

Addendum:

Tier 1 (Post-Study Work) of the points-based system Policy guidance

This document contains guidance to our policy on Tier 1 (Post-Study Work) of the points-based system to work in the United Kingdom.

Maintenance (funds) requirement: We have made transitional arrangements for proving maintenance (funds) for applicants and their family members who make applications up to and including 31 October 2008. You can find details of these on the last page of this document.



Home Office

**UK Border
Agency**

TIER 1
(POST-STUDY
WORK)

**TIER 1 (POST-STUDY WORK)
OF THE POINTS BASED SYSTEM –
POLICY GUIDANCE**

VERSION 06/08

TIER 1 (POST-STUDY WORK) OF THE POINTS-BASED SYSTEM - POLICY GUIDANCE

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INTRODUCTION

1. This document provides policy guidance on Tier 1 (Post-Study Work) of the points-based system. Please note that it reflects policy at the current date and may be subject to change. It should be read in conjunction with paragraphs 245V to 245ZA of the immigration rules.

2. Migrants who are outside the United Kingdom and who wish to obtain entry clearance under the points-based system should use form VAF9. They will also need to complete a separate appendix for the category under which they are applying. These forms and separate notes on completing them are available at www.ukvisas.gov.uk/en/howtoapply/vafs.

3. Migrants who are in the UK and wish to obtain an initial grant of leave under Tier 1 (Post-Study Work), or to apply under the transitional arrangements in this category, should use the Tier 1 (Post-Study Work) application form available on the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk>.

GENERAL GUIDANCE FOR APPLICANTS TO THE POINTS-BASED SYSTEM

Self-assessment

4. We have an online tool that enables an applicant to self-assess his/her application to see whether or not he/she is likely to score enough points for the application to succeed.

5. The points-based calculator is on our website at <http://www.ukba.homeoffice.gov.uk>.

6. An applicant can enter details of his/her attributes. The points-based calculator then calculates the points we may award for the attributes section of the points assessment. The applicant can also confirm that they satisfy the English language requirement and enter details of whether he/she has enough money to support himself/herself in the United Kingdom.

7. The points-based calculator will provide a summary of the information an applicant enters, the points awarded for each section and the overall score.

8. Under Tier 1 (Post-Study Work), an applicant must score:

- at least 75 points for attributes (Appendix A of the immigration rules); and
- 10 points for English language (Appendix B of the immigration rules); and
- 10 points for maintenance (funds available) (Appendix C of the immigration rules).

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

Documents we require to support applications under the points-based system

10. The applicant must ensure he/she provides all of the necessary supporting documents at the time he/she sends us the application. If the immigration rules state that specified documents must be provided, we will say so in this guidance and we will only accept those documents.

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

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

13. The applicant should carefully select the right evidence to send us. If he/she sends us a lot of irrelevant or poor-quality documents, it may take us longer to consider the application. We only need evidence that is directly relevant to the application, as set out in this guidance. We will not consider unrelated evidence when calculating the points score.

Verification and other checks

14. We aim to consider applications quickly. However, we must also be confident that applications meet the requirements of the immigration rules, and that the information an applicant provides is a true reflection of his/her background.

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

16. We may want to check the supporting documents an applicant sends with his/her application. Therefore, he/she must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.

17. There are two situations in which we will undertake a check:

- **verification checks** – where we have reasonable doubts that the documents are genuine; or

- **other checks** – where we carry out further checks, for example:
 - allegations – where we have received an allegation that an applicant has made a false application; or
 - additional checks – where we have doubts about an application or the documents sent with the application but the doubts are not serious enough for us to make a verification check.

Verification checks

18. Where we have **reasonable doubts** that a specified document is genuine we may want to verify the document with an independent person or government agency.

19. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles the applicant to claim those points.

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

Reasonable doubt

21. There are many reasons why we may doubt that a specified document is genuine and what we consider to be a reasonable doubt will depend on an individual application. However, our judgments will be based on the facts we have.

Outcome of verification check

22. There are three possible outcomes of a verification check.

- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason.

For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

- **Verification check inconclusive.** If we cannot verify that the document is either genuine or false then we will ignore it as evidence for scoring points. If the applicant has sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If the applicant has not sent any other documents, we will award zero points in that area.

Refusing applications without making further checks

23. We may refuse an application without making verification checks in two circumstances.

- Where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.
- Where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

Other checks

24. We will make other checks where, for example:

- we have received an allegation that an applicant has made a false application; or

- we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.

