



# Tier 1 (Entrepreneur) of the Points Based System – Policy Guidance

This document gives the policy guidance for Entrepreneurs coming to the UK under Tier 1 (Entrepreneur) of the Points Based System, and should be read with [paragraphs 245D to 245 DF of the Immigration Rules](#) on GOV.UK.

It is correct at the time of publication but may change, so you should check that you have downloaded the right version by going to our website.

For more information on how to apply, go to the [visas and immigration](#) section on GOV.UK.

This guidance is to be used for applications made on or after 11 January 2018

## Contents

Introduction.....	5
General information on making an application.....	5
Tier 1 (Entrepreneur): overview of terms and conditions .....	6
Length of leave.....	6
Conditions of stay.....	6
Documentary evidence.....	7
Additional evidence for sponsored students.....	8
Tier 1 (Entrepreneur) - points scoring .....	8
All applications: funds and business activity .....	9
Access to funds:.....	9
Business activity.....	11
Entrepreneurial teams .....	12
Initial applications .....	13
Table B: Initial applications points table .....	13
Intermediary public body .....	14
Genuine entrepreneur test – initial applications.....	14
Business plan.....	15
Available money: specified documents .....	15
Table C: available money table.....	16
Money from Seed Funding or UK government.....	16
Money from Venture Capital Funds .....	16
Money from third party funds and Venture Capital funds .....	17
Money available to your business.....	19
Switching from Tier 1 (General): additional requirements.....	19
Tier 1 General Switching: additional evidential requirements.....	20
English language requirement (initial applications).....	22
National of a majority English speaking country.....	23

Documents we require .....	23
English language test.....	24
Process for booking the language test.....	24
Documents we require .....	25
Degree taught in English.....	26
Documents we require .....	27
Previous demonstration of acceptable English.....	28
<b>Extension applications .....</b>	<b>29</b>
Genuine entrepreneur test – extension application.....	29
Table D: Extension applications points table.....	30
Investment: specified documents .....	31
Business activity.....	32
Business activity: specified documents .....	32
Job creation.....	34
Table E: Job creation table .....	34
Pre 6 <sup>th</sup> April 2014 transitional arrangement- job creation .....	35
Job creation: specified documents .....	35
<b>Applications for Indefinite Leave to Remain .....</b>	<b>38</b>
Length of time in the United Kingdom needed to qualify – settlement.....	38
Absences - settlement.....	38
Applications for settlement made on or after 6 April 2016.....	39
<b>Scoring points for settlement.....</b>	<b>39</b>
Table F: settlement applications points table .....	39
Knowledge of Life and Language - settlement .....	42
<b>Maintenance funds (all applications except settlement).....</b>	<b>43</b>
Documents we require .....	43
<b>Overseas criminal record certificates .....</b>	<b>46</b>
<b>Date of application.....</b>	<b>47</b>
When you should apply .....	47
Verification and other checks .....	48

Outcome of the decision.....	48
Care arrangements for children.....	48
Private foster care arrangements .....	48
Change of circumstances.....	49
Right of Administrative Review .....	49
Reporting immigration offences .....	50
Annex A - Glossary of Terms and Further Information .....	51
Annex B - Administrative Review (Overseas Applications Only).....	60
Annex C - Verification and other checks .....	63
Annex D - Additional evidence for sponsored students .....	64
Annex E - Templates .....	66
Annex F – Example job creation table .....	69

## Introduction

The Tier 1 (Entrepreneur) category of the Points Based System is for individuals investing in the United Kingdom by setting up or taking over, and being actively involved in the running of one or more businesses in the United Kingdom (UK).

This document provides guidance on Tier 1 (Entrepreneur) policy. It is subject to change and should be read together with the relevant paragraphs of the Immigration Rules.

In this document, 'we', 'us' and 'our' refer to the Home Office. 'You' and 'your' refer to the person making the application.

To make an initial application in this category, you must either have funds of £50,000 or £200,000 (depending on the circumstances) to invest in your UK business. You must also provide a business plan and you may be asked to show that you are a genuine entrepreneur.

If you are joining this route for the first time by switching from a different eligible visa route, and you have already made investments in the last 12 months that qualify under the rules for extension applications, then you may be able to use these funds in support of your application (though you will be required to evidence these).

To extend your stay beyond three years in this category, you will need to register your business, invest your funds and create the equivalent of at least two full time jobs for resident workers.

You can apply to settle in the UK after five years in this category. Accelerated settlement is available within three years for the most successful entrepreneurs who create ten or more full-time jobs or a business income of £5 million or more. No previous leave in the UK in other visa categories can be used to count towards the settlement residency criteria.

## General information on making an application

When we refer to a grant of leave, we mean permission to stay in the UK.

- if you apply from overseas, you are applying for entry clearance.
- if you apply from within the UK, you are applying for leave to remain.

Applying outside the UK (Entry Clearance)	Applying inside the UK (Initial or Extension application)
The majority of applicants must apply online. further details are available here: <a href="https://www.gov.uk/tier-1-entrepreneur/apply">https://www.gov.uk/tier-1-entrepreneur/apply</a>	You must apply online. The form is available here: <a href="https://www.gov.uk/government/publications/application-extend-your-stay-in-the-uk-as-a-tier-1-entrepreneur">https://www.gov.uk/government/publications/application-extend-your-stay-in-the-uk-as-a-tier-1-entrepreneur</a>

Even if you meet all of the conditions of the Tier 1 (Entrepreneur) category, there may be other

reasons why we will refuse your application under the [general grounds for refusal listed in the Immigration Rules](#). For example, this could be because of your previous immigration history. We will notify you of our decision in writing. General Grounds for Refusal applies to all types of application under this route including applications for Entry Clearance, Leave to Remain or Settlement.

When you make your application you must ensure comply with the requirement to submit overseas criminal record certificates, further information on this process can be found on page 50.

## Tier 1 (Entrepreneur): overview of terms and conditions

The following section explains key features of the Tier 1 (Entrepreneur) category. Full details of the requirements are at [paragraph 245D to 245DF](#) of the Immigration Rules.

### Length of leave

Entry clearance: 3 years, plus 4 months

Applications for leave to remain where your previous leave to enter or remain was in a different category of stay and this will be your first grant of leave to remain as a Tier 1 (Entrepreneur) migrant (see below for more information): 3 years

Extension where your previous leave to enter or remain was as a Tier 1 (Entrepreneur) migrant: 2 years.

## Conditions of stay

Permission to stay under this route will be subject to the following conditions:

- a. no recourse to public funds (which means you will not be able to claim most benefits paid by the state);
- b. registration with the police, if this is required by paragraph 326 of the Immigration Rules;
- c. no employment other than working for the business or businesses that you have established, joined or taken over, but working for such business(es) does not include any work you do which is effectively employment with another business (for more details— see Annex A, A41), and
- d. no employment as a professional sportsperson (including as a sports coach).
- e. study subject to the condition below.

You are permitted to study, but you will need to obtain an Academic Technology Approval Scheme (ATAS) certificate for the course/research and present it to your education institution before you start your study if:

- (a) you are over the age of 18 (or will be over 18 by the time your leave expires);  
**and**
- (b) your course is one of the following:

- (i) a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules,
- (ii) a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of the Immigration Rules,
- (iii) a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification.

[Appendix 6 of the Immigration Rules](#) can be found on GOV.UK.

If your course (or research) completion date is postponed or delayed for more than 3 calendar months or there are any changes to the course contents (or the research proposal), you must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to your institution promptly.

Your leave may be curtailed if you are found to be in breach of one of these conditions.

## Documentary evidence

You must provide **all** of the documents to support your application when you submit it. These documents must be originals (not copies) unless stated otherwise. **We will only accept the documents specified in the Immigration Rules and which are covered in this guidance.** We will not consider unrelated evidence when calculating the points score.

If you have submitted specified documents in which:

- some of the documents within a sequence have been omitted (for example, if one page from a bank statement is missing) and the documents marking the beginning and end of that sequence have been provided;
- a document is in the wrong format (for example, if a letter is not on letterhead paper as specified);
- a document is a copy and not an original document;
- a document does not contain all of the specified information;

we may contact you and/or your representative in writing, and request the correct documents. We will only make this request once, so please ensure you check all documents you send us carefully.

We will not ask for additional documents where:

- you have not provided a specified document at all
- requesting the missing or correct document will lead to your application not being granted because it will be refused for other reasons.

You must provide the requested documents at the address specified in the request within 10 working days of the date of the request. Working day means any day other than Saturday or Sunday, a UK bank holiday, Christmas Day or Good Friday.

If your situation is unusual or particularly complex, you may wish to consider including a covering letter with your application to:

- give an explanation of how you are claiming points, where it is not immediately clear how you score the necessary points from the specified documents you are providing

with your application, and offer clarification on any complex parts to your application (if applicable);

and

- for extension applications, give a brief history of the business or businesses you have created or joined, the investments you have made, and the jobs you have created since your initial application was granted.

We will process your application without this letter, but it may speed up our consideration if your situation is unusual or particularly complex and you provide it. It is important to note that, in all circumstances, your application will be subject to the evidence principles set out in this guidance and in the Immigration Rules. For example, if you omit a specified document, which is not part of a sequence of documents provided with your application, we will not contact you to request such missing document, even if this is referred to in your covering letter. The information you provide in your letter will in no circumstances serve as a substitute for any of the specified documents and information the Immigration Rules require you provide with your application.

## **Additional evidence for sponsored students**

If you have been studying in the UK and have been sponsored in your studies by a Government or international scholarship agency, you must provide us the sponsor's consent for you to stay in the UK as a Tier 1 (Entrepreneur) migrant. Please see Annex D for a further explanation.

## **Tier 1 (Entrepreneur) - points scoring**

In order for you to make a successful initial or extension application within Tier 1 (Entrepreneur), you must score the required number of points. The awarding of points will be conditional on you providing supporting evidence where appropriate.

Under Tier 1 (Entrepreneur), you must score:

- at least 75 points for attributes (Appendix A of the Immigration Rules);
- 10 points for English language (Appendix B of the Immigration Rules); and
- 10 points for Maintenance (funds) (Appendix C of the Immigration Rules).

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



## All applications: funds and business activity

This section contains information relevant to the funding and business activity for all Tier 1 Entrepreneur applications. You should apply the requirements of this section together with the requirements for the specific application you are making (Initial, extension or settlement).

### Access to funds:

This section explains the requirements you must meet to claim points for any available funds which you have not already invested in your business.

When providing personal or business bank statements as evidence of funds:

- The bank or building society must be based in the UK and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA).
- Each statement must be on the institution's official stationery showing the institution's name and logo, and confirm your name (and, where relevant, your entrepreneurial team partner's name), the account number and the date of the statement.
- Each statement must have been issued by an authorised official of that institution.
- If the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the institution, on its headed paper, confirming the authenticity of the statements, or bear the official stamp of the institution on each page of the statement.

Available money must be cash, not in Individual Savings Accounts (ISAs) or other assets such as stocks and shares.

Where multiple documents are provided, you must show the total amount required is available on the same date.

The money must either be held in a UK regulated financial institution or be transferable to the UK and convertible to Sterling.

If the money is available to your business, rather than to you as an individual, then the business must be a company or partnership. If the business is a company, you must be registered as a director of that company. If the business is a partnership, you must be a member of that partnership.

Money used in your application must remain available to you or your business until it is spent for the purposes of your business or businesses. The Secretary of State has the right to request further evidence to verify that the money will remain available. You should be aware that your application may be refused if this evidence is not provided or cannot be satisfactorily verified.

You may only score points from one of A, B or C in [Points Table B for initial applications](#). If you are relying on meeting the £50,000 funding threshold in (B) for funds from a Department for International Trade (DIT) approved seed fund, government or devolved government department or venture capital fund, you must receive the full £50,000 of funds from this source.

Money is considered disposable in the UK if all of the money is held in a UK based financial institution and free from sanctions, or if the money is freely transferable to the United Kingdom and convertible to sterling. Funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date of your application. (for more information on currency conversion see A3 of Annex A)

**In all cases you cannot score points for funds in any of the points tables from any of the following:**

- (1) Money which is also being used to score points under the requirement to demonstrate that you have sufficient funds to maintain yourself or your dependents as stipulated under Appendices C or E of the Immigration Rules.
- (2) Money that has been made available from a third party where that third party is another Tier 1 (Entrepreneur) migrant. This rule also applies to money that has come from another Tier 1 (Entrepreneur) migrants close family or from their businesses.
- (3) Money invested in your business more than 12 months (or 24 months if you were previously a Tier 1 (Graduate Entrepreneur) migrant before the date of application which led to you being granted your first grant of leave as a Tier 1 (Entrepreneur) migrant.
- (4) Investment in any residential accommodation, property development or property management meaning:
  - i) Any development of property owned by the applicant or their business to increase the value of the property with a view to earning a return either through rent or a future sale or both
  - or
  - ii) Management of property (whether or not it is owned by the applicant or their business) for the purpose of renting it out or resale.

