Rules as the spouse, civil partner, unmarried or same-sex partner of the same main applicant (that is, the PBS migrant), that leave can be combined with leave granted as a PBS dependant to count towards the probationary period for ILR, provided their most recent leave has been as the partner of that PBS migrant.</p>	<p>In this section</p> <p>Entry or extension requirements - partners Entry or extension requirements - children Indefinite leave requirements Switching</p> <p>Links to staff intranet removed</p>
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	<p>Action for caseworkers</p> <p>Applications from PBS dependants submitted on or after 9 July 2012 where the PBS migrant was granted ILR in that category, must be considered under paragraphs 319AA-319J in part 8 of the Immigration Rules.</p> <p>Such applications are not subject to the additional requirements listed in appendix FM and must be submitted on the PBS Dependant application form.</p> <p>PBS dependent partner applications received on or after 9 July 2012</p> <p>You must search for the applicant's PBS migrant partner on GCID or warehouse to confirm whether they have already been granted ILR:</p> <ul style="list-style-type: none"> • If there is no record of an ILR application by the PBS migrant you must: <ul style="list-style-type: none"> ○ contact the applicant or their representative for further details of the application (for example, the payment reference number). For guidance on requesting more information, see related link: Points – based system - Evidential flexibility. ○ if there is no ILR application for the PBS migrant you must consider the PBS dependant application in line with the requirements of paragraph 319AA-319E of the Immigration Rules. Where the requirements are met, you must grant leave to remain in line with the PBS migrant • If there is a record of an ILR application for the PBS migrant which is yet to be decided, you must: <ul style="list-style-type: none"> ○ bring forward (BF) the application until a decision has been made, then ○ consider the PBS dependant application in line with the requirements of paragraph 319AA – 319E of the Immigration Rules. • If the PBS migrant has been granted ILR you must: <ul style="list-style-type: none"> ○ consider the PBS dependant application in line with the requirements of paragraph 319AA – 319E of the Immigration Rules. Where the requirements are met, you must grant leave to remain for three years. <p>PBS dependent child applications received on or after 9 July 2012 where only one of the parents has ILR</p> <p>Paragraphs 319F-319J of the Immigration Rules have been changed so that a child cannot</p>	
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	<p>be granted ILR as the family member of a PBS migrant until both parents have been or are being granted ILR. However, the rules have also been changed to provide a route of entry for the child of a PBS migrant who has ILR and a PBS dependent partner who is still serving their probationary period for ILR.</p> <p>Transitional arrangements are in place to allow children who were granted leave before 9 July 2012 as the child of a PBS migrant to obtain ILR in line with that migrant, provided the other parent is lawfully in the UK or being granted leave at the same time as the child.</p> <p>Considering the application If the application meets the requirements of the rules, you must grant leave in line with the parent who has limited leave as the dependent partner of a person who has either:</p> <ul style="list-style-type: none"> • limited leave to enter or remain as a PBS migrant • indefinite leave to remain as a PBS migrant, or • become a British citizen. <p>Applications for leave as the dependent child of a PBS migrant with sole responsibility for that child There are no provisions within the Immigration Rules to grant leave to remain to a PBS dependent child where the PBS migrant (the parent) has both ILR and sole responsibility for that child.</p> <p>Such children will fall for refusal but before you do so you must first:</p> <ul style="list-style-type: none"> • contact the applicant or their representative to ask if they would like to vary the purpose of their application to that of a SET(O) to be considered for ILR, and • BF the case until you receive a response. <p>If the applicant or their representative fails to respond, or states that they wish to continue with the PBS Dependant application, you must consider the application under paragraphs 319F-319J of the Immigration Rules and refuse under paragraph 319H(b)(i).</p> <p>If the applicant (or their representative) responds confirming in writing that they wish to vary</p>	
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	their application to be considered as an ILR application, you must forward the application and supporting documents to settlement colleagues.	
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Family members of points-based system migrants

Switching

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you when a person can switch into the family members of points-based system (PBS) migrants category.</p> <p>Switching for family members of Tier 1, 2 and 5 migrants Family members of Tier 1, 2, and 5 applicants can switch when:</p> <ul style="list-style-type: none"> • they have or last had entry clearance or leave to remain as the partner or child of a person who: <ul style="list-style-type: none"> ○ had leave under another category and who has since been granted leave to remain as a relevant PBS migrant ○ is being granted leave to remain as a relevant PBS migrant at the same time as the applicant, or ○ is a child born in the UK to a PBS migrant and their dependent partner. <p>Switching for family members of Tier 4 (General) migrants Whether the family member of a Tier 4 (General) migrant can switch depends on both:</p> <ul style="list-style-type: none"> • the family member, and • the Tier 4 (General) student. <p>Family member Family members of a Tier 4 (General) student can switch when they have or last had entry clearance or leave to remain as the partner or child of a person who:</p> <ul style="list-style-type: none"> • had leave under another category and who has since been granted leave to remain as a relevant PBS migrant, or • is being granted leave to remain as a relevant PBS migrant at the same time as the applicant. 	<p>In this section Entry or extension requirements - partners Entry or extension requirements - children Indefinite leave requirements</p> <p>Links to staff intranet removed</p>
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	<p>Children born in the UK to a Tier 4 (General) migrant and their dependent partner may switch provided they:</p> <ul style="list-style-type: none">• were born since the migrant's most recent grant of entry clearance, leave to enter or leave to remain:<ul style="list-style-type: none">○ for a course lasting more than six months○ to re-sit an examination or to repeat a module, or○ for a course lasting more than six months where that course is the same as the one for which the most recent grant of leave was to re-sit examinations or repeat a module, and• they were born no more than three months after the expiry of that most recent grant of leave, and• they are applying for entry clearance. <p>Tier 4 migrant For the family member to switch, as well as meeting the requirements above, the Tier 4 (General) student must:</p> <ul style="list-style-type: none">• be a government sponsored student who has or is applying for leave for a course of study that is longer than six months• be studying a course of study that is 12 months or more at a recognised body or a UK higher education institution and which is at post-graduate level, or• have, or have last had, leave as a Tier 4 (General) migrant or as a pre-PBS student for a course of study more than six months long, and<ul style="list-style-type: none">○ have had this leave within the three months before the date of the application○ be applying for a course of study of more than six months, and○ be applying for leave at the same time as the family member.	
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Family members of points-based system migrants