25. These checks may delay our decision on an application so we will only make them when we have clear reasons to do so.

Allegations

26. If we receive an allegation about a particular person, company or document that relates to an application, we may make more checks to confirm that the application and all the information provided are correct.

Extra checks

27. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases, we may carry out more checks.

Outcome of check

28. There are four possible outcomes of these checks.

- **Document confirmed as genuine.** If we can conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we can conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

- **Check inconclusive.** If we cannot verify that the document is either genuine or false then we will consider the application as if it is genuine.

- **Check gives us cause to have reasonable doubt about the genuineness of a specified document.** If we cannot verify that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

Procedure for verification and other checks

29. The procedures for both verification checks and other checks will usually be similar and will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

Standard procedure

30. We will use a standard form to record the results of our enquiries, to ensure that we record any feedback consistently.

31. If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.

32. If we make checks on an applicant who is self-employed we will try to establish the business presence, for example by checking business and/or tax registration.

33. We may request that our compliance team visits the applicant's employer (if the applicant is currently a work permit holder) or educational institution (if the applicant is a student) before we make a decision on the application.

Sponsored students

34. An applicant who currently has permission to be in the United Kingdom in one of the following categories may have been sponsored in his/her studies by a Government or an international scholarship agency:

- student (or Tier 4 when introduced); or
- postgraduate doctor or dentist.

35. Under paragraph 245Z(h) of the immigration rules, 'sponsored' means wholly supported by an award that covers both fees and living costs.

36. If the applicant is currently sponsored by a Government or an international scholarship agency, or such sponsorship ended within the past 12 months, the applicant must provide us with the sponsor's consent in writing to us, giving the applicant permission to remain in the United Kingdom. If the sponsor does not give consent or gives permission for a limited time, we will refuse the application.

37. If an applicant has received private sponsorship during his/her studies (eg. from an employer or relative), we do not require the sponsor's consent.

38. An applicant who requires the sponsor's consent should send us original, written confirmation from the sponsor that it consents to us giving the applicant permission to stay (officially known as 'leave to remain'). This evidence should be an original document, on the official stationery of the organisation. It should have been issued by an authorised official of that organisation.

39. For more advice on sponsored students, see **chapter 3, section 3** of the immigration directorate instructions.

Administrative review (entry clearance applications only)

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

TIER 1 (POST-STUDY WORK) OVERVIEW OF TERMS AND CONDITIONS

Overview of terms and conditions

41. The following table explains some of the key features of the Tier 1 (Post-Study Work) category. Please refer to paragraphs 245V to 245ZA of the immigration rules.

Description of category:	<p>The Tier 1 (Post-Study Work) category aims to retain the most able international graduates who have studied in the United Kingdom. It will also enhance the United Kingdom's overall offer to international students.</p> <p>Successful applicants will be free to seek employment without having a sponsor for the duration of their Tier 1 (Post-Study Work) leave.</p> <p>This category provides a bridge to highly skilled or skilled work. Individuals with Tier 1 (Post-Study Work) leave will be expected to switch into another part of the points-based system as soon as they are able to do so.</p>
Length of grant:	<p>Successful applicants in the Tier 1 (Post-Study Work) category will receive a single grant of leave for two years.</p> <p>No further or subsequent grant will be made under Tier 1 (Post-Study Work).</p> <p>Applicants in the Tier 1 (Post-Study Work) category will not be able to apply to extend their leave in the United Kingdom.</p>
Indefinite leave to remain:	<p>Time spent in the Tier 1 (Post-Study Work) category does not count towards the period an individual needs to spend in the United Kingdom before being eligible to apply for indefinite leave to remain.</p> <p>Leave in the Tier 1 (Post-Study Work) category does not lead to settlement.</p>
Initial applications	<p>This should be completed by applicants who are either:</p> <ul style="list-style-type: none">• currently outside the United Kingdom and wish to enter as a Tier 1 (Post-Study Work) migrant. Prior entry clearance is mandatory for this route. Anyone attempting to enter into the United Kingdom through this route without entry clearance will be refused entry; or• currently in the United Kingdom with leave as a student (this includes student, student nurse, student re-sitting examinations, student writing up a thesis) and wish to switch into Tier 1 (Post-Study Work). <p>Dependants that are in the United Kingdom may apply under Tier 1 (Post-Study Work), but they are unable to switch into becoming the main applicant for this category. The dependant must leave the United Kingdom and make an application for entry clearance from overseas.</p>