The purpose of this rule is to ensure that the business income must be generated from the supply of goods and/or services, and not derived from the increased value of property or any income generated from property, such as rent.

- (5) Money invested in the form of a director's loan unless it is unsecured and subordinated to other creditors' loans to the business. The principal here is that the business income must be generated from the supply of goods and/or services, and not derived from the increased value of property or any income generated from property, such as rent.
- (6) Money held in financial institutions with which the Home Office is unable to make satisfactory verification checks, as required in [appendix P](#) of the Immigration Rules.
- (7) Money that is made available to any individual other than you, except:
  - (i) under the terms set out in the [entrepreneurial teams](#) provision;
  - or

(ii) where the money is held in a joint account with your teams applicant's spouse, civil partner or partner (defined as a person who has been living together with you in a relationship akin to a marriage or civil partnership for at least two years prior to the date of application), and that spouse or partner is not (and is not applying to be) another Tier 1 (Entrepreneur) migrant.

## **Business activity**

Points will only be awarded for your business if it is a UK business

A business will only be considered to be a UK business if you provide the specified evidence to show all of the following:

- a. It is trading within the UK economy
- b. It has its registered office in the UK, or, in the case of multinational companies with an overseas registered office, its Head Office in the UK, except where you are registered with HM Revenue & Customs as self employed and do not have a business office,
- c. It has a UK Bank account
- d. It is subject to UK taxation

Points will not be awarded for being the director of a UK business or member of a UK partnership if you are on Companies House's list of disqualified directors.

Where evidence from accountants is required, the accountant must:

- i. Not be the applicant (you)
- ii. Prepare and sign off any accounts in accordance with statutory requirements
- iii. have a valid licence to practice or practising certificate
- iv. be a member of at least one of the following:
  - (1) the Institute of Chartered Accountants in England and Wales
  - (2) the Institute of Accountants in Scotland
  - (3) the Institute of Chartered Accountants in Ireland
  - (4) the Association of Chartered Certified Accountants
  - (5) the Association of Authorised Public Accountants
  - (6) The Chartered Institute of Management Accountants
  - (7) The Association of International Accountants
  - (8) The Association of Accounting Technicians

No points will be awarded for investment, job creation and business activity shared with another Tier 1 (Entrepreneur) applicant, except under the [entrepreneurial team](#) provisions detailed below.

If you are not the sole member or director in your business, you must provide confirmation of:

- (i) the names of the other members or directors,
- (ii) whether any of the other members or directors are also Tier 1 (Entrepreneur) migrants,  
and
- (iii) if so all of the following:
  - 1. the dates they became members or directors,
  - 2. whether they are applying for Tier 1 (Entrepreneur) leave under the rules for entrepreneurial teams as set out above,
  - 3. if they have made (or are making at the same time) an application in which they claimed points for creating jobs, the names of the jobholders in question.

## **Entrepreneurial teams**

Two applicants, and no more than two applicants, may claim points in this route for the same investments, available funds, jobs created and business activity in initial, extension and settlement applications provided that all of the following requirements are met:

- 1. Your team has an equal level of control over the funds and (where relevant) equal status as owners, directors and/or members of the business or businesses in question.
- 2. Your team are both shown by name, passport number and (where relevant) Points-Based System reference number in each other's applications and in the specified evidence required in the relevant table.
- 3. Neither member of your team has previously been granted leave as a Tier 1 (Entrepreneur) migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other, if the same funds were relied on in a previous application.

## Initial applications

You are an initial applicant in the Tier 1 (Entrepreneur) category if you have not had leave in this category in the last 12 months. This is the case whether you are applying for entry clearance or leave to remain.

If you are an initial applicant you will need to score a total of 95 points from the points table below. You must score a total of 75 points for attributes in rows 1, 2 and 3. If you are applying for leave to remain you can also score points for the attributes requirement if you have already made qualifying investments in a business. You can check if you have already made qualifying investments through reference to the attributes points table for [extension applications](#).

You must also score 10 points for language and 10 points for maintenance requirements (rows 4 and 5 respectively).

**Table B: Initial applications points table**

Row	Type	Points table for initial applications – 95 points required	Points available
1	Attribute	<p>You must demonstrate that you have access to funds of either:</p> <ul style="list-style-type: none"> <li>A. at least £200,000</li> <li>B. at least £50,000 from: <ul style="list-style-type: none"> <li>i. One or more UK entrepreneurial seed funding competitions which is listed as endorsed on the Department for International Trade (DIT) pages of the GOV.UK website</li> <li>ii. One or more UK Government Departments or Devolved Government Departments in Scotland, Wales or Northern Ireland</li> <li>iii. One or more registered venture capital firms regulated by the Financial Conduct Authority (FCA) (Please note that this is not available to applicants who are switching from a Tier 4 category)</li> </ul> </li> </ul> <p><b>Tier 1 (Graduate Entrepreneur)</b></p> <ul style="list-style-type: none"> <li>C. You have access to at least £50,000 which is available to you or your business and they are: <ul style="list-style-type: none"> <li>1. applying for leave to remain</li> <li>2. have, or were last granted, leave as a Tier 1 (Graduate Entrepreneur)</li> </ul> </li> </ul> <p><b>Tier 1 (General)</b></p> <p>If you are applying for leave to remain and have, or were last granted, leave as a Tier 1 (General) migrant, you will be awarded no points under (a) or (b)(i) above, unless you meet all of the</p>	25

Row	Type	Points table for initial applications – 95 points required	Points available
		additional requirements set out in the Tier 1 (General) Switching section of this guidance.	
2	Attribute	Your money is held in one or more regulated financial institutions	25
3	Attribute	Your money is disposable in the United Kingdom. If you are applying for leave to remain the money must be held in the UK	25
4	Language	Evidence to prove that you speak English to the required standard and meet the requirements set out in the section English Language Requirements: Initial Applications.	10
5	Maintenance	You are able to demonstrate that you meet the maintenance funds requirements as set out in the guidance section Maintenance (funds)	10

## Intermediary public body

If you are applying on the basis of access to funds from a UK or Devolved Government Department, points may be awarded if that funding is being made available from an intermediary public body, where that body has been authorised by the a UK Government Department or Devolved Government Department for the specific purpose of establishing or expanding UK businesses. The London Co-Investment Fund and Scottish Enterprise are examples of intermediary public bodies.

## Genuine entrepreneur test – initial applications

All Tier 1 (Entrepreneur) migrants making an initial application are subject to a genuine entrepreneur test. We must be satisfied that:

- you genuinely intend and are able to establish, take over or become a director of one or more businesses in the UK within the next 6 months;
- you genuinely intend to invest the money referred to in Table C: [Available Money](#) into the business or businesses referred to above;
- the money is genuinely available to you and will remain available to you until such time as it is spent for the purposes of your business or businesses;
- if you are relying on one or more previous investments to score points, that you have genuinely invested all or part of the investment funds required in Table C: [Available Money](#) into one or more genuine businesses in the UK; and
- you do not intend to take employment in the United Kingdom other than working in your business.

We will take into account the following:

- the evidence that you submit;
- the viability and credibility of the source of the money referred to in Table C: [Available Money](#);
- the viability and credibility of your business plan and market research of your chosen business sector;
- your previous educational and business experience (or lack thereof);
- your immigration history and previous activity in the UK;
- where you have already registered in the UK as self-employed or as the director of a business, and the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained;
- any other relevant information.

We reserve the right to request additional information to support the assessment of the application and to refuse the application if the evidence is not provided. Any requested documents must be received by us at the specified address within 28 calendar days of the date of request.

If you have already registered in the UK as self-employed or as the director of a business, we may check any compliance with requirements for your sector, and may request additional information and evidence to support the assessment.

If we are not satisfied that the evidence you have provided in support of the point scoring requirements as set out in Appendix A of the Immigration Rules is genuine, those points will not be awarded.

We may decide not to carry out the above assessment if the application falls for refusal on other grounds, but reserve the right to carry out this assessment in any reconsideration of the decisions.

We may ask you to attend an interview. We may refuse your application if you do not comply with any request we make for you to attend an interview, unless a reasonable explanation is provided as to why you cannot comply

## **Business plan**

If you are making an initial application **you must provide a business plan**, which sets out your proposed business activities in the UK and how you expect to make your business succeed.

## **Available money: specified documents**

If all or part of the money you intend to use in your application has not yet been invested in your business, then you must provide all the specified documents set out in the relevant row of the table below. If you are claiming points for money from more than one source, you must provide the specified documents for each row which applies.

**Table C: available money table**

Row	Available money	Specified documents (see descriptions below table)
1	Money available from a seed funding competition or a UK or Devolved Government Department, as set out in <a href="#">Table B</a>	(i)
2	Money available from a venture capital firm, as set out in Table B	All of (ii)-(v) and (vii)
3	Money available from a third party, other than those in rows 1 and 2 above, where the money is still held by the third party	All of (vi)-(viii)
4	Money held by you for less than 90 consecutive days, ending no earlier than 31 days before the date of application, where the source of that money is other than those in row 1 above.	(vi) and (vii), and either (ix) or (x) as appropriate
5	Money held by you for at least 90 consecutive days, ending no earlier than 31 days before the date of application	Either (ix) or (x) as appropriate

**Money from Seed Funding or UK government**

- i) A letter confirming the amount of money available to you, or your entrepreneurial team or your business from the seed funding competition or a UK or Devolved Government Department. The letter must be from an authorised official or that organisation or, in the case of a UK or Devolved Government Department, a letter from an authorised official of an intermediary public body providing it confirms that it has been authorised to award funds from that Department for the specific purpose of establishing or expanding UK businesses.

**Money from Venture Capital Funds**

- ii) A letter from a director, partner or fund manager of the venture capital firm which must contain:
  1. confirmation of the amount of money available to your business from the organisation,
  2. a statement providing detailed information on the strategy, structure and financial exposure of the fund,



3. a statement detailing the rationale for the investment, providing specific information about the circumstances which lead to the investment decision,
  4. a statement confirming that the business/proposed business is a genuine and credible proposition
  5. confirmation that the venture capital firm is registered with the Financial Conduct Authority (FCA) and its entry in the register includes a permission to arrange, deal in or manage investments, or to manage alternative investment funds.
- iii) A copy of the completed term sheet for the investment, signed by all parties to the transaction, which must include details of the company valuation, company structure, founder and investor rights, funding structure and types of security being taken.
  - iv) A breakdown of the technical, legal, commercial and financial due diligence conducted by the venture capital firm in support of the investment.
  - v) A letter from an accountant validating the financial condition of the fund

### **Money from third party funds and Venture Capital funds**

- vi) An original written declaration from every third party that they have made the money available to invest in your business in the UK this declaration must contain:
  - a) the name of the third party
  - b) your name (and your entrepreneurial team partner's name where relevant), and the name of your business
  - c) the date of the declaration
  - d) your signature and the signature of the third party (and the signature of your entrepreneurial team partner where relevant)
  - e) the relationship(s) of the third party to yourself
  - f) if the third party is another business in which you are self employed or a director, evidence should be provided of your status within that business and that you are the sole controller of that business's finances, or where you are not the sole controller, a letter should be provided which has been signed by another authorised official of that business who is not an applicant
  - g) confirmation that the money will remain available until such time as it is transferred to yourself, your entrepreneurial team or your business.
- vii) A letter (or letters) from one or more legal representatives, who are neither you or your third party, which confirms that the letter(s) and declaration(s) from the third party or parties contains the genuine signatures of the required signatories. The letter(s) must clearly show the registration or authority of the legal representatives to practice legally in the country where the third party or the money is.
- viii) A letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming in each case the amount of money that the third party intends to

make available, and that the institution is not aware of the third party having promised to make that money available to any other person.

- ix) For money held outside the UK, a letter from each financial institution holding the funds, issued by an authorised official of that institution. The letter must confirm the minimum balance available from your own funds held in that institution on the date of the letter. If you are using money held by you and not from a third party the letter must also confirm you have held at least the minimum balance during a consecutive 90 day period of time, ending on the date of the letter.
- x) For money held in the UK, recent original personal bank or building society statements, with the most recent statement being dated no earlier than 31 days before the date of the application. Taken together these bank or building society statements should show that the relevant required sum of available money is held in the account(s) on the date of the most recent statement. If you are using money held by you and not from a third party the statements must show that the required sum has been held for a consecutive 90 day period of time immediately before the date of the statement. Each statement must satisfy all off the following requirements:
  - (1) The bank or building society holding the money must be based in the UK and regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA).
  - (2) The account must be in your own name only (or both names for an entrepreneurial team or where it is a joint account with your spouse, civil partner or partner), not in the name of a business or third party.
  - (3) Each statement must be on the institution's official stationery showing the institution's name and logo, and confirm your name (and, where relevant, your entrepreneurial team partner's name), the account number and the date of the statement.
  - (4) Each statement must have been issued by an authorised official of that institution.
  - (5) If the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the institution, on its headed paper, confirming the authenticity of the statements, or bear the official stamp of the institution on each page of the statement.