Maintenance requirements

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	This section tells you about the maintenance requirements for family members of points-based system (PBS) migrants and what evidence they must provide.	In this section Maintenance - Tier 1, 2 and 5 family members Maintenance – Tier 4 (General) family members Links to staff intranet removed
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Family members of points-based system migrants

Maintenance – Tier 1, 2 and 5 family members

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains the maintenance requirements for dependent family members of Tier 1, 2 and 5 migrants and dependants of people with indefinite leave to remain or British citizenship who last held leave in these categories.</p> <p>Tier 1 family members Family members of Tier 1 (General) migrants must have evidence of available funds of:</p> <ul style="list-style-type: none">• £600 - if the Tier 1 migrant has been in the UK for 12 months or more, or• £1800 - if the Tier 1 migrant is outside the UK or has been present in the UK for less than 12 months. <p>Tier 2 family members Family members of Tier 2 migrants must each have £600 to support themselves.</p> <p>To meet this requirement the family member must either:</p> <ul style="list-style-type: none">• have savings of £600 which have been held for at least three months before the date of application, or• have a written undertaking from the Tier 2 A-rated sponsor stating that, should it become necessary, it will maintain and accommodate the family member for a month. They can limit the undertaking provided the limit is at least £600 per family member. Family members of people with indefinite leave to remain or British citizenship cannot have maintenance certified for them and must always show cash funds. <p>Tier 2 - exceptions to the maintenance requirement Tier 2 applicants who apply because they have changed Tier 2 employer do not need to meet the maintenance requirements, nor do any family members who are applying at the same time. But if the family members apply separately from the main applicant, each family member will have to meet the maintenance requirement.</p>	<p>In this section Maintenance – Tier 4 (General) family members</p> <p>Links to staff intranet removed</p>
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	<p>Tier 5 family members Each family member of the Tier 5 (Temporary worker) migrant must show they have £600 to support themselves.</p> <p>Family member of a Tier 5 (Youth mobility scheme) migrant The dependant route is not available for family members of Tier 5 (Youth mobility scheme) migrants.</p>	
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Family members of points-based system migrants

Maintenance – Tier 4 (General) family members

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This page explains the maintenance requirements for dependent family members of Tier 4 (General) migrants.

A family member of a Tier 4 (General) migrant must show that they have enough money to cover their monthly living costs whilst the main applicant is studying in the UK.

Their maintenance requirements will depend on the following circumstances:

- the length of the Tier 4 (General) migrant's course
- where in the UK the Tier 4 (General) migrant will be studying, and
- whether the Tier 4 (General) migrant is currently studying or has recently studied in the UK (established presence).

For information on the maintenance requirements for Tier 4 (General) students, see related link: Tier 4 (General) - maintenance requirements.

Main study site in inner London

If the Tier 4 (General) migrant is studying in inner London, dependent family members will need to show they have more funds available than those living in outer London or elsewhere in the UK.

Study site	Monthly living cost requirement
Inner London	£600 per calendar month
Outer London and the rest of the UK	£450 per calendar month

A Tier 4 (General) migrant is considered to be studying in inner London if half or more of their study time is in one of the following London boroughs: Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth or Westminster.

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You can check if the educational establishment is in inner London by entering the postcode into the 'about my vote' website (see related link).

Established presence

Family members must show they have funds to cover living costs for each month the Tier 4 (General) migrant is studying, up to a maximum of:

- two months – for students with an established presence
- nine months – for student without an established presence.

For information on how to identify whether a Tier 4 (General) migrant has an established presence, see related link: Tier 4 – established presence.

Maintenance requirements

The table below show the maintenance requirements for family members of Tier 4 (General) applicants. If the main Tier 4 (General) applicant is applying at the same time, they must also show they can meet their maintenance requirement.

Tier 4 (General) student's study location	Does the Tier 4 (General) student have an established presence?	Evidence of funds required
Inner London	Yes	Each family member must show evidence of funds to cover: <ul style="list-style-type: none"> • £600 for each month of the Tier 4 (General) student's course up to a maximum of two months.
	No	Each family member must show evidence of funds to cover: <ul style="list-style-type: none"> • £600 for each month of the Tier 4 (General) student's course up to a maximum of nine months.
Outer London and	Yes	Each family member must show

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	the rest of the UK		evidence of funds to cover: <ul style="list-style-type: none">• £450 for each month of the Tier 4 (General) student's course up to a maximum of two months.	
		No	Each family member must show evidence of funds to cover: <ul style="list-style-type: none">• £450 for each month of the Tier 4 (General) student's course up to a maximum of nine months.	
	Family member of a Tier 4 (Child) student migrant The dependant route is not available for family members of Tier 4 (Child) student migrants.			