Transitional arrangements:	Transitional arrangements for migrants that are in the United Kingdom and whose current or last grant of leave was in Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT:WISS) are detailed below.
Switching into the Tier 1 (Post-Study Work) category:	<p>Switching into the Tier 1 (Post-Study Work) category will only be permitted where the applicant is in the United Kingdom as a student (under Tier 4 of the points-based system, once implemented). This applies to those in the United Kingdom with valid leave as a:</p> <ul style="list-style-type: none"> • student; • student nurse; • student re-sitting examinations; • student writing up a thesis. <p>Applicants who are in the United Kingdom with any other category of leave will not qualify to switch into the Tier 1 (Post-Study Work) category whilst in the United Kingdom (subject to the transitional arrangements for those with leave as a participant in the Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT: WISS)). We will refuse any applications from these applicants.</p>
Applicants must meet the following conditions:	<p>Leave to remain under this route will be subject to the following conditions:</p> <ol style="list-style-type: none"> 1.) No recourse to public funds (which means the applicant will not be able to claim most benefits paid by the state); 2.) Registration with the police, if this is required by paragraph 326 of the immigration rules; and 3.) No Employment as a doctor in training [Under the transitional arrangements, we do not allow employment as a doctor in training unless the applicant has, or was last granted entry clearance, leave to enter or remain as a participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme) or as a participant in the Fresh Talent: Working in Scotland Scheme.]

TIER 1 (POST-STUDY WORK) – POINTS SCORING

Points scoring assessment – initial applications

42. Under Tier 1 (Post-Study Work) initial applicants must score:

- 75 points for attributes (Table 9 in Appendix A of the immigration rules); and
- 10 points for English language (Appendix B of the immigration rules); and
- 10 points for maintenance (funds) (Appendix C of the immigration rules).

(This excludes applicants in the United Kingdom under the Science and Engineering Graduates Scheme (SEGS), International Graduates Scheme (IGS) or Fresh Talent: Working in Scotland Scheme (FT: WISS) who should apply under the transitional arrangements).

43. The requirements for the award of points for initial applicants under Tier 1 (Post-Study Work) are:

Attributes (pass mark = 75):		Points available
1	The applicant has been awarded: a.) a United Kingdom recognised bachelor's or postgraduate degree; b.) a United Kingdom postgraduate certificate or diploma; or c.) a higher national diploma (HND) from a Scottish institution	20
2	The applicant studied for the award at a United Kingdom institution that is a United Kingdom recognised or listed body, or holds a sponsor licence under Tier 4 of the points-based system or If the applicant is claiming points for having been awarded an HND from a Scottish Institution: the HND must have been studied at a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance.	20
3	The applicant's periods of study and/or research towards the eligible award were undertaken while in the United Kingdom with entry clearance, leave to enter or leave to remain as a: a.) student (this includes student, student nurse, student re-sitting examinations, student writing up a thesis); or b.) dependant of someone with leave in any category permitting the admittance of dependants.	20
4	The applicant made the application for entry clearance or leave to remain as a Tier 1 (Post-Study Work) migrant within 12 months of obtaining the relevant qualification.	15
English language (pass mark = 10)		
5	Tier 1 (Post-Study Work) applicants who meet the pass-mark of 75 points for attributes (above) will satisfy the English language requirement.	10
Maintenance (pass mark = 10)		
6	<ul style="list-style-type: none"> • Applicants for leave to remain in the United Kingdom must have £800 of available funds • Applicants for entry clearance to come into the United Kingdom must have £2,800 available funds 	10

44. All the requirements of the immigration rules must also be met.

INITIAL APPLICATIONS

Attributes

Date of application

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

For applications made in the UK:

- Where the application form is sent by post, the date of posting; or
- Where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office;

For applications made outside the UK:

The date that the fee associated with the application is paid and the applicant's biometric details taken.

Qualification

46. An applicant can claim 20 points if he/she has been awarded one of the following qualifications:

- A United Kingdom recognised degree at bachelor's level; or
- A United Kingdom recognised degree at postgraduate level; or
- A United Kingdom postgraduate certificate or diploma; or
- A higher national diploma (HND) from a Scottish institution.

United Kingdom recognised degree at bachelor's or postgraduate level

47. For a qualification to be considered a United Kingdom recognised degree at bachelor's or postgraduate level, it must have been awarded by a United Kingdom recognised body.