Each letter referred to in (a) (i)-(ii), (v) and (vii)-(ix) above must:

- (1) be an original document and not a copy,
- (2) be on the organisation's official headed paper,
- (3) be dated no earlier than three months (in the case of (i), (ii), (v) and (vii)) or 31 days (in the case of (viii) and (ix)) immediately before the date of the application,
- (4) state your name, and your entrepreneurial team partner's name where relevant, or the name of your business,

- (5) include the contact details of the person or (where relevant) an official of the organisation issuing the letter,
- (6) include (where relevant) the name of the third party providing the money, including their full address, postal code, telephone contact number and any email address,
- (7) in the case of (vii), include the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry, unless the third party is a venture capital firm,
- (8) in the case of (viii)-(ix), show the account number,
- (9) in the case of (viii)-(ix), confirm that the financial institution is regulated by the appropriate body and, if not regulated by the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA), that the money can be transferred into the UK.

## **Money available to your business**

If the money is available to your business, **rather than to you as an individual**, you must also provide a Companies House document showing the address of the business's registered office in the UK, or head office in the UK if it has no registered office. The Companies House document must also show that you are a director if your business is a company or that you are a member if your business is a partnership.

If all or part of the money you intend to use in your application has been invested in your business, then you must provide:

1. all of the specified documents required in paragraph 45 to show the amount of money invested,
2. all of the specified documents required in paragraph 48 to show that you have established a new UK business or joined or taken over an existing UK business, in which money was invested

## **Switching from Tier 1 (General): additional requirements**

This section applies to you if you are applying from within the UK and have last been granted leave as a Tier 1 (General) migrant.

You will not be asked to provide documentary evidence you have been a Tier 1 General migrant, as we will use your travel document or passport and our records to confirm this.

Switching into this route is designed to provide an option to extend your stay if you were self employed and/or running your own business at the time Tier 1 (General) closed for extension applications on 6 April 2015. In order to be eligible to switch from the Tier 1 (General) route you need at least £50,000 funds to invest (rather than £200,000). Regardless of your level of funding, you must also demonstrate that you meet the following additional requirements:

- 1) You have been engaged in business activity in the UK through one or more contracts for service between your business and another business which is not your own. (this must not amount to an activity where you are working effectively as an employee pursuant to a contract of service. You can find a detailed explanation of the differences between a “contract for service” and “contract of service” at appendix A paragraph 41 of this guidance.
- 2) You have registered with HM Revenue and Customs as self employed, or registered with Companies House as a director of a new or an existing company or as a member of a new or an existing partnership.
- 3) You are working in a skilled occupation. This must appear on the list of occupations whose skills are at Regulated Qualifications Framework (RQF) Level 4 or above, as stated in the Codes of Practice in [Appendix J of the Immigration Rules](#) (“working” in this context means that the core service your business provides to its customers or clients involves working in an occupation at this level. For example, if your business is selling a window cleaning service it will not meet the requirements of this rule even if you have used exceptional IT skills to build a revolutionary new website to sell your window cleaning services).

## **Tier 1 General Switching: additional evidential requirements**

In order to demonstrate you have met all the conditions set out above, you will need to provide the following:

- (a) Your job title and a summary of your job description.
- (b) The Standard Occupational Classification (SOC) code(s) of the occupation(s) that you have been continuously working in between any date before the 6 April 2015 and the date of application. These must appear on the lists of occupations shown in Tables 1 to 3 of the Codes of Practice in [Appendix J](#),
- (c) As many as is necessary of the following to show that your business was active before 6 April 2015 and the date of your current application (you should include evidence created on enough separate dates to credibly show evidence of trading continuously for every year of your business activity):
  - (i) dated advertising or marketing material, including printouts of online advertising other than on the business’s own website, which has been published locally or nationally, and showing the name of the business and the business activity,
  - (ii) dated printouts from the business’s website detailing the service or product provided by your business (you may only rely on this option if you, your entrepreneurial team member, or your business own the domain name of the website and submit evidence to this effect; if not, you must provide one set of the other types of evidence instead),
  - (iii) dated article(s) or online links to dated article(s) in a newspaper or other publication which show the name of the business together with the business activity,

(iv) dated information from trade fair(s) at which you have had a stand or given a presentation to market your business, showing the name of the business together with the business activity,

(v) personal registration with a UK trade body linked to your occupation.

(d) As many as is necessary of the following to show that the business was trading continuously between any date before 6 April 2015 and the date of application:

(i) contract or contracts for service, which must:

1. be original or, if not, be signed by you on each page,
2. state the name of your business and the products and/or service it provides,
3. state the name of the other party or parties involved in the contract and their contact details, including their full address, postal code, telephone contact number and any email address,
4. confirm the duration of the contract or, if it is a rolling contract with no defined end date, confirm when this arrangement began and enclose a letter from the customer or their representative confirming the contract has not been terminated, dated no earlier than three months before the date of application,

ii) one or more original letters from UK-regulated financial institutions with which you have a business bank account, on the institutions' headed paper, confirming the trading dates of the business.

(e) As many as is necessary of the following to show that you have been continuously registered as either self-employed, a director of a UK company and/or a member of a UK partnership between a date before 6 April 2015 and a date no earlier than three months before the date of your current application:

(i) if you are or were self-employed, evidence to demonstrate that you have registered with HM Revenue & Customs,

(ii) if you are or have been a director of a UK company or member of a UK partnership at the date of application, printouts of Companies House documents showing all of the following:

- (1) the address of the registered office in the UK, or head office in the UK if it has no registered office,
- (2) your name, as it appears on the application form, as a director or member,
- (3) the date of your appointment as a director or member,
- (4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),

(iii) if you were previously a director of a different UK company or a member of a different UK partnership from that referred to in point (ii) above, a printout from Companies House of your appointment history, as well as a printout of the company or partnership's filing history page.

(f) You should also provide the following evidence that your business has held a UK bank account or bank accounts of which you are a signatory, between a date before 6 April 2015 and a date within 3 months of the date of application:

- (i) if you are currently self employed, a personal or business bank statement showing business transactions, or a letter from a UK bank, on its headed paper, confirming you have a business and act through that bank for the purposes of that business, or
- (ii) if you are currently a director of a company or member of a partnership, a statement from the business's UK bank account which shows business transactions, or a letter from the UK bank in question, on its headed paper, confirming that the company or partnership has a bank account, and that you are a signatory of that account, and your company or partnership uses that account for the purposes of your business.

(g) You must also submit the following evidence from HM Revenue & Customs, which shows the business is or was subject to UK taxation, and is or was actively trading (not dormant, struck-off, dissolved, or in liquidation):

- (i) if you are or were self-employed as a sole trader or a member of a UK partnership, evidence that you are making tax returns within the self-assessment tax system,  
or
- (ii) if you are a director of a UK company, evidence which confirms the company is or was registered for corporation tax.

## **English language requirement (initial applications)**

English is the most widely spoken language of the UK. The ability to speak English to a competent level promotes success in the UK labour market and assists in integration into the UK.

There are 4 ways in which you can show you meet the English language requirement. These are by:

- being a national of a majority English speaking country;  
or
- passing an English language test as detailed in this guidance; or
- holding a degree which was taught in English and is equivalent to a UK bachelor's degree or above;  
or
- you have already shown you have met the requirement in a previous application.

You must provide the specified documents for whichever of the above ways you chose to show that you have a good knowledge of English. The details of the routes and the documents you must

provide in order to score points for English language ability are set out below.

## **National of a majority English speaking country**

Nationals of the majority English-speaking countries listed below automatically meet the English language requirement:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Canada;
- Dominica;
- Grenada;
- Guyana;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago; and
- The United States of America.

## **Documents we require**

You must submit your current valid original passport or travel document as evidence of your nationality.

If you are unable to submit your valid passport or travel document at the time of the application, you must give full reasons for this in the Passport Information section of the application form. The only valid exceptional circumstances in which alternative specified documents may be provided are where your current passport or travel document has:

- been lost;
- been stolen;
- expired and been returned to the relevant authorities; or
- been sent to another part of the Home Office.

If your passport or travel document is not available for one of the reasons above, you may exceptionally provide the following alternative specified documents:

- i) Current national identity document
- ii) Original letter from your home government or embassy. This document must be original, on the letter-headed paper of the government or embassy, and must bear the official stamp of that institution. It must have been issued by an authorised official of that institution and must confirm your:
  - full name
  - date of birth
  - nationality

## English language test

We will only accept English language tests from providers that have been assessed as meeting our requirements. Details are available in [Appendix O of the Immigration Rules](#).

A new list of approved tests came into effect on 6 April 2015. Any English language tests sat on or after 6 April 2015 must be on this new list. Transitional arrangements will apply for tests sat before this date (see below).

You must have passed an English language test equivalent to B1 level or above; this can be in either academic or general skills training.

The qualification evidenced must be still within its validity period, and show that you achieved the appropriate level in all 4 components (reading, writing, speaking and listening).

You may be exempt from some or all of the English language test components if you have a disability (for example, you have hearing difficulties). You should contact a test provider for details of support which can be provided to you while taking the test.

## Process for booking the language test

You will need to book an English language test using the provider's online booking system. You will also pay for your test using this system. This booking system will allow you to choose where you want to sit the test. A list of all the approved test centres is available on the [English language](#) page of GOV.UK.

On the day of your test, you will need to provide evidence of your identity at the test centre before



you will be allowed to sit the test. The only acceptable forms of identification for UK centres are:

- a passport;
- an EU Identity Card;
- a Biometric Residence Permit.

The above documents must be originals, include a photograph and must not have exceeded their expiry dates. Where the document contains a signature, this will also be verified on the date of the test.

Where you are unable to provide evidence of your identity you will not be allowed to sit the test.

If you are successful, the provider will provide you with a Secure English Language Test (SELT) unique reference number. **You must quote this reference number on your application to the Home Office.** You do not need to provide any other documentation, for example the test certificate. The Home Office will use this unique reference number on the providers online verification system to confirm you passed the test.

If the test does not appear on the online verification system the application will not meet the English language requirements.

## Documents we require

If you sat a test on or after 6 April 2015, you do not need to provide any documentary evidence of your test with your application. Instead, you should provide your SELT unique electronic reference number, provided by the awarding body.

If you are applying under the transitional arrangements, you must provide the documents detailed in the transitional arrangements on the [English language](#) page of GOV.UK.

The documents should clearly show:

- your name;
- that you have achieved or exceeded the required level of the Council of Europe's Common European Framework for Language Learning in all 4 components (reading, writing, speaking and listening), unless you are exempted from sitting a component on the basis of disability;
- the date of the award; and
- that the test documents are still valid and have not expired.

The only exception to this requirement is where you have undertaken the Pearson Test of English (PTE) Academic test. In these cases you should provide a print out of your online score report.

For all tests sat after 6 April 2013, you should ensure that your results are available to the Home Office on the online verification systems provided by the awarding body. Where you fail to do this, no points will be awarded for English language.

## Degree taught in English

As evidence of your English language ability, you can claim points if you can provide certificates to show you hold an academic qualification (not a professional or vocational qualification) which is either:

1) a UK Bachelor's degree, Master's degree or PhD;

2) a qualification awarded by an educational establishment outside the UK, which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree or Master's degree or a PhD in the UK, and UK NARIC has confirmed that the degree was taught or researched in English to the appropriate level of the Council of Europe's Common European Framework for Language learning or above. For more details see the [Council of Europe website](#).

3) deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD, and is from an educational establishment in one of the following countries:

- Antigua and Barbuda
- Australia
- The Bahamas
- Barbados
- Belize
- Dominica
- Grenada
- Dominica
- Grenada
- Guyana
- Ireland
- Jamaica
- New Zealand
- St Kitts and Nevis
- St Lucia
- St Vincent and the Grenadines
- Trinidad and Tobago
- The United States of America

(Please note that Canada is not on this list because some of their degrees are not taught in English).

If your degree was taken in a country that is not on the list above, you must obtain a letter from UK

NARIC which confirms that your qualification is equivalent to UK bachelor's level or higher. Alternatively, you may wish to use a different (qualifying) qualification if you have one.

See the following website page [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality) for more information.

## **Documents we require**

We will only accept the following specified documents as evidence of this requirement:

### **i. Original certificate of award.**

This document must be original and must clearly show:

- your name;
- the title of the award;
- the date of the award; and,
- the name of the awarding institution.

Please note that original provisional certificates are not acceptable.

This document must always be provided unless you are awaiting graduation but have successfully completed your degree or no longer have the certificate and the awarding institution is unable to issue a replacement, in which case the following should be sent

### **ii. Original academic transcript.**

If you are awaiting graduation but have successfully completed the degree, we can consider an original academic transcript or original letter in the case of a PhD qualification.