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Family members of points-based system migrants

Evidence of funds

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This section explains what evidence of funds a family member of a points-based system (PBS) migrant must provide to show they meet the maintenance requirement.</p> <p>Evidence must be in the form of cash funds. Accounts or financial instruments, for example, shares, bonds and pension funds are not acceptable even where a period of notice is provided.</p> <p>Where the funds are in a currency other than pounds sterling, you must calculate the value based on the exchange rate for the relevant currency on the date of the application published on the OANDA website (see related link).</p> <p>Documents required – general information The applicant must provide original documents:</p> <ul style="list-style-type: none">• printed on the official letter-headed paper or stationery of the issuing organisation• bearing the official stamp of the organisation• issued by an authorised official of the organisation• dated no more than 31 days before the application is submitted. <p>Bank statements Only the most recent statement must be dated within 31 days of the date of application. Bank statements printed on the bank's stationery can be provided as evidence but mini-statements from cash points are not acceptable.</p> <p>Electronic bank statements Electronic bank statements from an online account must contain all of the details listed above. In addition, the migrant must provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively, you can accept an electronic bank statement bearing the official stamp of the bank in question. This</p>	<p>In this section Evidence for applications made under Tier 1, 2 and 5 Evidence for applications made under Tier 4 (General) Evidence of official financial sponsorship under Tier 4 (General)</p> <p>Links to staff intranet removed</p>
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	<p>stamp must appear on every page of the statement (and on both sides if the statement is printed double-sided).</p> <p>Joint accounts</p> <p>If the applicant relies on a joint account as evidence of available funds:</p> <ul style="list-style-type: none">• (for partners) they, or the PBS migrant, must be named on the account along with one or more other named individual(s), or• (for children) the parent legally present in the UK must be named on the account.	
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Family members of points-based system migrants

Evidence for applications made under Tiers 1, 2 and 5

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page explains what evidence of funds a family member of a Tier 1, 2 and 5 migrant must provide to show they meet the maintenance requirement.</p> <p>Acceptable forms of evidence as specified in appendix E of the Immigration Rules are:</p> <ul style="list-style-type: none">• personal bank or building society statements covering the 90 day period immediately before the application• building society passbooks• a letter from a bank or building society confirming funds and that they have been in the bank for at least 90 days• a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds. <p>The evidence provided must clearly show:</p> <ul style="list-style-type: none">• the name of the main applicant and/or the family member making the application, or (for children only) the name of the other parent who is also legally present in the UK• the account number• the date of the statement or letter• the financial institution's name and logo• transactions covering the 90 day period (bank statements or letters that only show the balance in the account on a particular day, or an average balance over the 90 day period, are not sufficient)• that there are sufficient funds present in the account. At any time during the 90 day period the balance must not fall below:<ul style="list-style-type: none">○ £600 for each dependant, or○ £1800 for each dependant (this only applies to family members of Tier 1 (General) applicants when the PBS migrant is not in the UK at the time of the application or	<p>In this section Evidence for applications made under Tier 4 (General) Evidence of official financial sponsorship under Tier 4 (General)</p> <p>Links to staff intranet removed</p>
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has been in the UK for a period of less than 12 months).

Tier 2 – when the A-rated sponsor certifies maintenance

If family members are making their application at the same time as the Tier 2 migrant, an A-rated sponsor can certify the maintenance of the family member(s) on either:

- the Tier 2 migrant's certificate of sponsorship (CoS), or
- a letter. The letter can have been posted or faxed to the family member but must be on official letter-headed paper or stationery of the organisation, be signed by a senior official and show:
 - the family member's name
 - the sponsor's name and logo
 - confirmation that the sponsor has certified the maintenance, and
 - details of limits to the undertaking (if appropriate).

If the sponsor certifies maintenance on the CoS, the family member does not need to provide any other evidence for maintenance. Family members of people with indefinite leave to remain or British citizenship cannot have maintenance certified for them and must always show cash funds.

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Family members of points-based system migrants

Evidence for applications made under Tier 4 (General)

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains what evidence of funds a family member of a Tier 4 (General) migrant must provide to show they meet the maintenance requirement.</p> <p>Differentiation arrangements</p> <p>Family members from designated low-risk countries who qualify under the differentiation arrangements are not required to include evidence of meeting the maintenance requirements with their application. For more information, see related link: Tier 4 (General) – differentiation arrangements for dependants.</p> <p>Acceptable evidence</p> <p>Acceptable forms of evidence as specified in appendix E of the Immigration Rules are:</p> <ul style="list-style-type: none">• personal bank or building society statements• a building society passbook• a letter from the bank confirming funds• a letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country in which the institution operates and the funds are located) confirming funds. <p>All forms of evidence must cover a 28 day period ending no more than one month before the date of the application. Letters that simply state the balance in the account on a particular day or an average balance are not sufficient.</p> <p>The evidence provided must clearly show:</p> <ul style="list-style-type: none">• the name of the main applicant and/or the family member making the application, or (for children only) the name of the other parent who is also legally present in the UK• the account number• the date of the statement or letter	<p>In this section</p> <p>Evidence for applications made under Tier 1, 2 and 5 Evidence of official financial sponsorship under Tier 4 (General)</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none">• the financial institution's name and logo, and• the funds held in the account and/or amount of money available (letters from banks and financial institutions must show both). <p>You must not award points for maintenance when the evidence has come from a financial institution that does not satisfactorily verify financial statements. For a list of such financial institutions, see related link: List of financial institutions which do not satisfactorily verify financial statements.</p> <p>If a family member applies separately from the Tier 4 (General) student and is applying from overseas, they must show that they have held the money for 28 days.</p>	
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Family members of points-based system migrants