48. A United Kingdom recognised body is an institution which has been granted degree awarding powers by a Royal Charter, an Act of Parliament or the Privy Council. All United Kingdom Universities and some higher education colleges are United Kingdom recognised bodies.

49. Further information on United Kingdom recognised bodies can be found on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dfes.gov.uk/recognisedukdegrees>.

United Kingdom postgraduate certificate or diploma

50. United Kingdom postgraduate certificates or diplomas are acceptable for this requirement. It is not necessary for the awarding body to be a United Kingdom recognised body.

Higher national diplomas (HND) from a Scottish institution

51. The qualification must be at HND level. The institution at which the applicant studied for his/her HND must be a Scottish institution. We will use the address of the institution to confirm this point.

Qualifications that are not acceptable

52. Awards that cannot be used for the award of points include:

- foundation degrees;
- honorary degrees;
- qualifications awarded in the United Kingdom by overseas awarding bodies,
- qualifications undertaken in overseas campuses of United Kingdom institutions; and
- professional and vocational qualifications.

Institution

53. An applicant can claim 20 points if he/she has undertaken a period of study for the eligible qualification at an institution that:

- is a United Kingdom recognised or United Kingdom listed body; or
- is a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance; or
- holds a sponsor licence under Tier 4 of the points-based system (once implemented).

United Kingdom recognised or listed body

54. A United Kingdom recognised body is as described above. A United Kingdom listed body is an institution that is not a United Kingdom recognised body but which provides full courses that lead to the award of a degree by a United Kingdom recognised body.

55. Further information on both recognised and listed bodies is on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dfes.gov.uk/recognisedukdegrees>.

56. The United Kingdom recognised bodies and United Kingdom listed bodies that are on the DIUS website are also set out in statutory instruments (this is supplementary law which puts into effect specific details that are described in the parent act). These are available on the website of the Office of Public Sector Information (OPSI) at <http://www.opsi.gov.uk/stat.htm>

Scottish institution

57. Applicants claiming points for an HND from a Scottish institution will not be required to have studied the HND at an institution that is a recognised or listed body. However, the HND must have been studied at a Scottish publicly funded institution of further or higher education, or at a Scottish bona fide private education institution which maintains satisfactory records of enrolment and attendance. A 'bona fide private education institution' is defined in paragraph 6 of the immigration rules.

58. The Scottish institution must be on the Register of Education and Training Providers list which is available on the Department for Innovation, Universities and Skills (DIUS) website at <http://www.dfes.gov.uk/providersregister/index.cfm>.

Tier 4 sponsors licensing register

59. Tier 4 of the points-based system will be introduced during spring 2009. After it is launched, students will need to be sponsored by an institution that is on the sponsors licensing register. Institutions can begin to register from the summer 2008.

60. From the summer 2008 Tier 1 (Post-Study

Work) applicants can meet this requirement of the attributes points scoring section by providing details of an institution that is held on the Tier 4 sponsors licensing register.

Immigration status in the United Kingdom during the period of study and/or research and/or research in the United Kingdom

61. An applicant can claim 20 points if he/she can establish that, during his/her period of study and/or research in the United Kingdom, he/she had leave to enter or remain in the United Kingdom as a:

- student (paragraphs 57 to 62 of the immigration rules);
- student nurse (paragraphs 63 to 69 of the immigration rules);
- student re-sitting an examination (paragraph 69A to 69F of the immigration rules);
- student writing up a thesis (paragraphs 69G to 69L of the immigration rules); or
- dependant of someone with leave in any category that allows dependants to join them in the United Kingdom.

62. We will not award any points if the applicant's immigration status was not one of those listed above while he/she was studying in the United Kingdom towards the qualification for which he/she wishes to claim points. In this case we will refuse the application.

63. An applicant does not need to have lived in the United Kingdom throughout the entire period of their study. It is reasonable to expect, for example, that a student may have undertaken periods of overseas study and/or research whilst obtaining the qualification for which they are claiming points.

64. Please note, a dependant would be entitled to claim 20 points for this attribute but if they are still in the United Kingdom they are unable to switch into becoming the main applicant for Tier 1 (Post-Study Work). The dependant would have to leave the United Kingdom and make an application overseas for entry clearance.

Date of award of qualification

65. An applicant can claim 15 points if the qualification for which he/she is claiming points was obtained within the 12 months immediately before his/her application for entry clearance or leave to remain under Tier 1 (Post-Study Work).