The academic transcript must be on the institution's official headed paper and must show:

- your name;
- the name of the academic institution;
- the title of the award;
- confirmation that the qualification has been or will be awarded; and
- the date that the certificate will be issued (if you have not yet graduated) or confirmation that the institution is unable to reissue the original certificate or award.

This evidence must be an official document, on the official headed paper of the organisation and bear the official stamp of that organisation. It must have been issued by an authorised official of that organisation.

You should ensure the contact details for the awarding body are up-to-date, because if we need to verify the details and are unable to contact the institution, we will not accept this evidence and may therefore refuse the application.

### **iii. UK NARIC documentation**

Where UK NARIC documentation is required to confirm the assessment, this must be original

## **Previous demonstration of acceptable English**

You will have already shown that you meet the English language requirement without the need to provide evidence if you were last given permission to stay in the UK:

1. under Tier 1 (General), Tier 1 (Graduate Entrepreneur), Tier 1 (Post-Study Work) or Tier 1 (Entrepreneur) and are applying for an extension of leave to remain; or
2. as a Businessperson (under Paragraphs 200-210 of the Immigration Rules); or
3. as a Highly Skilled Migrant Programme (HSMP) participant under the Immigration Rules which came into force on 5 December 2006 and you are applying for an extension of leave to remain under a Tier 1 category.

You will also have met the English language requirement without the need to provide evidence if you have ever been given leave to remain (permission to stay) as:

- a Tier 2 (General) migrant under the Rules in place on or after 6 April 2011, provided that when you were granted that leave you obtained points for having a knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework (CEFR) for Language Learning or above; or
- a Tier 1 (Exceptional Talent) migrant providing you scored points for your English language ability in that application; or
- a Tier 4 (General) student, and the Confirmation of Acceptance for Studies (CAS) used to support that application was assigned on or after 21 April 2011; or
- a Minister of Religion (not as a Tier 2 (Minister of Religion) migrant) under the Rules in place on or after 19 April 2007; or
- as a Tier 2 (Minister of Religion) migrant, provided that when you had that leave you obtained points for English language for being a national of a majority English speaking country, a degree taught in English, or passing an English language test;

provided that when your leave was granted, you obtained points for having knowledge of English equivalent to level B1 (or above) of the Council of Europe's Common European Framework for Language Learning.

Applications from people who are unable to score 10 points in the section for English language requirements will be refused. Under Appendix B of the Immigration Rules, we will refuse these applications even if you have attained the pass mark of 75 for attributes and have met all the other requirements of the Immigration Rules for permission to stay as a Tier 1 migrant.

## Extension applications

To make an application to gain an extension of your leave you will need to:

- satisfy the Genuine Entrepreneur Test; and
- score 75 points from the Table D: [Extension applications](#) points table.

### Genuine entrepreneur test – extension application

if you are making an extension application, you will be subject to a genuine entrepreneur test. We must be satisfied that you:

- have established, taken over or become a director of one or more genuine businesses in the UK, and have genuinely operated that business;
- have genuinely invested the money referred to in [Table D: Extension Applications](#) into one or more genuine businesses in the UK;
- intend to continue operating one or more businesses in the UK; and
- do not intend to take employment other than under the terms of paragraph 245DE of the Immigration Rules.

We will take into account the following:

- the evidence you submit;
- the viability and credibility of the source of the money referred to in Table D: Extension Applications
- the credibility of the financial accounts of the business or businesses;
- the credibility of your business activity in the UK;
- the credibility of the job creation which you are claiming points;
- if the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and
- any other relevant information.

We reserve the right to request additional information to support the assessment of the application, and to refuse the application if the evidence is not provided. **Any requested documents must be received by us at the specified address within 28 calendar days of the date of request.**

**Please Note:** If we are not satisfied you have met the test in relation to a points-scoring requirement in Appendix A of the Immigration Rules, those points will not be awarded.

We may decide not to carry out the above assessment if the application falls for refusal on other grounds, but we reserve the right to carry out this assessment in any reconsideration of the decision.

We may ask you to attend an interview. We may refuse your application if you do not comply with

any request we make for you to attend an interview, unless a reasonable explanation is provided as to why you cannot comply.

**Table D: Extension applications points table**

Row	Investment, business activity and job creation	Points
1	<p>You have invested, or have caused investment to be made by one or more third parties, at least £200,000 (or £50,000 if you were awarded points for £50,000 funding or investment in your last grant of leave) in cash directly into one or more UK businesses.</p> <p>You do not need to provide evidence of this investment if you were awarded points under this table in your last grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) migrant.</p>	20
2	<p>You have:</p> <p>(a) registered with HM Revenue &amp; Customs as self-employed</p> <p>or</p> <p>(b) registered with Companies House as a director of a UK company, or member of a UK partnership.</p> <p>You must have registered within six months of entering the UK with this entry clearance (if you provide evidence to establish your date of entry) or, in any other case, within six months of the date your leave was granted.</p>	20
3	<p>Within the three months before the date of application, you have been:</p> <p>(a) registered with HM Revenue &amp; Customs as self-employed,</p> <p>or</p> <p>(b) registered with Companies House as a director of a UK company or member of a UK partnership.</p>	15
4	<p>You have:</p> <p>(a) established a new business or businesses that has or have created the equivalent of at least 2 new full time jobs for settled workers,</p> <p>or</p> <p>(b) joined or taken over an existing business or businesses and your services or investment have resulted in a net increase in the employment provided by</p>	20

the business or businesses for settled workers by creating the equivalent of at least 2 new full time jobs.
---

The jobs must have existed for at least 12 months during your most recent grant of leave or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of the current application.
---

## Investment: specified documents

You must provide your business accounts and accompanying evidence of your investment, which must meet the following requirements:

- (a) If your business is a registered company which is required to produce audited accounts, the audited accounts must be provided with your application.
- (b) If your business is not required to produce audited accounts, unaudited accounts and an accounts compilation report must be provided from an accountant.
- (c) The audited or unaudited accounts must show the investment in money made directly in the business by one or more of the following:
  - (i) you, in your own name,
  - (ii) one or more seed funding competitions or UK or Devolved Government Departments, as set out in the points table for Table B: [Initial Applications](#), and the accounts must be accompanied by a letter from the source, confirming that the investment was made on your behalf, or
  - (iii) a third party other than those in (ii), and the accounts must be accompanied by a letter from the Department for International Trade, confirming that the investment was made as a result of you securing the investment.
- (d) If you have made the investment in the form of a director's loan:
  - (i) it must be shown in the relevant set of accounts provided,
  - (ii) where the investment was made after 19 November 2015, the investment must be shown through readily identifiable transactions in your business bank statements, which must clearly show the transfer of this money from you to your business  
and
  - (iii) you must provide a legal agreement, between yourself (in the name that appears on your application) and the company showing:
    - (1) the terms of the loan,
    - (2) any interest that is payable,
    - (3) the period of the loan, and

(4) that the loan is unsecured and subordinated in favour of third-party creditors.

(e) If you have made the investment in the form of share capital, the accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in your name as it appears on your application. If the value of your share capital is not shown in the accounts, then a printout of the company's register of members from Companies House must be provided.

(f) The accounts must clearly show the name of the accountant, the date the accounts were produced, and how much you have invested in the business.

(g) If you are claiming points for investment of £50,000 from a Venture Capital firm, you must also provide an original dated letter from the Venture Capital firm on its headed paper, confirming:

(i) your name,

(ii) the date(s) the money was transferred to you or invested in your business, and

(iii) that the Venture Capital firm was registered with the Financial Conduct Authority on the date(s) in (ii) above.

(h) If you are claiming points for investing £50,000 from a Seed Funding Competition, UK or Devolved Government Department or Venture Capital firm, and have not been awarded points for those funds in a previous application, you must also provide the specified evidence in the Table C: [Available Money](#) as evidence of the source of the funds. As the money may have been invested up to 12 months ago the letters do not need to be dated within the three months immediately before the date of the application.

(i) If you have bought property as part of your business investment, the value of any residential accommodation cannot be included. You must provide an estimate of the value of the residential accommodation if it is part of the premises also used for your business. The valuation must be from a surveyor who is a member of the Royal Institution of Chartered Surveyors dated within the three months before the date of application.

## **Business activity**

A business will only be considered a “new” business if you established it no earlier than 12 months (or 24 months if you were previously granted leave as a Tier 1 (Graduate Entrepreneur) migrant) before the date of the application which led to your first grant of leave as a Tier 1 (Entrepreneur) migrant.

## **Business activity: specified documents**

You must provide the following specified documents, showing that you obtained the necessary business registration within the 6 month period referred to in the Table D for extension applications and Table F for [settlement](#) applications:

(a) If you were self-employed, evidence of your registration with HM Revenue & Customs.



(b) If you were a director of a UK company or member of a UK partnership, a printout from Companies House of the company's filing history page of your personal appointments history, showing the date of your appointment as a director or member.

You must also provide the following specified documents to show you have established a new UK business, or joined and are engaged in business in the UK when you make your application:

(a) If you are self-employed you must provide:

- (i) evidence of your registration with HM Revenue & Customs to show your business is based in the UK, and showing you were registered within the three months before the date of the application,
- (ii) HM Revenue & Customs evidence that you are making tax returns within the self-assessment tax system, and
- (iii) a personal bank statement showing transactions for your business, or a business bank statement, or a letter from a UK-regulated financial institution, on the institution's headed paper, confirming that you have a business and act through that bank for the purposes of that business.

(b) If you are a director of a UK company or member of a UK partnership, you must provide:

- (i) printouts of Companies House documents, dated no earlier than three months before the date of the application, showing all of the following:
  - (1) the address of the registered office in the UK, or head office in the UK if it has no registered office,
  - (2) your name, as a director or member,
  - (3) the date of your appointment as a director or member, and
  - (4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),
- (ii) HM Revenue & Customs' confirmation or equivalent evidence that the company is registered for corporation tax (if you are a director of the company), or that you are making tax returns within the self-assessment tax system (if you are a member of a partnership),  
and
- (iii) a business bank statement from a UK account which shows business transactions or a letter from the UK bank in question on its headed paper, confirming that the company or partnership has a bank account, that you are a signatory of that account, and that the company or partnership uses that account for the purposes of their business.

## Job creation

The Tier 1 Entrepreneur route is for those who will bring investment to the UK economy and create sustainable jobs, not just for themselves, but also for workers settled in the UK.

All the following rules and definitions apply to the extension and settlement job creation requirements:

- (a) A full time job is one involving at least 30 hours of paid work a week.
- (b) “The equivalent of” a full time job means two or more part time jobs which add up to 30 hours a week will count as one full time job, if both jobs exist for at least 12 months. However, one full time job of more than 30 hours work a week will not count as more than one full time job.
- (c) The jobs must have existed for at least 12 months during the period of the most recent grant of leave as a Tier 1 (Entrepreneur) migrant.
- (d) A single job need not consist of 12 consecutive months (for example it could exist for 6 months in one year and 6 months the following year) providing it is the same job.
- (e) The jobs need not exist on the date of application, provided they existed for at least 12 months during the period of the most recent grant of leave.
- (f) Different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month period. The only exception is where you successfully applied as a Tier 1 (Entrepreneur) migrant before 6 April 2014 in which case you may be able to apply the job creation rules allowed under a transitional arrangement. Further details on transitional arrangements can be found below.
- (g) If jobs are being combined, with two part time employees being used to create the equivalent of one full time job, the employees being relied upon must be clearly identified by you in your application.
- (h) The jobs must comply with all relevant UK legislation including, but not limited to, the National Minimum Wage and the Working Time Directive.

The table below sets out how we will consider job creation for different types of application

**Table E: Job creation table**

<b>During your initial leave</b>	<b>You are applying for your first extension application</b>	<b>During your extension period of leave</b>	<b>You are applying for a second extension or 5 year settlement application</b>
You need to create 2 jobs which exist for 12 months.	The Home Office will assess the employment activity from the	You must: Maintain the 2 jobs created in your initial leave for a further 12	The Home Office will assess the employment activity from the extension period of leave.

	initial period of leave.	months, <b>or</b>  Create 2 more jobs which exist for 12 months, if the 2 jobs created during your initial period of leave have ceased to exist.	
--	--------------------------	--	--

If you are applying for a second extension or 5 year settlement application:

- You can only score points for employment activity from your most recent extension period of leave.
- You **cannot** claim points for any employment activity from your initial period of leave (as this can only be used to score points for your first extension application).