Evidence of official financial sponsorship under Tier 4 (General)

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains what evidence of funds a family member of a Tier 4 (General) migrant must provide if they have an official financial sponsor.</p> <p>If the Tier 4 (General) student has an official financial sponsor who is providing money to cover their course fees and living costs, the sponsor may also be covering the costs of the family member(s). Examples of official financial sponsor's include:</p> <ul style="list-style-type: none">• Her Majesty's Government• the Tier 4 (General) migrant's home government• the British Council, or• any international:<ul style="list-style-type: none">○ organisation○ company, or○ university. <p>Sponsor letter</p> <p>Where the sponsor is covering the costs of family member(s), they must provide a letter from the official financial sponsor. The letter must:</p> <ul style="list-style-type: none">• be on the official letter-headed paper or stationery of the sponsor, and• have the official stamp of that organisation on it. <p>It must show:</p> <ul style="list-style-type: none">• the name of the Tier 4 (General) student and their family member(s)• the name and contact details of the official financial sponsor• the date of the letter• the length of the sponsorship, and• the amount of money they are providing or a statement that they will cover the family member's full maintenance.	<p>In this section</p> <p>Evidence for applications made under Tier 1, 2 and 5</p> <p>Evidence for applications made under Tier 4 (General)</p> <p>Links to staff intranet removed</p>
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	If the official financial sponsorship only covers part of the family member's living costs, the family member must provide evidence to show they meet the remaining maintenance requirement.	
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Family members of points-based system migrants

Age and dependence requirement for children of points-based system migrants

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains the age requirement and what evidence must be submitted if a family member aged 16 years or over is applying for leave as the child of a points-based system (PBS) migrant.</p> <p>Age requirement and independent life</p> <p>To apply for entry or an extension as the child of a PBS migrant, the child must be under the age of 18 on the date of application unless they have, or were last granted leave to remain:</p> <ul style="list-style-type: none">• as the family member of a PBS migrant, or• as the child of a parent who had leave under another category of the rules and who has since been granted (or is at the same time being granted) leave to remain as a PBS migrant. <p>Applicants who otherwise meet this requirement are not considered to be a 'child' family member where they:</p> <ul style="list-style-type: none">• are married or in a civil partnership• have formed an independent family unit, or• are living an independent life. <p>Independent family unit</p> <p>Examples of an applicant having an independent family unit may include (but are not restricted to) when the applicant:</p> <ul style="list-style-type: none">• is living with their partner, or• has children of their own. <p>Independent life</p> <p>Examples of an applicant having an independent life may include (but are not restricted to)</p>	Links to staff intranet removed
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	<p>when the applicant:</p> <ul style="list-style-type: none"> • is living away from the family home (except where they are at boarding school) • they are in full time employment • they appear to be financially independent (their income exceeds their expenditure). <p>For more information on what is considered to be an independent life, see related link: 5A.1 – Children – guidance – (general).</p> <p>Documents required An applicant over the age of 16 must submit two items from the list below confirming their residential address:</p> <ul style="list-style-type: none"> • bank statements • credit card bills • driving licence • NHS registration document • a letter from the applicant's current school, college or university confirming the applicant's address. The letter must: <ul style="list-style-type: none"> ○ be on official headed paper ○ bear the official stamp of the organisation, and ○ have been issued by an authorised official of that organisation. <p>The documents submitted must be from two separate sources and dated no more than a month before the date of application.</p> <p>If the applicant pays rent or board towards their keep, they must also provide details of how much this amounts to each calendar month.</p> <p>Applicants living away from the family home Applicant's living separately from family members they claim to be dependent upon must provide the following information or documents:</p>	
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	<ul style="list-style-type: none">• the reasons for living away from the family home. Where this is related to study the applicant must provide a letter from their university or college confirming their enrolment and attendance of the specific course. This must be:<ul style="list-style-type: none">○ on official headed paper○ bear the official stamp of that organisation, and○ have been issued by an authorised official of that organisation.• evidence that they have been supported financially by their parents whilst living away from the family home. The following documents must be included with the application:<ul style="list-style-type: none">○ bank statements for the dependent child covering the three months before the application clearly showing the origin of the deposits○ bank statements for their parent(s) covering the three months before the application showing matching payments out of their account.	
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Family members of points-based system migrants

Granting or refusing

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This section tells you how to grant and refuse applications for leave as the family member of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Granting or refusing – partners• Granting or refusing – children.	<p>In this section</p> <p>Granting or refusing – partners</p> <p>Granting or refusing – children</p> <p>Links to staff intranet removed</p>
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Family members of points-based system migrants

Granting or refusing partners

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This section tells you how to grant or refuse applications for leave as the partner of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• Grant or refuse entry clearance – partners• Grant or refuse entry at a UK port – partners• Grant or refuse extension – partners• Grant or refuse indefinite leave - partners.	<p>In this section</p> <p>Grant or refuse entry clearance – partners Grant or refuse entry at a UK port – partners Grant or refuse extension – partners Grant or refuse indefinite leave - partners Refusal paragraphs and rights of appeal - partners</p> <p>Links to staff intranet removed</p>
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Family members of points-based system migrants

Grant or refuse entry clearance - partners

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This page tells you how to grant or refuse entry clearance for a person applying for entry as the partner of a points-based system (PBS) migrant.