66. We will always consider that the date on which the applicant was first notified in writing, by the awarding institution, that the qualification has been awarded, is the date on which the qualification was 'obtained' (date of award).

67. We will not accept that the date of award is the date of graduation.

68. Provided the date of award is no more than 12 months before the date of application, we will award the points.

69. Sometimes an applicant will have started another course after completing the course leading to the qualification for which he/she is claiming points. The applicant does not need to complete this subsequent course. However, the date of award of the qualification for which he/she is claiming points must still fall within the 12 months before his/her application. If it does not, we will not award the points.

Documents we require

70. Paragraph 245AA and 54 (Appendix A) of the immigration rules state that we will only award points when an applicant provides the specified evidence that he/she meets the requirements for this category.

71. The specified documents are as follows:

- 1.) original certificate of award; and
- 2.) original letter from the institution at which the applicant studied towards his/her eligible qualification; and
- 3.) where an applicant is unable to submit their original certificate of award because it has not yet been issued, he/she may submit the application without it. However, the letter from the institution must include extra information explaining the individual's circumstances; and

4.) original passport(s) or travel document(s) containing the relevant grant(s) of leave in the United Kingdom for the period during which the applicant studied and/or conducted research for his/her eligible qualification in the United Kingdom.

1) Original certificate of award

72. This must be the applicant's original certificate (not a copy) and must clearly show the:

- applicant's name;
- title of the qualification; and
- name of the awarding body.

73. We will not accept provisional certificates.

2) Original letter from the institution at which the applicant studied

74. This letter must be an original letter (not a copy), on the official letter-headed paper of the United Kingdom institution at which the applicant studied and bearing the official stamp of that institution. It must have been issued by an authorised official of that institution and must confirm the:

- applicant's name;
- title of the qualification;
- start and end dates of the applicant's period/s of study and/or research for this qualification at the United Kingdom institution; and
- date of award (as defined above).

75. If the qualification is a postgraduate diploma or certificate, the letter must also include:

- confirmation that the qualification is equivalent to or above the level of a United Kingdom bachelor's degree.

76. If the qualification is an HND from a Scottish institution, the letter must also include:

- confirmation that the qualification is at HND level and was studied at a Scottish institution.

3) Extra information in original letter from the institution at which the applicant studied

77. When the applicant is unable to provide a certificate of award (for example, when the

application is made before the applicant's graduation), this letter must also include:

- details of the body awarding the qualification; and
- confirmation that the certificate of the award will be issued.

4) Original passport(s) or travel document(s) containing the relevant grant(s) of leave in the United Kingdom for the period during which the applicant studied and/or conducted research for his/her eligible qualification in the United Kingdom.

78. Applicants must send their original passport(s) or travel document(s) with their application.

79. We will check the applicant's immigration status in the United Kingdom during his/her period of study and/or research in the United Kingdom. To do this, we will cross-check the evidence provided in the application with the applicant's relevant passport(s) or travel document(s). This check will enable us to establish that for the period of study and/or research in the United Kingdom, the applicant was here as a:

- student;
- student nurse;
- student re-sitting an examination;
- student writing up a thesis; or
- As a dependant of someone with leave in any category that allows dependants to join them in the United Kingdom.

80. If an applicant who is in the United Kingdom cannot provide the passport(s) or travel document(s) containing the relevant grant(s) of leave, we will attempt to verify his/her status in the United Kingdom during the period of study and/or research by checking the electronic records we hold internally.

81. We will not award any points if the applicant has not sent us the relevant passport/s or travel document/s, and we cannot establish his/her status during the period of study and/or research in the United Kingdom by checking his/her immigration history using our internal electronic records. In this case, it will not be possible to award points in this area and we will refuse the application.

TIER 1 (POST-STUDY WORK) – POINTS SCORING

Points scoring assessment – transitional arrangements

82. Under the transitional arrangements of Tier 1 (Post-Study Work) applicants must score:

- 75 points for attributes (Appendix A of the immigration rules); and
- 10 points for English language (Appendix B of the immigration rules); and
- 10 points for maintenance (funds) (Appendix C of the immigration rules).