### **Pre 6<sup>th</sup> April 2014 transitional arrangement- job creation**

If you successfully applied to enter and have continually remained in the route since before the 6<sup>th</sup> of April 2014, and you are making an extension application or a settlement application, you may continue to employ (and score points for job creation):

- 1 worker for 24 months
- 1 worker for 6 months and one for 18 months
- 4 workers for 6 months each

**Please note: This transitional arrangement will come to an end on 6<sup>th</sup> April 2019. If you intend to make an extension or settlement application on or after 6<sup>th</sup> April 2019, you will not be able to rely on this transitional arrangement.**

### **Job creation: specified documents**

If you are required to score points for job creation you must provide all the following specified documents:

- (a) Printouts of Real Time-Full Payment Submissions showing you are complying with Pay As You Earn (PAYE) reporting requirements to HM Revenue & Customs, in respect of each relevant settled worker as legally required, and have done so for the full period of employment used to claim points. These must show every payment made to each settled worker as well as any deductions.
- (b) Duplicate payslips or wage slips for each settled worker used to claim points, covering the full period or periods of the employment for which points are being claimed.
- (c) Confirmation of the employment start date, hours paid per pay period and the hourly rate for each settled worker relied upon to claim points, including any changes in the hours worked per pay period or the hourly rate and the dates of those changes.

(d) Copies of any of the following documents which demonstrate that each employee has settled status in the UK:

- (i) the biometric data page of a British or EEA passport showing the photograph and personal details of the employee;
- (ii) a birth certificate, showing the employee was born in the UK and Colonies before 1 January 1983;
- (iii) if the employee was born in the UK on or after 1 January 1983, a birth certificate, together with documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born, and additionally, if the parent is the employee's father, a marriage certificate to the mother;
- (iv) if the employee is an EEA national, a UK registration certificate/permanent residence document;
- (v) if the employee is the spouse of an EEA national, the biometric data page of their passport, showing their photograph and personal details, or a residence card, and any of the documents in (i) or (iv) above which relate to the EEA national, together with their marriage certificate to the EEA national; or
- (vi) If the worker is an overseas national with settled status in the UK, the biometric data page of their passport containing their photograph and personal details, and the pages where a UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Home Office which confirms their settled status in the UK.

(e) If you were self employed at the time a settled worker was employed by your business, you must provide evidence of your registration with HM Revenue and Customs showing your business was based in the UK and a personal bank statement showing all the payments made to the settled worker in the full period of employment used to claim points. You should use the same documents that you had to supply to demonstrate that you established, joined or engaged in business in the UK.

(f) If you were a director of a UK company or member of a UK partnership at the time the settled worker was employed by your business, a printout from Companies House of the company's filing history page and of your personal appointments history, showing this.

(g) If you took over or joined a business, you must provide an original signed and dated letter from an accountant, showing:

- (i) the name and contact details of the business,
- (ii) your status in the business,
- (iii) the number of jobs created in the business and the hours paid in each of the jobs,

- (iv) the start dates and end dates (where applicable) of the jobs you are relying on to claim points,
  - (v) the registration or permission of the accountant to operate in the UK,
  - (vi) the date that the accountant created the letter on your behalf,
  - (vii) if the business did not employ workers before you took over or joined it, confirmation of this,
- and
- (viii) confirmation that the accountant will verify the contents of the letter to the Home Office on request.

This requirement applies regardless of how long the business existed before you took over or joined it.

(h) if the business in (g) employed workers before you took over or joined it, you must also provide the following documents for the year immediately before you joined the business and the years that the jobs were created, showing the net increase in employment and signed and dated by you:

- (i) duplicate Full Payment Submission sent under Real Time to HM Revenue & Customs, or
- (ii) if the business started employing settled workers before reporting under Real Time, a form P35.

## Applications for **Indefinite** Leave to Remain

This section describes the current requirements for settlement (also known as Indefinite Leave to Remain). You should always check the latest guidance before you apply.

The settlement form is called 'SET (O) – Application for indefinite leave to remain in the United Kingdom in one of the categories listed in this form and a biometric immigration document'. The [SET \(O\) form](#) can be found on GOV.UK.

You will need to meet some requirements which apply to all Points Based System settlement applications and some which are specific to Tier 1 (Entrepreneur).

The Immigration Rules for Tier 1 (Entrepreneur) settlement can be found at paragraph 245EF.

### **Length of time in the United Kingdom needed to qualify – settlement**

You can apply for settlement (also known as Indefinite Leave to Remain or ILR) under Tier 1 (Entrepreneur) once you have reached five years continuous leave in the United Kingdom under the route.

However, if you meet additional criteria (explained below), you may be eligible to apply for accelerated ILR after a continuous period of 3 years.

You cannot combine Tier 1 (Entrepreneur) leave with leave in any other category to meet the continuous leave requirement.

Your qualifying period can include time from the date of your initial application was approved.

You can apply for settlement up to 28 days before you will reach the qualifying period (if you apply earlier than that, your application may be refused). Otherwise your qualifying period will be the 3 or 5 years immediately before the date you apply for settlement or the 3 or 5 years immediately before the date your settlement application is decided, depending on which is most beneficial for you. If you have spent more than the required time in the United Kingdom, we will only consider the most recent 3 or 5 years as applicable.

### **Absences - settlement**

You cannot have had more than 180 days' absence from the United Kingdom during any consecutive 12 months of the qualifying period.

You will need to list details of your absences from the United Kingdom, including the reasons for those absences, on the form but you will not need to provide any specified evidence to support this.

Irrespective of the reason(s) for one or more absences from the United Kingdom, they will still be counted towards the maximum 180 days (For further information, see the 'delayed entry to the UK' section below). This includes any absences for work reasons, or serious and compelling reasons. The only exception is where you have been absent from the United Kingdom assisting with a national or international humanitarian or environmental crisis overseas, in which case this shall not count towards the 180 days. If you wish to use the humanitarian or environmental crisis exception then you must provide evidence that this was the purpose of the absence.

## Applications for settlement made on or after 6 April 2016

You can include the time between your entry clearance being granted and you entering the United Kingdom as part of your continuous period. An absence between the date entry clearance is granted and the date you enter the United Kingdom is treated as an absence from the United Kingdom and will form part of the 180 days allowed within the continuous 12 month period.

For example, if you entered the United Kingdom 100 days after you obtained entry clearance and have a further 81 days absence during the remainder of the continuous 12 month period, you will have exceeded the number of absences permitted from the United Kingdom. You would therefore not qualify for settlement 5 years or 3 years (as appropriate) after the date you obtained entry clearance. You would need to wait until a date where none of the qualifying period included absences of more than 180 days in any consecutive 12 month period, before you could qualify.

If you have been outside of the United Kingdom for more than 180 days in a consecutive 12 month period, this will break the continuous period and you will need to start the qualifying period for settlement again. If this happens you may need to obtain a further grant of limited leave to remain to reach your continuous period in the United Kingdom.

## Scoring points for settlement

For applications for Indefinite Leave to Remain you will need to score 75 points on the table below:

**Table F: settlement applications points table**

Row	Investment, business activity and job creation	Points
1	<p>You have invested, or caused investment to be made by one or more third parties totalling at least £200,000 (or £50,000 if you were awarded points for £50,000 funding or investment in your last grant of leave) in cash directly into one or more UK businesses.</p> <p>You do not need to provide evidence of this investment if you were awarded points for this investment in your last successful Tier 1 (Entrepreneur) application.</p>	20
2	<p>You have been:</p> <ul style="list-style-type: none"><li>(a) registered with HM Revenue &amp; Customs as self-employed, or</li><li>(b) registered with Companies House as a director of a UK company or member of a UK limited liability partnership.</li></ul> <p>The requirements above must have been met:</p>	20

Row	Investment, business activity and job creation	Points
	<p>(i) within 6 months of entering the UK (if granted entry clearance and there is evidence to establish your date of entry) or, in any case within six months from the date your last leave was granted, and</p> <p>(ii) within the three months before the date of application</p> <p>You do not need to provide evidence of (i) if you were awarded points for this in your last successful Tier 1 (Entrepreneur) application. You must still provide evidence of (ii).</p>	
3	<p>You have:</p> <p>(a) established a new business or businesses that has or have created the equivalent of at least 2 new full time jobs for settled workers,</p> <p>or</p> <p>(b) taken over or invested in an existing business or businesses and your services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of at least 2 new full time jobs for settled workers</p> <p>The jobs must have existed for at least 12 months during your most recent grant of leave or, where that leave was granted less than 12 months ago, for at least the 12 months immediately before the date of your current application.</p>	20
4	<p>(a) You have spent a continuous period of 5 years lawfully in the UK with leave as a Tier 1 (Entrepreneur) migrant,</p> <p>or</p> <p>(b) You have spent a continuous period of 3 years lawfully in the UK with leave as a Tier 1 (Entrepreneur) migrant, and have:</p> <p>(i) created the equivalent of at least 10 (including the two jobs already relied upon to score points under row 3) new full time jobs, which meet the requirements in row 3 above, or</p> <p>(ii) established a new UK business or businesses that has or have had a gross income from business activity of at least £5 million during the 3 year continuous period, or</p> <p>(iii) taken over or invested in an existing UK business or businesses and your services or investments have resulted in a net increase in gross income from business activity of £5 million during the 3 year continuous</p>	15



Row	Investment, business activity and job creation	Points
	period, when compared to the 3 year periods immediately before the date the applicant became involved with the business as a Tier 1 (Entrepreneur) migrant.	

If you are applying for settlement you will need to provide all the necessary documentation to evidence you have met the requirements of the table above. In all cases you should supply the required evidence of investment and job creation set out in the Extension Application section above. If you are applying for accelerated settlement you will also need to provide the additional evidence specified below to show you meet at least one of the two accelerated settlement routes.

### Accelerated Settlement on the basis of £5 million business activity: specified documents

Where you are applying for settlement and you are relying on business activity from a new UK business or businesses, you must provide audited accounts (if your business is legally required to produce audited accounts) or unaudited accounts which show the gross income resulting from the business' activities and that this gross income reached at least £5 million.

Where you are applying for settlement and you are relying on business activity from an existing UK business which you have taken over or invested in, you must provide both of the following:

- (i) Audited accounts (if your business is legally required to produce audited accounts) or unaudited accounts, clearly showing:
  - (1) the name of the accountant,
  - (2) the date the accounts were produced,
  - (3) the gross income from business activity for the 3 year period immediately preceding the date on which you became involved with the business as a Tier 1 (Entrepreneur) migrant, and
  - (4) a net increase of at least £5 million in gross income from business activity during the period you were involved with the business that you are relying on to score points for settlement as a Tier 1 (Entrepreneur) migrant.
- (ii) An original, signed and dated accountant's letter, confirming:
  - (1) the name and contact details of the business,
  - (2) an explanation of your status in the business,
  - (3) the net increase in business activity,
  - (4) the registration or permission of the accountant to operate in the United Kingdom, and

(5) that the accountant will verify the content of the letter to the Home Office on request.

## **Knowledge of Life and Language - settlement**

When you apply for settlement you are required to show that you have knowledge of life and language in the United Kingdom before you can be granted (unless you fall under an exemption).

You can demonstrate this by passing both the Life in the UK Test and holding an English speaking and listening qualification at level B1 or above (please note: both Academic and General training are acceptable).

More information on Life in the UK Test including how to book and the relevant exemptions can be found on the [Life in the UK](#) Test page of GOV.UK.

More information on the language requirement can also be found on the [English language](#) page of GOV.UK.

## Maintenance funds (all applications except settlement)

One of the requirements of Tier 1 is that anyone coming to the UK must be able to support themselves for the entire duration of their stay in the UK without use of public funds (benefits provided by the state). Any applicant who is unable to support themselves could face financial hardship because they will not have access to most state benefits.

In order to qualify for entry clearance under Tier 1, you must show that you have enough money to support yourself (and any dependants). The maintenance requirement is detailed below:

- If you are outside the UK seeking entry clearance you must have at least £3,310 of personal savings which you must have held for 90 consecutive days before the date of your application;
- If you are in the UK seeking further leave to remain, you must have at least £945 of personal savings which must have held for 90 consecutive days prior to the date of your application.

**You may not use the same funds to score points for investment funds and to score points for maintenance funds for yourself or your dependants.**

The conversion of overseas currency will be made using the OANDA exchange rate on the date of application. Please see the [OANDA website](#) for more information.

You may want to check the potential costs of living in the United Kingdom. If you do not expect to get any income from your work in the UK after the first month, you may want to check that you have enough money to support yourself and any dependants.

Any dependants wishing to join you must also provide evidence that they have sufficient funds. Please refer to the [dependants' guidance](#) on GOV.UK. Where your application is made at the same time as applications by your partner or child, each applicant must have the total requisite funds specified in the relevant parts of Appendices C and E of the Immigration Rules. If each applicant does not individually meet the requirements of Appendices C and / or E, as appropriate, all the applications (the application by the Relevant Points Based System migrant and applications as the partner or child of that Relevant Points Based System migrant) will be refused.

We will not consider money earned during a time that an applicant was in breach of the UK immigration laws as evidence of maintenance funds.