Grant entry clearance

You must grant entry clearance if:

- the applicant meets all the requirements of paragraph 319C of the Immigration Rules, and
- none of the general reasons for refusal in paragraphs 320 to 324 apply.

For more information, see related links:

- Entry or extension requirements – partners
- General grounds for refusal.

The table below tells you what endorsement you must use:

Category of PBS migrant	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) PARTNER
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) PARTNER
Tier 1 (Investor)	D TIER 1 (INVESTOR) PARTNER
Tier 1 (Post-study work)	D TIER 1 (POST STUDY) PARTNER
Tier 2	D TIER 2 PARTNER
Tier 4 (General)	D TIER 4 (GENERAL) DEP. PARTNER
Tier 5	D TIER 5 TW (PARTNER)

You must add the initial and surname of the PBS migrant in the endorsement.

Condition code

You must normally grant entry clearance on Code 1 conditions. You must, however, grant

In this section

[Grant or refuse entry at a UK port – partners](#)
[Grant or refuse extension – partners](#)
[Grant or refuse indefinite leave - partners](#)
[Refusal paragraphs and rights of appeal - partners](#)

Related links

[Conditions of leave](#)
[Entry or extension requirements – partners](#)

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	<p>Code 3 conditions when:</p> <ul style="list-style-type: none"> • the applicant is the partner of a Tier 4 (General) migrant who has been granted less than 12 months leave, or • the Tier 4 (General) migrant is studying below degree level. <p>Employment as a doctors or dentist in training Partners of PBS migrants who are granted leave on Code 1 are not allowed to work as a doctor in training unless they:</p> <ul style="list-style-type: none"> • have obtained a degree in medicine or dentistry at bachelors level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4, or • are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period. <p>If you are granting entry clearance on Code 1 conditions you must endorse the person's entry clearance as follows:</p> <ul style="list-style-type: none"> • '1+doc', if they are not allowed to work as a doctor in training • '1+unrestr', if they are allowed to work as a doctor in training. <p>If you grant entry clearance, it must be valid from the date the applicant intends to travel to the UK.</p> <p>For information on the conditions of leave, see related link.</p> <p>Refuse entry clearance When the applicant has not provided the required evidence to confirm they meet all the requirements of paragraph 319C, or if any of the general grounds for refusal in paragraphs 320 to 324 apply, you must refuse the application.</p>	
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Family members of points-based system migrants

Grant or refuse leave at UK port - partners

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you how to grant or refuse leave to enter at a UK port for a person who wishes to enter the UK as the partner of a points-based system (PBS) migrant.</p> <p>Granting leave to enter</p> <p>Before you grant leave to enter, you must be satisfied that:</p> <ul style="list-style-type: none">• the applicant has valid entry clearance as the partner of a PBS migrant (unless they are the partner of a Tier 5 (Temporary worker) migrant – see below)• there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued• none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply. <p>For more information on entry requirements, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements – partners• General grounds for refusal. <p>Partners of Tier 5 (Temporary worker) migrants</p> <p>Applicants seeking entry as the partner of a Tier 5 (Temporary worker) migrant do not need entry clearance. You must grant leave to enter on Code 1 conditions provided:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time, and• they meet all of the requirements of paragraph 319C of the Immigration Rules. <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules - appendix 1.</p>	<p>In this section</p> <p>Grant or refuse entry clearance – partners Grant or refuse extension – partners Grant or refuse indefinite leave - partners Refusal paragraphs and rights of appeal - partners</p> <p>Related links</p> <p>Entry or extension requirements – partners Conditions of leave</p> <p>Links to staff intranet removed</p>
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The table below tells you which landing card code you must use if you are granting leave to enter.

Category of PBS migrant	Landing card code
Tier 1	T1R
Tier 2	T2R
Tier 4	T4R
Tier 5	T5R

For more information on conditions of leave, see related link.

Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the rules, or if any of the general grounds for refusal apply, you must refuse leave to enter. For more information on refusing leave to enter and cancelling entry clearance, see related link: [Refusal of leave to enter](#).

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Family members of points-based system migrants

Grant or refuse an extension - partners

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse an application for an extension for a person who wishes to enter the UK as the partner of a points-based system (PBS) migrant.</p> <p>Grant an extension</p> <p>You must grant leave to remain providing:</p> <ul style="list-style-type: none">• the applicant meets all the requirements of paragraph 319C of the Immigration Rules, and• none of the general grounds for refusal in paragraphs 320 to 324 apply. <p>You must grant leave, either:</p> <ul style="list-style-type: none">• in line with the PBS migrant, or• for a period of three years if the PBS migrant has indefinite leave to remain or has become a British citizen. <p>For more information on extension requirements, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements – partners• General grounds for refusal. <p>For information on considering an application where the PBS migrant has indefinite leave to remain or has become a British citizen, see related link.</p> <p>Condition codes</p> <p>If you are granting leave to the partner of a Tier 1, Tier 2 or Tier 5 migrant, you must grant leave on:</p> <ul style="list-style-type: none">• Code 4B, or• Code 1 for partners who have shown:	<p>In this section</p> <p>Grant or refuse entry clearance – partners Grant or refuse entry at a UK port – partners Grant or refuse indefinite leave - partners Refusal paragraphs and rights of appeal - partners</p> <p>Related links</p> <p>Conditions of leave Entry or extension requirements – partners Family members of PBS migrants granted ILR or British citizenship</p> <p>Links to staff intranet removed</p>
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- they have a UK degree in medicine or dentistry, or
- they have worked as a doctor or dentist in training during their previous leave.