83. The requirements for the award of points for Tier 1 (Post-Study Work) are:

Attributes (pass mark = 75)		Points available
1	<p>Previous grants of leave: The applicant is applying for leave to remain and has, or was last granted, leave as a participant in the:</p> <ul style="list-style-type: none"> • International Graduates Scheme (IGS); • Science and Engineering Graduates Scheme (SEGS); or • Fresh Talent: Working in Scotland Scheme (FT:WISS) 	75
English language (pass mark = 10)		
2	Tier 1 (Post-Study Work) applicants who meet the pass-mark of 75 points for attributes (above) will satisfy the English language requirement.	10
Maintenance (pass mark = 10)		
3	<ul style="list-style-type: none"> • Applicants for leave to remain in the United Kingdom must have £800 of available funds • Applicants for entry clearance to come into the United Kingdom must have £2,800 available funds 	10

84. All the requirements of the immigration rules must also be met.

Attributes

Previous grant(s) of leave

85. Any applicant who is currently in the United Kingdom under one of the immigration categories below or whose last grant of leave was in one of these categories (which we have now deleted), may apply under the transitional arrangements to come into the Tier 1 (Post-Study Work) category, as described below. The deleted categories are the:

- International Graduates Scheme (IGS);
- Science and Engineering Graduates Scheme (SEGS); and
- Fresh Talent: Working in Scotland Scheme (FT:WISS).

86. With the implementation of Tier 1 (Post-Study Work), applicants who were granted less than 2 years leave under the International Graduates Scheme or the Science and Engineering Graduates Scheme will be able to apply to Tier 1 (Post-Study Work) under the transitional arrangements. These arrangements will enable them to obtain a total of up to 2 years leave under a combination of their previous scheme and Tier 1 (Post-Study Work).

87. Participants in the Fresh Talent: Working in Scotland Scheme will normally have been granted 2 years leave at the outset and therefore most of them will not need any transitional arrangements. However, an applicant who was granted less than 2 years leave under the Fresh Talent: Working in Scotland Scheme can apply under the transitional arrangements in Tier 1 (Post-Study Work) to get a total of 2 years leave under a combination of their previous scheme and Tier 1 (Post-Study Work).

ENGLISH LANGUAGE REQUIREMENT

English language assessment

Initial applications

88. An applicant who successfully achieves 75 points in the attributes section will satisfy the English language requirement. This is because the applicant will have shown in the attributes section that he/she has obtained an appropriate English qualification.

Transitional arrangements

89. If the applicant currently has, or was last granted leave as a participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme) or a participant in the Fresh Talent: Working in Scotland Scheme he/she will satisfy the English language requirement.

MAINTENANCE (FUNDS)

Maintenance requirement – all applications

90. One of the requirements of Tier 1 is that migrants coming to the United Kingdom to undertake highly skilled work must be able to support themselves for the entire duration of their stay in the United Kingdom without use of public funds (for example benefits provided by the state). Migrants who are unable to support themselves could face financial hardship because they will not have access to most state benefits.

91 In order to qualify for leave to remain under Tier 1 applicants must show that they have enough money to support themselves. The funds requirements are detailed below.

- Applicants outside the United Kingdom seeking entry clearance must have at least £2,800 of personal savings.
- Applicants in the United Kingdom seeking Further leave to remain must have at least £800 of personal savings.

92. Applicants should also assess the potential costs of living in the United Kingdom. If applicants do not expect to receive any income from their work in the United Kingdom after the first month, they should ensure that they have enough money to support themselves and any dependants.

Documents we require

93. This evidence must be original, on the official letter-headed paper or stationery of the organisation and bearing the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

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

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

Appendix C of the Immigration Rules states that only specified documents will be accepted as evidence of this requirement. The specified documents are:

1. Personal bank or building society statements covering the three-month period immediately before the application: The personal bank or building society statements should clearly show:

- the applicant's name;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- transactions covering the three-month period;
- that there are sufficient funds present in the account (the balance must always be at least £2,800 or £800, as appropriate).

If the applicant wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the applicant will need to provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements provided.

We will not accept statements which simply show the balance in the account on a particular day as these documents do not demonstrate that applicants hold sufficient funds for the full period required.

2. Building society passbook covering the previous three-month period: The building society passbook should clearly show:

- the applicant's name;
- the account number;
- the financial institution's name and logo;
- transactions covering the three-month period;
- that there are sufficient funds present in the account (the balance must always be at least £2,800 or £800, as appropriate); and

3. Letter from bank confirming funds and that they have been in the bank for at least three months: The letter from a bank or building society should show:

- the applicant's name;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the applicant's account; and
- that the funds of £2,800 or £800 have been in the bank for at least three months and the balance has always been at least £2,800 or £800, as appropriate.