For example: Earnings made from UK employment will only be considered if you had leave to enter or remain in the UK at the time they were earned, and in a category which permitted you to take that employment.

## Documents we require

The evidence used to support personal savings for at least 90 consecutive days must be original, and issued by an authorised official of that organisation.

Evidence must be in the form of cash funds held in an account (this includes savings accounts and current accounts even when notice must be given). Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards, pension funds etc, are not acceptable, regardless of notice period.

Where you are providing evidence of maintenance from a single account, we will always assess the funds available to you from the closing balance given on the document provided.

Where 2 or more pieces of evidence from a single account are submitted (for example 2 consecutive bank statements) we will assess the funds available to you from the closing balance of the most recent document.

Where evidence from 2 or more accounts are submitted, we will assess the funds available to you using:

- the most recent closing balance of one account, plus
- any additional money available to you on the date of that closing balance, for which you have provided the required evidence.

We will always use the closing balance date from the account that most favours you.

No points will be awarded where the specified documents show that the funds are held in a financial institution with which the Home Office is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements is published on in [Appendix P of the Immigration Rules](#).

If you wish to rely on a joint account as evidence of available funds, you must be named on the account along with one or more other named individual

Only the following specified documents will be accepted as evidence of this requirement:

**i. Personal bank or building society statements covering a consecutive 90-day period:**

The most recent statement must be dated no more than 31 days before the date of application. The personal bank or building society statements should clearly show:

- your name;
- the account number;
- the date of the statement;
- the financial institution's name and logo;
- any transactions during the 90 day period;
- there are enough funds present in the account. The balance must always be £3,310 or £945 (as appropriate), covering the 90-day period before the date of application

All statements must be on the bank's stationery, unless you are submitting electronic statements.

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points (ATMS)).

If you wish to submit electronic bank statements these must contain all of the details listed above. In addition, you will need to provide either:

- a supporting letter from your bank, on the bank's headed paper, confirming the authenticity of the statements; or
- an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

We will not accept statements which only show the balance in the account on a particular day as these documents do not show that you have held enough funds for the full period needed.

**ii. Building society pass book covering a consecutive 90-day period, ending no more than 31 days before the date of application.**

The building society pass book should clearly show:

- your name;
- the account number;
- the financial institution's name and logo;
- any transactions during the 90 day period; and
- there are enough funds present in the account. The balance must always be £3,310 or £945 (as appropriate), covering the 90-day period before the date of application.

**iii. Letter from bank confirming funds and that they have been in the bank for at least 90 days:**

The letter from a bank or building society should show:

- your name;
- the account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in your account; and
- that the funds of £3,310 or £945 (as appropriate), have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

The letter must be dated no more than 31 days before the date of application.

All statements must be on the bank's letterhead/official stationery

We will not accept letters which only show the balance in the account on a particular day as these documents do not show that you have held enough funds for the full period needed.

**iv. Letter from a financial institution**

The letter(s) from a regulated financial institution that you send us must cover a consecutive 90 day period ending no more than 31 days before the date of your application. The letter(s) must be the original (not a copy) and must clearly show:

- your name; and

- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the account; and
- that the funds of £3,310 or £945 (as appropriate), have been in the bank for at least a consecutive 90 day period on and immediately before the date of the letter.

The financial institution must be regulated by either the Financial Conduct Authority (FCA), the Prudential Regulatory Authority (PRA) or, in the case of overseas accounts, by the home regulator (the official regulatory body for the country the financial institution is in and where the money is held) for the purpose of personal savings accounts.

We will not accept letters which only show the balance in the account on a particular day as these documents do not show that you have held sufficient funds for the full period needed.

## Overseas criminal record certificates

If you are applying for entry clearance as a Tier 1 (Entrepreneur) migrant or as an adult dependant (over 18 years old) of the main applicant in this route, you must provide an overseas criminal record certificate for any country you have been present in continuously or cumulatively for 12 months or more, in the 10 years prior to your application. You must provide the following specified documents:

- The original certificate, for each country (excluding the UK) where you resided continuously or cumulatively for 12 months or more in the last 10 years, since aged 18 years old, issued by the overseas authority, and
- If the original is not in English, then you must provide a translated copy of certificate, in line with the requirements set out in the [criminal records checks guidance](#) on GOV.UK.

Certificates will only be considered valid if they have been issued within 6 months of the visa application or within the expressed validity period of the document, whichever is shorter. Current information on how to obtain certificates from various countries can be found in the [criminal records checks guidance](#) on GOV.UK.

If you are unable to obtain a certificate, for example, because the country does not produce such documents or because of any other reasons, you must provide a letter which details your attempts to obtain a certificate and confirm why this has not been possible. You should submit this letter with your other supporting documents when you apply. UKVI will consider your explanation against the situation in those countries and decide whether to waive the requirement. If UKVI concludes that it is possible for you to obtain a certificate but you have failed to do so, you will be asked again to provide a certificate.

**If you fail to provide any certificates or an acceptable explanation, your application will be refused under paragraph 320 (2A) of the General Grounds for Refusal in Part 9 of the Immigration Rules. If you provide false or fraudulently obtained certificates your application**

will be refused. You may also be subject to a 10 year ban for any future entry clearance applications.

## Date of application

You are outside the UK	You are inside the UK
The date of application is the date that you pay your application fee, as shown on your payment receipt.	The date of application is the date of posting or, if you send by courier, the date delivered to the Home Office.

## When you should apply

If you are in the UK, we encourage you to apply at least a month before your existing leave expires. If you apply much earlier than this you risk having a shortfall in leave if you choose to apply for settlement. This is because any further grant of leave is given from the date that we make the decision, not the date your leave expires.

**Applications for leave to remain will fall for refusal if you have overstayed beyond the end of the last period of leave to enter or remain you were granted.** The only exceptions are where your application is made:

- Within 14 days of your previous leave expiring and we consider there is a good reason beyond your/your representative's control, provided in or with the application stating why the application could not be made in time; or
- Within 14 days of:
  - the refusal of the previous application for leave; or
  - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
  - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable); or
  - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

If there are good reasons beyond your control which prevented you from applying in time you must submit evidence of these with your application. All cases will be decided on their merits.

You should not make plans to travel outside of the Common Travel Area whilst your application is under consideration. If you request your passport back from us in order to travel prior to a decision being reached on your application, your application will be treated as being withdrawn in accordance with Paragraph 34J of the Immigration Rules.

You will need to send us documentary evidence as set out in this guidance. You should check that you have everything needed before making your application. In some cases you must send us documents dating back some time.

## Verification and other checks

We may carry out checks on the supporting documents you send with your application. You must ensure that all the evidence comes from a source which can be clearly identified and that we can independently confirm it as being genuine. More information is given in **Annex C** of this guidance.

## Outcome of the decision

We will notify you of our decision and will return documents by Royal Mail Signed for Delivery. If you require your documents to be returned by Royal Mail Special Delivery, you must provide a pre-paid Special Delivery envelope which is large enough for your documents with your application.

## Care arrangements for children

You must be at least 16 years old to use this route.

Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Home Office must have regard to the need to safeguard children and to promote their welfare. All children working in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements while here.

Please note that 16 and 17 year olds have the legal right to live independently in the UK, and may therefore make their own arrangements for accommodation. If you are 16 or 17 years old on the date that your application is decided, you must have your parent(s) or legal guardian(s)' written consent to the arrangements that have been made in regard of your application, travel, reception and care arrangements. You must submit a letter from your parent(s) or legal guardian(s) giving their consent to you making this application and to the arrangements for your care in the UK. The letter must be an original (not a copy) and must confirm if your parent(s) or legal guardian(s) have legal custody or sole responsibility for you. If they have sole responsibility they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the content of the letter and must be signed by each parent or legal guardian.

The letter must clearly show:

- the relationship between the parent(s) or legal guardian(s) and you;
- that your parent(s) or legal guardian(s) have given their consent to this application;
- that your parent(s) or legal guardian(s) agree to your living arrangements in the UK; and
- your parent(s) or legal guardian(s)' full names and addresses.

## Private foster care arrangements

Children under 16 years old, or 18 years old if disabled, are privately fostered when they are cared for on a full-time basis by adults who are not their parents or a close relative, for more than 28 days at a time. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement to notify their UK local authority of the private fostering arrangement.

In the UK, local authorities are responsible for safeguarding and protecting children. They must make sure private foster carers are suitable and that they get any support and guidance which they may need to help them care for a child. You must tell us if you are living under local authority



care in the UK. If you are in local authority care you must provide a letter from the local authority which is caring for you confirming that you are currently in local authority care. The letter must be an original (not a copy) and be on official headed paper.

A close relative, parent or legal guardian caring for a child is not considered to be a private foster carer and so will not need to register with a UK local authority. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of the child’s parent) or aunt (sister or half-sister of the child’s parent) who is aged 18 or over.

**Change of circumstances**

<p>To change your:</p> <ul style="list-style-type: none"><li>• contact details;</li><li>• details of your criminal convictions;</li><li>• representative’s details; or</li><li>• dependants details</li></ul> <p>please complete a <a href="#">change of circumstances form</a> which is available on GOV.UK.</p> <p>We will confirm that we have noted your change of circumstances in a letter. You should keep this letter with the original documents from your application.</p>	<p>If your current grant of leave was made by means of a Biometric Residence Permit (BRP), to change your:</p> <ul style="list-style-type: none"><li>• name</li><li>• date of birth</li><li>• nationality</li><li>• gender</li><li>• appearance</li></ul> <p>you must send a new application on form NTL or TOC. Please see the <a href="#">transfer your visa</a> section on GOV.UK.</p>
--	---

**Right of Administrative Review**

If the Home Office refuse your application for leave to remain and you think a mistake has been made, you can request a review of that decision.

For more information about administrative reviews, see our website at [www.gov.uk/ask-for-a-visa-administrative-review](http://www.gov.uk/ask-for-a-visa-administrative-review).

## **Reporting immigration offences**

You, or any member of the public, can report illegal immigrants and other immigration offences via the [report an immigration crime](#) section of GOV.UK

## **Annex A - Glossary of Terms and Further Information**

### **Accounting periods**

**A1.** You can find more information on accounting periods on the [BEIS](#) pages of GOV.UK

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

**A2.** Funds that you claim are available but that have not been converted to money will not be accepted for the award of points. For example, this includes estimates of the money that will become available when assets are sold. This is because until the sale of these assets is complete, and money transferred to the seller, there is no guarantee that the estimated value of the assets will be realised.

### **A business**

**A3.** A business means an enterprise which is a sole trader; or a partnership; or a company registered in the United Kingdom.

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

**A4.** We may seek to confirm that a financial institution is regulated by the home regulator. We may do this by accessing the appropriate website and/or by contacting the institution directly.

**A5.** We will access the Financial Services Register at first, through the Financial Conduct Authority (FCA) website. Institutions are registered as 'firms' under the name of the institution or as 'individuals' if a person is the authorised body.

### **Current appointment report/filing history page from Companies House**

**A6.** You must obtain the report/filing history from Companies House, for a fee, and send it with your application. These documents show when you became a director of a company. This will be the same document for a new business as for those becoming directors of an existing business. For more information on registration with Companies House, please see the [Companies House](#) section of GOV.UK

### **Currency Conversion**

**A7.** The exchange rate used for overseas currency will be a rate conversion made using the exchange rate shown on the [OANDA website](#) on the date the application was made. This is an independent website, for which we are not responsible.

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

**A8.** If the EEA firm is already operating in the UK it will be on the Financial Services Register. If not, the firm must be registered for operations in the country in which it operates (see the lists of regulatory bodies on the IOSCO website under A13 above). Under what is termed 'passporting' agreements, an EEA firm can provide financial services in the United Kingdom if it is entitled to carry on an activity in another EEA state, but in this case the firm must still be regulated by the appropriate overseas authority.

### **Evidence of settled worker status**

**A9.** When you or your business employs a worker for whom points will be claimed, the employer is responsible for checking that the worker is not an illegal worker. The employer is required to copy certain documents and keep them. These documents are listed in the summary [guidance for employers on preventing illegal working](#), which you can download from GOV.UK.

### **The FCA and Prudential Regulation Authority (PRA) listing process**

**A10.** The authorisation process has been split between FCA and PRA. Firms carrying out PRA regulated activities as a bank, credit union, insurer, or managing agent of a Lloyds syndicate

need to apply to the PRA for authorisation, but authorisation will not be granted unless the FCA is also satisfied that it should be. Firms that will be dual regulated should apply to the PRA unless directed otherwise. Solo regulated firms e.g. e-money institutions and payments service institutions and other providers will need to apply to the FCA for authorisation. Firms that have applied to the FCA/PRA for registration may not carry on regulated activities until their registration is complete. This may take 3 months or longer in some cases.