The condition code to grant dependants of Tier 4 migrants depends on:

- the duration of the Tier 4 migrant's course
- the academic level of that course, and
- whether the dependant has worked as a doctor or dentist in training during their last grant of leave.

To determine the correct condition code, see related links: Flowchart – determining the condition code for Tier 4 dependants.

For more information on the conditions of leave for partner's of PBS migrants, see related link: Conditions of leave.

Employment as a doctor or dentist in training

A person with leave as the partner of a PBS migrant cannot take employment as a doctor or dentist in training unless they:

- have obtained a degree in medicine or dentistry at bachelors level or above from a UK institution, that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4, or
- are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period.

For more information on recognised and listed bodies and institutions that have Tier 4 sponsor licences , see related links:

- Recognised UK degrees
- Tier 4 register of sponsors.

Evidence for employment as a doctor or dentist in training

This guidance is based on the Immigration Rules

	<p>If an applicant wishes to take employment as a doctor or dentist in training they must either:</p> <ul style="list-style-type: none">• prove that they are on a foundation programme by providing a letter from their postgraduate dean which confirms:<ul style="list-style-type: none">○ the applicant has a place on a foundation programme○ the foundation programme is recognised by the medical community, and○ the place on the foundation programme is full time.• prove that they have been working as a doctor or dentist in training by providing a letter from the National Health Service (NHS) trust employing them which confirms the applicant has been working in a post or programme that has been approved by the Postgraduate Medical Education and Training Board as a training programme or post.• provide evidence of a primary degree in medicine or dentistry from a UK institution that is a UK recognised or listed body or which holds a sponsor licence under Tier 4. <p>If an applicant does not include all of the requested information and you decide to grant leave, you must do so on Code 4B conditions.</p> <p>Refuse an extension</p> <p>If the applicant does not meet the requirements of the rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice to each family member (ICD 3966).</p> <p>For information on refusal paragraphs and appeal rights, see related link: Refusal paragraphs and rights of appeal.</p>	
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Family members of points-based system migrants

Grant or refuse indefinite leave - partners

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you how to grant or refuse applications for indefinite leave to remain (settlement) as the partner of a points-based system (PBS) migrant.</p> <p>Grant settlement</p> <p>You must grant indefinite leave to remain:</p> <ul style="list-style-type: none">• if the applicant meets all the requirements of paragraph 319E of the Immigration Rules, and• provided none of the general grounds for refusal in paragraphs 320 to 324 apply. <p>For more information on the indefinite leave requirements and general grounds for refusal, see related links.</p> <p>Refuse settlement</p> <p>You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.</p>	<p>In this section</p> <p>Grant or refuse entry clearance – partners Grant or refuse entry at a UK port – partners Grant or refuse extension – partners Refusal paragraphs and rights of appeal - partners</p> <p>Related links</p> <p>Indefinite leave requirements</p> <p>Links to staff intranet removed</p>
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This guidance is based on the Immigration Rules

Family members of points-based system migrants

Refusal paragraphs and rights of appeal - partners

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This page tells you which paragraph you must refer to and the appeal rights a person will have if they are being refused an extension as the partner of a points-based system (PBS) migrant.

If the applicant has applied out of time or has any leave remaining on the date that you refuse their application they will not have a right of appeal. This is the case regardless of the reason(s) why you are refusing the application.

The table below tells you what paragraph you must refer to in the refusal notice and the right of appeal the applicant will have. Each dependant requires their own notice of refusal (ICD.3966).

Relevant paragraph of the Immigration Rules	Reason for refusal	Appeal rights
319C(b)	The applicant or the PBS migrant are under 18 years of age.	Limited right of appeal
Paragraph 319C(b)	The PBS applicant has been refused leave or does not have leave as a PBS migrant.	Same as main applicant
Paragraph 319C(c)(i)	The unmarried or same sex partner or the PBS migrant has a previous marriage, civil partnership or similar relationship that has not broken down.	Full right of appeal
Paragraph 319C(c)(ii)	The unmarried or same sex partner and the PBS migrant are so closely related that they would not be able to marry in the UK.	
Paragraph 319C(c)(iii)	The unmarried or same sex partner and the PBS migrant have not been living together in a relationship similar to marriage or a civil partnership for at least two years.	

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	Paragraph 319C(d)	The relationship between the applicant and the PBS migrant is not subsisting.		
	Paragraph 319C(e)	The applicant and the PBS migrant do not intend to live together as partners in the UK.		
	Paragraph 319C(g)	Evidence of maintenance has not been supplied.		
	Paragraph 319C(g)	There are not sufficient funds available.		
	Paragraph 319C(h)	Illegal entrant, no switching.		
	Paragraph 319C(i)	The applicant is applying for leave as the partner of a Tier 4 migrant and the Tier 4 migrant is not applying for or has not been granted entry clearance or leave for a course of study that lasts longer than six months.		