We will not accept letters which simply show the balance in the account on a particular day as these documents do not demonstrate that applicants hold sufficient funds for the full period required.

4. Letter from a financial institution regulated by the Financial Services Authority (FSA) confirming funds:

The letter from the financial institution regulated by the FSA should show:

- the applicant's name;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in the applicant's account; and
- that the funds of £2,800 or £800 have been in the bank for at least three months and the balance has always been at least £2,800 or £800, as appropriate.

We will not accept letters which simply show the balance in the account on a particular day as these documents do not demonstrate that applicants hold sufficient funds for the full period required.

ANNEX A: ADMINISTRATIVE REVIEW (entry clearance applications only)

1. What is Administrative Review?

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

The Independent monitor reviews all refusals, which includes PBS, which do not have a full right of appeal

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

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

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

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

3. Who conducts the Administrative Review?

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

4. Who can request an Administrative Review?

Anyone refused entry clearance under PBS, where they believe the ECO has made an incorrect decision.

5. How does the applicant request an Administrative Review?

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

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

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

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

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

7. What if an application is submitted late?

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

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

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

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

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

If the applicant has new or further information,

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

9. How long will the Administrative Review take?

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

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

10. What will the administrative reviewer look at?

The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post. The administrative reviewer may request or require new evidence either from the applicant or from a third party, relating to any part of the original entry clearance application.

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

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

11. How are Administrative Review decisions made?

The administrative reviewer must review all aspects of the refusal not just the part of the refusal, which the applicant has asked to be reviewed. They will check that:

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

The administrative reviewer may recommend that

the reason for refusal should be overturned, if they find that the ECO:

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

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

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

12. Does Administrative Review cover General Grounds for Refusal ?

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

Reviews of refusals made under paragraph 320 (7A) and 320 (7B) of the Immigration Rules:

The applicant may submit further information with the Administrative Review request if the refusal is based on [paragraph 320 \(7A\) and 320 \(7B\) of the Immigration Rules](#) on General Grounds of Refusal.

If an application has been refused because a false document was used or a false representation was made, the applicant may claim that they were unaware of the false documents or false representations. The refusal will still stand but the applicant would have to prove that they did not know that false documents or false representations were used, if they are not to have any future applications automatically refused for 10 years under paragraph 320 (7B). Where the documents related directly to the applicant (e.g. employment references, qualifications or financial details), such a claim would be likely to fail unless the applicant has clear evidence that an error has been made (e.g. written confirmation from an employer, financial institution

or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

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

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

13. Does Administrative Review cover verification?

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

14. What are the possible outcomes of Administrative Review?

There are three possible outcomes of Administrative Review:

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

This might occur where the administrative reviewer finds that the ECO made an error but with that mistake corrected or even without that mistake the decision to refuse was correct.

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

- **Decision overturned and entry clearance to issue:** The administrative reviewer will notify the applicant by letter and request the applicant's passport.

- **Decision upheld and the reasons for refusal remain the same:** The administrative reviewer will notify the applicant by letter. The applicant will not be entitled to a further Administrative Review as the grounds for refusal has not changed.

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

16. Limited Right of Appeal

The applicant can only appeal on any or all of the grounds referred to in section 84(1)(b) and (c) of the Nationality, Immigration and Asylum Act 2002.

These are that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

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

The process for limited rights of appeal remains unchanged.

Transitional arrangements for maintenance (funds)

Normally, when applying to Tier 1 (Post-Study Work) from within the United Kingdom, you will have to show that you have enough funds, by sending documentation showing you have had savings of at least £800 for at least three months before applying.

Because this is a new requirement and it may be difficult to prove this immediately, we have put transitional arrangements in place for applicants and their family members submitting their applications within the United Kingdom up to and including 31 October 2008.

Up to 31 October 2008, you do not have to show you have had the funds for at least three months before your application. You must only show you have the required funds at the time you apply. The types of documents you need to send to support your application are as described in this document. However, until 31 October 2008, they do not need to cover the three-month period, but they must be dated no more than a month before your application.

For example, if you apply under Tier 1 (Post-Study Work) on 12 July 2008, a single bank statement with a closing balance of £800 dated between 12 June 2008 and 12 July 2008 will meet the maintenance requirements. A bank statement dated before 12 June 2008 will not be acceptable.