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

**A11.** Financial exchanges are a form of market for the financial industry, and may be in charge of some of the listing and disclosure requirements for traded financial products on stock markets. These exchanges are not likely, however, to operate any form of control or monitoring of firms. Therefore listing on a financial exchange cannot be accepted as an appropriate form of regulation of an overseas firm. For example if a bank is listed on a recognised stock exchange, this is no guarantee that the bank is properly regulated and authorised. We will need to seek evidence of registration from an authority on one of the websites listed in this guidance.

### **Financial institutions**

**A12.** For the purposes of this guidance, a financial institution is one that acts as an agent that provides financial services for its clients. Common types of financial institutions include banks, building societies, credit unions, stock brokerages and asset management firms. This is not intended to be an exhaustive list. Financial institutions are responsible for transferring funds from investors to companies in need of those funds. Financial institutions fall under financial regulation from a government authority.

### **Financial regulation**

**A13.** Financial regulations are a form of control or supervision, which subjects financial institutions to local requirements, restrictions and guidelines, aiming to maintain the integrity of the financial system. This may be handled by either a government or non-government organisation. In the UK, by law, most financial service firms must be authorised by the Financial Conduct Authority (FCA) and/or the Prudential Regulation Authority (PRA) to do business in the UK.

### **Franchises**

**A14.** Businesses that are set up as franchises can be accepted for the award of points. You will either be self-employed or employed, depending on how you decide to structure the franchise business, and should provide the appropriate evidence.

### **HM Revenue & Customs (HMRC) registration forms**

**A15.** Every employer must register with HMRC and notify it of the employment, and the earnings, of their employees. We are not able to offer advice on registering as an employer or on the records that an employer must keep. You should visit the [HM Revenue and Customs](#) page of GOV.UK for more information.

HMRC requires an employer to keep an Employee Payment Record for at least 3 years. This record will show details of the earnings for the employee for each week that he/she worked for the employer.

If you employ more workers but do not use their employment to support their claim of points, you do not need to send information on those workers. We only need details of the employment created and used to claim points for this application.

### **The home regulator**

**A16.** The home regulator is an official financial regulatory body, appropriate to the type of financial transaction, in the country of operation where the transaction was made.

### **Multiple sources of funding**

**A17.** Where your funds are held in multiple bank accounts and you are required to submit multiple pieces of specified evidence, the documents must demonstrate that the total amount required (£50,000/£200,000) is available on the same date.

We will not accept evidence that does not show the full investment is available. For example:

You must show you have access to £200,000:

- You have a bank statement which ends 2 weeks before the date of application showing £100,000; and
- a letter from a different bank, dated one week before the date of application which states that you have access to £100,000.

This evidence does not demonstrate you have access to the full £200,000 as this could be the same £100,000 which has been moved between the 2 different accounts.

### **New employment created**

**A18.** The jobs created must meet United Kingdom legislation. We are not able to offer you advice on compliance with employment legislation. You should visit the [employers](#) section of GOV.UK for more information.

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

**A19.** The money used will only qualify for the award of points if it will be new investment in the United Kingdom. A new investment is one made within the 12 calendar months before the date of application.

**A20.** If you have already legally established a business that complies with relevant UK legislation in the UK while here under a different immigration category, you must satisfy the full requirements for the Tier 1 (Entrepreneur) initial application before you can be considered for approval. This means that if you made the investment in the business more than 12 months before applying to enter the category, you must make a further investment of £200,000.

If you were previously a Tier 1 (Graduate Entrepreneur) migrant and you invested your money more than 24 months before applying to enter the category, you must make a further investment of £50,000.

If you are relying on funds previously invested in a UK business, you must provide specified evidence to demonstrate that:

- the amount of money has been invested directly, in your own name or on your behalf (showing your name);
- the relevant business is established in the UK; and
- you are registered as self employed or as a director in that business.

Full details of the evidential requirements are available in earlier sections of this guidance.

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

**A21.** The money must be held in one or more financial institutions (for example a bank or building society), each of which must be regulated by the appropriate regulator in the country where they are operating. In order for a firm to hold money on someone's behalf the financial institution must first be authorised by its home regulator and meet the minimum requirements to safeguard these funds. This activity is usually referred to as 'deposit taking'.

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

### **Overseas institutions not regulated by the FCA/PRA**

**A22.** For overseas companies not registered with the FCA/PRA, we will use the information available from the [Companies House list of overseas regulatory](#) institutions.

Alternatively for overseas institutions not registered with the FCA/PRA, we may also use the [International Organization of Securities Commissions \(IOSCO\) general membership lists](#).

Ordinary, associate and affiliate members make up a very high percentage of all overseas financial regulatory bodies on this site. Enquirers searching for a regulatory body may need to look under all 3 membership categories. For example, Canada's regulatory bodies are listed under affiliate bodies.

Central banks may also have supervision over some financial markets. For a list of international central banks not registered with the FCA/PRA, we will use the list of central bank websites on the [Bank for International Settlements](#).

**A23.** Overseas regulatory bodies appearing on any of these websites will be accepted as an appropriate regulatory body. Only overseas regulatory bodies appearing on the websites listed may be accepted for the purpose of this guidance. If an application relies on money held in a financial institution not regulated by one of these bodies, it will not be accepted for the award of points.

### **Recognised United Kingdom supervisory bodies for accountants**

**A24.** Accountants must have a valid licence to practise or practising certificate and must be members one of the following supervisory bodies: Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants, or the Association of Accounting Technicians.

### **Registration as self-employed**

**A25.** A person setting up as self-employed must register as such with HMRC within 6 months of starting up. For more information on the legal requirements see the [Business and Self-employed](#) section of GOV.UK.

### **Types of investment accepted for the award of points**

**A26. Direct cash investment** In order to ensure that the money is used by the business, you should provide the accounts of that business for assessment. These accounts must show the investment in money made directly by you, in your own name.

**Share capital** This only applies to migrants with a company structure that can raise money through shares.

You must give us business accounts showing the shareholders in the business. The amount and value of the shares (on the date of purchase) owned by you (in your name as it appears on your

application) must be shown. If the value of your share capital is not shown in the accounts, then a copy of the company's register of members from Companies House must be provided.

**Director's loan** This only applies to migrants who become directors of a company. A director's loan to the company will be considered for the award of points as long as it is unsecured and subordinated in favour of third-party creditors. (For the purposes of this guidance an unsecured loan is where you have loaned money to the business that is not secured by property or assets that become subject to seizure on default. Third-party creditors are those individuals or companies that the business owes money to, not including you.)

## Types of investment excluded from the award of points

**A27.** For the purpose of the Tier 1 (Entrepreneur) rules, investment and business activity **does not include investment in any residential accommodation or property development or property management, and must not be in the form of a director's loan, unless it is unsecured and subordinated in favour of the business.** We will use any legal agreement between you and the company to assess this. If no legal agreement is provided or if the investment appears to be in the form of a loan which does not meet these conditions, no points will be awarded for this investment.

We define **property development** as any development of property (real estate) owned by the applicant or his business to increase the value of this property with a view to earning a return either through rent or a future sale, or both.

We define **property management** as the management of property (regardless of who owns it - whether or not it is owned by the applicant or his business) for the purposes of renting it out or for resale.

The principle is that business income must be generated from the supply of goods and/or services, and not derived from the increased value of property or any income generated from property, such as rent.

The restrictions on investment in property development and property management are intended to ensure that the Tier 1 (Entrepreneur) route is used to promote United Kingdom competitiveness in business.

This restriction does not, however, prevent you investing in companies that are mainly involved in construction.

Money deposited in a bank account, even if it is in a United Kingdom business bank account, is not counted as investment in business. The money should be used in the business, for example to encourage growth or expansion, or to improve services or products.

## What is a business in the UK?

**A28.** We will consider a United Kingdom business to be one that:

1. has its business premises in the UK (unless you are self-employed and do not have a premises) or its registered office or, if it has no registered office, its head office (for a director of a company);
2. has a UK bank account showing transactions for the business that are current (this may be either a business bank account, or a personal bank account for self employed migrants); and
3. is subject to UK taxation.

Any business that benefits from your £200,000 (or £50,000) investment used for the purposes of claiming points for this application must be this type of business.



## What is a 'new' business?

**A29** A business will be only considered to be new if it was established no earlier than 12 months before the start of a period throughout which you have had continuous leave as a Tier 1 (Entrepreneur) migrant, and which includes your last grant of leave. Continuous leave is not considered to be broken in the circumstances defined in paragraphs 245AAA of the Immigration Rules.

For applicants who held entry clearance or leave to remain as a Tier 1 (Graduate Entrepreneur) no more than 28 days before the application which led to the start of the continuous period, a business will be considered to be new if it was established no earlier than 24 months before the start of that period.

## What is an employee?

**A30.** Not everyone who works for someone else is an employee.

You can claim points for employees who are:

- part-time and full-time workers; or
- workers under an employment contract.

However, you cannot claim points for a self-employed worker who is contracted to work for you. In this case the person will have a contract for service and will not be accepted for the award of points as an employee. It is your responsibility to consider the status of employees.

## What is a settled worker?

**A31.** Only jobs that are given to people with settled status in the UK will qualify for the award of points. [Paragraph 6 of the Immigration Rules](#) defines what we mean by "settled in the United Kingdom"

For the purposes of these guidance notes a 'settled worker' is a person who is:

- A national of the UK;
- A national of Austria, Belgium, Bulgaria, Croatia\*, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK;

\*other than a Croatian national subject to worker authorisation under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013

- British overseas territories citizens except those from Sovereign Base Areas in Cyprus. Those included are Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, Saint Helena, Ascension and Tristan da Cunha and Turks and Caicos Islands;
- Commonwealth citizens who were allowed to enter or to remain in the UK on the basis that a grandparent was born here;



- Settled in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.

Note that workers requiring approval to work in the UK, such as holders of an immigration employment document under the work permit arrangements, will not count towards the award of points even if they have permission to work for your business. Any holder of a letter of permission to work under Tier 1 of the Points Based System such as under the Tier 1 (General) category will not count for the award of points.

### **Why is full-time work set at 30 hours a week?**

**A32.** Posts which are less than 30 hours a week are regarded as part-time by the Department for Business, Energy and Industrial Strategy (BEIS) and the Office for National Statistics. Therefore, we consider 30 hours a week to be the minimum that qualifies as full-time.

### **How to assess the dates of the employment from Full Payment Submissions (FPS)**

**A33.** In order to qualify for points the post must be created as a result of your contribution to the United Kingdom economy. The posts you have created or have been created by your business, must be new posts.

**A34.** If you are joining an existing business you must create posts as a result of your contribution. When awarding points, we will only accept evidence of posts created after the date that you started work in the business.

**A35** Full Payment Submissions show the dates of employment of the worker, and you must supply them with your application.

### **Pay slips or wage slips**

**A36.** You must provide copies of pay statements, often known as pay slips or wage slips, that have been issued to the workers used to claim points. These must cover the full period for which the points are claimed. For more information on pay statements visit the [employers' page](#) of GOV.UK. We cannot advise on employer obligations on pay statements. You should visit the [Department for Business, Energy and Industrial Strategy \(BEIS\)](#) section of GOV.UK. if you have queries on legal requirements.

### **Legal representative**

**A37.** This is a person who oversees the legal affairs of someone else. Examples include the executor or administrator of an estate and a court-appointed guardian of a child or incompetent person. We will accept a lawyer or a notary public as a legal representative.

**Lawyer** A professional person authorised to practise law in England and Wales, conduct lawsuits or give legal advice.

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

### **What is notarisation?**

**A38.** Notarisation is the certification by a notary public that the signature appearing on a document is genuine. Notaries assess documents and confirm that copies are exact representations of the original. A notarisation should include a notary's signature and an official stamp.

### **What is the specified date?**

**A39.** A Tier 1 (Entrepreneur) migrant must have met the conditions of the category within 6 months (26 weeks) of either:

- The date of your entry to the UK if you were granted entry clearance as a Tier 1 (Entrepreneur) migrant and where there is evidence to establish the date of your entry to the UK; or
- The date of your grant of entry clearance, if you were granted entry clearance as a Tier 1 (Entrepreneur) migrant and where there is no evidence to establish the date of your entry to the UK; or
- The date of your grant of leave to remain, in any other case.

Where you have been found not to have fulfilled one or more of the following within 6 months of the specified date you may have their leave curtailed:

- Registered with the HMRC as self-employed;
- Registered as a new business in which you are a director; or
- Registered as director of an existing business.

## Entrepreneurial teams

**A40.** You may claim points for the same investment and business activity with another person if you have formed an entrepreneurial team. This is limited to a maximum of two people – for more information please see the guidance on entrepreneurial teams. In this case you must both have equal level of control over the investment funds and/or business(es) formed.

Both members of the entrepreneurial team must be shown by name in each other's applications, and in the evidence of funds.

Neither of the team members must have previously been granted leave as a Tier 1 (Entrepreneur) migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other if the same funds are being relied on as in a previous application.