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Family members of points-based system migrants

Granting or refusing - children

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This section tells you how to grant or refuse applications for leave as the child of a points-based system (PBS) migrant.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none">• grant or refuse entry clearance - children• grant or refuse entry at a UK port - children• grant or refuse extension - children• grant or refuse indefinite leave - children• refusal paragraphs and rights of appeal – children.	<p>In this section</p> <p>Grant or refuse entry clearance - children Grant or refuse entry at a UK port - children Grant or refuse extension - children Grant or refuse indefinite leave - children Refusal paragraphs and rights of appeal - children</p> <p>Links to staff intranet removed</p>
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Family members of points-based system migrants

Grant or refuse entry clearance - children

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This page tells you how to grant or refuse entry clearance for a person applying for entry as the child of a points-based system (PBS) migrant.

Grant entry clearance

You must grant entry clearance if:

- the applicant meets all the requirements of paragraph 319H of the Immigration Rules, and
- none of the general reasons for refusal in paragraphs 320 to 324 apply.

For more information, see related links:

- Entry or extension requirements – children
- General grounds for refusal.

The table below tells you what endorsement you must use:

Category of PBS migrant	Endorsement
Tier 1 (General)	D TIER 1 (GENERAL) CHILD
Tier 1 (Entrepreneur)	D TIER 1 (ENTREPRENEUR) CHILD
Tier 1 (Investor)	D TIER 1 (INVESTOR) CHILD
Tier 1 (Post-study work)	D TIER 1 (POST STUDY) CHILD
Tier 2	D TIER 2 CHILD
Tier 4 (General)	D TIER 4 (GENERAL) DEP. CHILD
Tier 5	D TIER 5 TW CHILD

You must add the initial and surname of the PBS migrant in the endorsement.

You must normally grant entry clearance on Code 1 conditions. But you must grant Code 3 conditions when:

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- the applicant is the partner of a Tier 4 (General) migrant who has been granted less than 12 months leave, or
- the Tier 4 (General) migrant is studying below degree level.

Entry clearance must be valid from the date the applicant intends to travel to the UK.

For more information on conditions of leave, see related link: [Conditions of leave](#).

Refuse entry clearance

When the applicant has not provided the required evidence that they meet all the requirements of paragraph 319H, or if any of the general reasons for refusal in paragraphs 320 to 324 apply you must refuse the application.

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Family members of points-based system migrants

Grant or refuse leave at a UK port - children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse leave to enter at a UK port for a person who wishes to enter the UK as the child of a points-based system (PBS) migrant.</p> <p>Granting leave to enter</p> <p>Before you grant leave to enter, you must be satisfied that:</p> <ul style="list-style-type: none">• the applicant has valid entry clearance as the child of a PBS migrant (unless they are the child of a Tier 5 (Temporary worker) migrant – see below)• there is no reason to believe the applicant gave false information to obtain the entry clearance or that circumstances have changed since it was issued• none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply. <p>For more information on entry requirements and general grounds for refusal, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements – children• General grounds for refusal. <p>Children of Tier 5 (Temporary worker) migrants</p> <p>Applicants seeking entry as the child of a Tier 5 (Temporary worker) migrant do not need entry clearance provided:</p> <ul style="list-style-type: none">• they are not a visa national• they are accompanying the Tier 5 (Temporary worker) migrant who is being granted leave to enter at the same time, and• they meet all of the requirements of paragraph 319H of the Immigration Rules. <p>For a list of which nationals need visas to enter the UK, see related link: Immigration Rules - Appendix 1.</p>	<p>In this section</p> <p>Grant or refuse entry clearance - children Grant or refuse extension - children Grant or refuse indefinite leave - children Refusal paragraphs and rights of appeal - children</p> <p>Related links</p> <p>Entry or extension requirements – children Conditions of leave</p> <p>Links to staff intranet removed</p>
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Landing cards

The table below tells you which landing card code you must use if you are granting leave to enter.

Category of PBS migrant	Landing card code
Tier 1	T1R
Tier 2	T2R
Tier 4	T4R
Tier 5	T5R

For more information on the conditions of leave, see related link.

Refusing leave to enter

If you are not satisfied the applicant meets the requirements of the rules, or if any of the general grounds for refusal apply, you must refuse leave to enter. For more information on refusing leave to enter and cancelling entry clearance, see related link: Refusal of leave to enter.

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Family members of points-based system migrants

Grant or refuse an extension - children

<p>About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave</p>	<p>This page tells you how to grant or refuse an application for an extension as the child of a points-based system (PBS) migrant.</p> <p>Grant an extension</p> <p>You must grant leave to remain for the same period as the PBS migrant:</p> <ul style="list-style-type: none">• if the person meets all the requirements of paragraph 319H of the Immigration Rules, and• provided none of the general grounds for refusal in paragraphs 320 to 324 apply. <p>For more information on extension requirements and general grounds for refusal, see related links:</p> <ul style="list-style-type: none">• Entry or extension requirements – children• General grounds for refusal. <p>You must normally grant entry clearance on Code 1 conditions. But you must grant Code 3 conditions when:</p> <ul style="list-style-type: none">• the applicant is the child of a Tier 4 (General) migrant who has been granted less than 12 months leave, or• the Tier 4 (General) migrant is studying below degree level. <p>To determine the correct condition code, see related links: Flowchart – determining the condition code for Tier 4 dependants.</p> <p>For more information on the conditions of leave for children of PBS migrants, see related link: Conditions of leave.</p> <p>For information on considering an application where the PBS migrant has both indefinite</p>	<p>In this section</p> <p>Grant or refuse entry clearance - children Grant or refuse entry at a UK port - children Grant or refuse indefinite leave - children Refusal paragraphs and rights of appeal - children</p> <p>Related links</p> <p>Entry or extension requirements – children Conditions of leave Family members of PBS migrants granted ILR or British citizenship</p> <p>Links to staff intranet removed</p>
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	<p>leave to remain and sole responsibility for the PBS dependent child, see related link: Family members of PBS migrants granted ILR or British citizenship.</p> <p>Refuse an extension</p> <p>If the applicant does not meet the requirements of the rules or there are any general grounds for refusal you must refuse the application. You must send a separate refusal notice (ICD 3966) to each family member.</p> <p>For more information on refusal paragraphs and appeal rights, see related link: Refusal paragraphs and rights of appeal - children.</p>	
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Family members of points-based system migrants

Grant or refuse indefinite leave - children

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you how to grant or refuse applications for indefinite leave to remain as the child of a points-based system (PBS) migrant.</p> <p>Grant settlement You must grant indefinite leave to remain:</p> <ul style="list-style-type: none">• if the applicant meets all the requirements of paragraph 319J of the Immigration Rules, and• provided none of the general grounds for refusal in paragraphs 320 to 324 apply. <p>For more information on the indefinite leave requirements and general grounds for refusal, see related links.</p> <p>Refuse settlement You must refuse indefinite leave if the requirements are not met or there are any general grounds for refusal.</p>	<p>In this section Grant or refuse entry clearance - children Grant or refuse entry at a UK port - children Grant or refuse extension - children Refusal paragraphs and rights of appeal - children</p> <p>Related links Indefinite leave requirements</p> <p>Links to staff intranet removed</p>
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Family members of points-based system migrants

Refusal paragraphs and rights of appeal - children

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This page tells you which paragraph you must refer to and the appeal rights a person will have if they are being refused an extension as the child of a points-based system (PBS) migrant.

If the applicant has applied out of time or has any leave remaining on the date that you refuse their application they will not have a right of appeal. This is the case regardless of the reason(s) why you are refusing their application.

The table below tells you what paragraph you must refer to in the refusal notice and the right of appeal the applicant will have. Each dependant requires a separate notice of refusal (ICD.3966).

Relevant paragraph of the Immigration Rules	Reason for refusal	Appeal rights
Paragraph 319H(b)	The main applicant has been refused leave as a PBS migrant.	Full right of appeal
Paragraph 319H(c)	The child is over 18 years of age and did not last have leave as the child of a PBS migrant.	
Paragraph 319H(d)	The applicant is married, in a civil partnership, has formed an independent life or family unit.	
Paragraph 319H(e)	The applicant intends to stay in the UK beyond the period of leave granted to the PBS migrant.	
Paragraph 319H(f)	Both of the applicant's parents are not in the UK and the PBS migrant is not their sole surviving parent, does not have sole responsibility for their upbringing and there are no serious or compelling family considerations.	
Paragraph 319H(g)	Maintenance – missing documents.	
Paragraph 319H(g)	Maintenance – insufficient funds.	

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	Paragraph 319H(h)	No switching.		
	Paragraph 319H(i)	The applicant is applying for leave as the child of a Tier 4 migrant and the Tier 4 migrant is not applying for or has not been granted entry clearance or leave for a course of study that lasts longer than six months.		

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Family members of points-based system migrants

Conditions of leave

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page tells you the conditions of leave for people granted entry or an extension as the partner or child of a points-based system (PBS) migrant.</p> <p>Partners or children of a PBS migrant:</p> <ul style="list-style-type: none">• are not allowed to access public funds• must register with the police (if they are required to do so by paragraph 326 of the Immigration Rules)• can take employment in the UK, apart from the restrictions explained below. <p>For more information, see related links:</p> <ul style="list-style-type: none">• Public funds• Police registration• Paragraph 326 of the Immigration Rules. <p>Employment for family members of Tier 4 (General) migrants</p> <p>Family members of Tier 4 migrants can only take employment in the UK if:</p> <ul style="list-style-type: none">• the Tier 4 (General) migrant has been granted leave for 12 months or more (except government sponsored students who may take employment even if granted less than 12 months), and• the Tier 4 (General) migrant is following a course of study at or above degree level. <p>Employment as a doctor or dentist in training</p> <p>A person with leave as the partner of a PBS migrant cannot take employment as a doctor or dentist in training unless they:</p> <ul style="list-style-type: none">• have obtained a degree in medicine or dentistry at bachelors level or above from a UK institution, that is a UK recognised or listed body, or which holds a sponsor licence	<p>Related links</p> <p>Grant or refuse extension – partners</p> <p>Links to staff intranet removed</p>
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	<p>under Tier 4, or</p> <ul style="list-style-type: none">• are applying for leave to remain and have or were last granted entry clearance, leave to enter or leave to remain that did not restrict their employment and have been employed as a doctor or dentist in training during that period. <p>For more information, see related link: Grant or refuse extension – partners.</p>	
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Family members of points-based system migrants

Contact

About this guidance Key facts Verifying documents Entry, extension and indefinite leave requirements Maintenance requirements Age and dependence requirement for children aged 16 or over Granting or refusing Conditions of leave	<p>This page explains who to contact for more help with a specific case for leave as the family member of a points-based system (PBS) migrant.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email the study and visit operational policy team, using the related link.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the study and visit operational policy team using the related link, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email modernised guidance team.</p>	<p>Related links</p> <p>Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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This page tells you about this version of the family members of points-based system migrants guidance and who owns it.

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Policy owner	Study and visit operational policy team
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules unit
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This version approved for publication by	Sonia Dower
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Approval date	1 July 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the study and visit operational policy team using the related link, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email modernised guidance team.

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