## Genuine Entrepreneur Activity (contract of service with another business)

**A41.** If you are granted leave to enter or remain as Tier 1 (Entrepreneur) migrant, your leave will prohibit you from engaging in employment except where you are working for the business which you have established, joined or taken over. You will comply with this restriction if, for example, you are employed as the director of the business in which you have invested, or if you are working in a genuinely self-employed capacity. In this capacity you will have a contract **for** service.

You may not, however, be considered to be working for your own business if the work you undertake amounts to no more than employment by another business (for example, where your work amounts to no more than the filling of a position or vacancy with, or the hire of your labour to, that business, including where it is undertaken through engagement with a recruitment or employment agency). In this capacity you would have a contract **of** service. This applies even if it is claimed that such work is undertaken on a self-employed basis.

For example under a contract *for* service you could, for example, be running an IT security software business that provides IT security solutions to businesses or customers. By contrast, you might be considered to be undertaking an "activity pursuant to a contract *of* service" if, for example, you are a self employed security software programmer that is engaged by one or more software companies to provide solutions to their clients on those companies' behalf, and the terms of that engagement amount to employment.

In considering whether your work amounts to genuine self-employment (and is therefore work for the business which you have established, joined or taken over) or is in fact employment by another business, we will take into consideration your status in tax law and employment law, as well as whether:

- you are in business for yourself, are responsible for the success or failure of your business and can make a loss or a profit;
- you can decide what work you do and when, where or how to do it;
- you can hire someone else to do the work;
- you are responsible for fixing any unsatisfactory work in your own time;
- your client agrees a fixed price for your work - it doesn't depend on how long the job takes to finish;
- you use your own money to buy business assets, cover running costs, and provide tools and equipment for your work;
- you can work for more than one client;
- you put in bids or give quotes to get work;
- you are under direct supervision when working;
- you submit invoices for the work you have done;
- you are responsible for paying your own National Insurance and tax;
- you get holiday or sick pay when you are not working; and whether
- you operate under a contract for services or consultancy agreement that uses terms like 'self-employed', 'consultant' or an 'independent contractor'

We will consider these factors as a whole. You should not assume your work will be classed as genuine self-employment based on a single factor.

If your work amounts to no more than employment by another business, we may consider you to be working in breach of your conditions of stay, and that you are therefore liable to curtailment of your stay and/or removal from the United Kingdom.

## **Annex B - Administrative Review (Overseas Applications Only)**

The following guidance refers to Administrative Reviews for applications made overseas only. For information about Administrative Reviews for applications made in the UK, please refer to the [Administrative Review](#) pages of GOV.UK.

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

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

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by you. Further information on the time limits relating to making a request can be found in paragraphs 6 and 7 below.

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

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

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

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

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

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

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

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

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

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

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

You must not use the in country administrative review application form to apply for overseas administrative review. The in country form can only be used to apply for administrative review of eligible decisions on applications made from within the UK.

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

You have 28 days from the date of receipt of the refusal notice, to submit a request for overseas 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 reasons to accept the application outside of the deadline.

If the Administrative Review request is outside of the 28-day period and the administrative reviewer

decides not to accept the request, the request notice will be returned to you with a letter explaining why it is not being accepted.

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

You may only request one Administrative Review of a refusal decision. Any further review requests about the same refusal decision will not be accepted. They will be returned to you.

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

If you have new or further information, documents or other paperwork that you failed to submit with your original application, you 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 you 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 you 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.

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

Any new evidence you submit will be returned to you together with the outcome of the Administrative Review.

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

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

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

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

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

refusal and serve a new refusal notice giving a full explanation for the refusal.

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

The administrative reviewer will not recommend that the original decision is overturned simply because you claim there is a fault with the Home Office's underlying processes or policies.

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

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

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

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

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

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

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

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

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

There are 3 possible outcomes of Administrative Review:

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

## **15. How are you informed of the result of the Administrative Review?**

Decision upheld and the reasons for refusal remain the same:

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

Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter

from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which were not notified originally, you will be able to submit a further Administrative Review request limited to those fresh reasons.

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify you by letter and request your passport.

## **Annex C - Verification and other checks**

### **1. What may be checked?**

We may want to check the supporting documents you send with your application. Therefore, you 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.

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

### **2. When will verification checks be made?**

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.

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.

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 you to claim those points.

### **3. When will other checks be made?**

We will make other checks where, for example, we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.

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.

### **4. What are the possible outcomes of checks?**

There are five possible outcomes of a check:

- **Document confirmed as genuine.** If we conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we 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 you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false it will be retained by

the Home Office and is likely to jeopardise any future application.

- **Check inconclusive (verification checks).** If we cannot verify that the document is either genuine or false then we will ignore it as evidence for scoring points. If you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If you have not sent any other documents, we will award zero points in that area.
- **Check inconclusive (other checks).** If we cannot verify that the document is either genuine or false then we will consider the application as if the document is genuine.
- **Check gives us cause to have reasonable doubt about the genuineness of a specified document (other checks).** If we cannot determine 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.

## **5. When would an application be refused without making verification checks?**

We may refuse an application without making verification checks 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.
- There is evidence that proves a particular document is false without verification checks.

## **6. What is the procedure for verification and other checks?**

The procedures for both verification checks and other checks 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.

We record the results of our enquiries.

If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of 4 weeks for the necessary information.

Our compliance team may visit your employer or educational institution (if you are a student) before we make a decision on the application.

## **Annex D - Additional evidence for sponsored students**

1. For the purposes of this section of the guidance, 'sponsored' means 'supported by an award that covers both fees and living costs'.



2. If you have had permission to be in the United Kingdom in the Tier 4 (General) category, within the last 12 months, you may have been sponsored in your studies by a Government or an international scholarship agency.
3. If you are currently sponsored by a Government or an international scholarship agency, or such sponsorship ended within the past 12 months of this application being made, you must provide us with the sponsor's unconditional consent in writing to us, giving you their permission to remain in or re-enter the United Kingdom. If the sponsor does not give unconditional consent or gives permission for a limited time, we will refuse the application.
4. The evidence must be original, on the official letter-headed paper or stationery of the organisation and have the official stamp of that organisation. It must have been issued by an authorised official of that organisation.
5. If you have received private sponsorship during your studies (for example from an employer or relative), we do not require the sponsor's consent. For more advice on sponsored students, see the chapter on [Restrictions for some Students with Official Financial Sponsorship](#) in the Tier 4 (General) Policy guidance, which you can find on GOV.UK.

## Annex E - Templates

### Document 1

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

CONFIDENTIAL

For the attention of the Home Office

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

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

**[name/s]** has £ available for investment in the United Kingdom on deposit with this financial institution.

On this date **[give date]**, the applicant has the following amount of money IN THEIR OWN NAME and available for investment in a business in the United Kingdom [£] if applicable. Or, the applicant has agreed to form an entrepreneurial team with [name] and has the following amount of money IN THEIR OWN NAMES available for investment in a business in the United Kingdom [£] if applicable. If these funds are already in the United Kingdom, please give the date of entry to the United Kingdom [date of entry of money into the United Kingdom dd/mm/yyyy]

The applicant/s has/have the following amount of money available for investment in a business in the United Kingdom, held in this institution under the names of [please enter details in the table provided if applicable].

I am not aware of [name of the funds holder] having promised to make that money available to any other person.

Name of third party contributor	Relationship to applicant or each applicant	Contact details	Amount of money from the third party available to the applicant or both applicants	If these funds are already in the United Kingdom, the date of entry to the United Kingdom must be given
---------------------------------	---	-----------------	--	---

Name and address of Authorised Financial Institution:

This institution is regulated by the FCA/PRA [**state form of registration**]

Name and contact details of the Author of this document:

Signature of authorised person of the Authorised Financial Institution

## Document 2

Declaration of availability of third party funds used for an application for Entrepreneur status. This must be an original document and not a copy.

### CONFIDENTIAL

For the attention of the Home Office

I agree that this letter may be shown to the Home Office. I will confirm the contents of this letter at the request of the Home Office. In regards to the application/s of Mr/Mrs/Ms applicant's name or names] for Entrepreneur status in the United Kingdom:

I [name] am the [state relationship] of [name] who has made an application for Entrepreneur status in the United Kingdom. I am willing to share this information with the Home Office.

I have £ (please give amount in Pounds Sterling) and I will make it available to [name of applicant or applicants who have agreed to form an entrepreneurial team] or the business they run in the United Kingdom.

I confirm that this money will remain available to [name of applicant or applicants who have agreed to form an entrepreneurial team] until it is transferred to them or to their business.

OR

I [name] represent [corporate body] which has £ (please give amount in pounds sterling) and will make it available to [name of applicant] or the business they run in the United Kingdom. I confirm that this money will remain available to [name of applicant or applicants who have agreed to form an entrepreneurial team] until it is transferred to them or to their business.

Contact details of third party, including: Full address including postal code Landline telephone number Email address if available. Third party's identity document number (e.g. passport or national identity card), place of issue and dates of issue and expiry

Signature of third party

Signature of applicant

Signature of both applicants who have agreed to form an entrepreneurial team (if applicable)

Date that the declaration was made [dd/mm/yyyy]

### **Extra information needed where the £50,000 investment provision is used**

For venture capital firms –the name and registration number that they are listed under with the FCA as permitted to operate as a venture capital firm (its entry in the register includes a permission to arrange, deal in or manage investments, or to manage alternative investment funds) and confirmation of the funding agreement; or

For Seed funding Competition – confirmation that the competition is listed by UK Trade and Investment and the name that it is listed under; or

For UK Government Departments or Devolved Government Departments in Scotland, Wales or Northern Ireland funding made available for the specific purpose of establishing or expanding a UK business – confirmation that the Department is contributing funds directly to the applicant/s or applicant's business.

### **Extra information needed where the third party is another business in which the applicant is self employed or a director**

Confirmation of the applicant's status within that business and that the applicant is the sole controller of the business's finances. If the applicant is not the sole controller of the business's finances, the signature of another authorised official of that business.

## Annex F – Example job creation table

The following is an example of how to complete the job creation table in the Tier 1 (Entrepreneur) LTR and SET (O) application forms, to show you have created the equivalent of 2 full time jobs which have existed for 12 months.

Please provide the details of all employees who filled these jobs for the required 12 month period. The jobs must exist for **at least 12 months**. Within the same job, another worker can replace a worker who is employed for part of a year and then leaves the job, so that the employment as a whole adds up to 12 months. The hours of workers in 2 part-time jobs can be combined to add up to 30 hours a week or more and form the equivalent of one full-time job, as long as the 2 part-time jobs exist for 12 months. We consider full-time to be 30 hours per week / 120 hours per month. Each job will be assessed separately unless you indicate below that you wish to combine one job with another job.

**Job number: 1**

**Job Title: Manager**

**Date Post Created: 04/01/2015**

**If this job is being combined with another job to make equivalent of 1 full time job, indicate which job:**  
N/A

Employee Name	Start Date with your business (if this differs from start date in job)	Start Date in job	End Date in job	Hourly Rate Paid	Full-time	Part-time
John Doe	01/10/2014	04/01/2015	04/07/2015	£9.60	Yes	
John Smith	04/07/2016	04/07/2016	04/01/2016	£9.60	Yes	

**Job number: 2**

**Job Title: Treasurer**

**Date Post Created: 04/01/2015**

**If this job is being combined with another job to make equivalent of 1 full time job, indicate which job this is: Job number 3**

<b>Employee Name</b>	<b>Start Date with your business (if this differs from start date in job)</b>	<b>Start Date in job</b>	<b>End Date in job</b>	<b>Hourly Rate Paid</b>	<b>Full-time</b>	<b>Part-time</b>
<b>Jane Doe</b>	<b>04/01/2015</b>	<b>04/01/2015</b>	<b>04/01/2016</b>	<b>£9.50</b>		<b>Yes</b>

**Job number: 3**

**Job Title: Cleaner**

**Date Post Created: 04/01/2015**

**If this job is being combined with another job to make equivalent of 1 full time job, indicate which job this is: Job number 2**

<b>Employee Name</b>	<b>Start Date with your business (if this differs from start date in job)</b>	<b>Start Date in job</b>	<b>End Date in job</b>	<b>Hourly Rate Paid</b>	<b>Full-time</b>	<b>Part-time</b>
<b>Jane Smith</b>		<b>04/01/2015</b>	<b>04/01/2016</b>	<b>£9.50</b>		<b>Yes</b>

**Job number: N/A**

**Job Title: N/A**

**Date Post Created: N/A**

**If this job is being combined with another job to make equivalent of 1 full time job, indicate which job this is: N/A**

<b>Employee Name</b>	<b>Start Date with your business (if this differs from start date in job)</b>	<b>Start Date</b>	<b>End Date</b>	<b>Hourly Rate Paid</b>	<b>Full-time</b>	<b>Part-time</b>