



DO YOUR POINTS ADD UP TO A UK VISA?

Guidance - Points Based System: Tier 1 (Investor)(INF...) (../06/08)

This guidance explains what you need to do if you are a person of high net worth wanting to make a substantial financial investment in the United Kingdom (UK) under Tier 1 (Investor) of the Points Based System. It is only a guide but it aims to answer some common questions. More comprehensive guidance is available on the UK Border Agency website: <http://www.ukba.homeoffice.gov.uk>. There are also notes to help you to complete an application form.

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What is the Points Based System?

The Points Based System (PBS) is a new system for managing migration for those wishing to enter the UK for work or study.

When is it due to start?

Tier 1 (General) Migrant of the Points Based System was launched in the UK on 29 February 2008 replacing the Highly Skilled Migrant Programme (HSMP). From **30 June 2008** applicants both in the United Kingdom and overseas can submit applications for all categories of Tier 1. These are Tier 1 (General) Migrant, Tier 1 (Investor), Tier 1 (Entrepreneur) and Tier 1 (Post-Study Work). Other tiers will be phased in throughout 2008 and 2009.

How do I apply?

First access the Self-Assessment Points Calculator on <http://www.ukba.homeoffice.gov.uk/pointscalculator> in order to see whether you have enough points to make a successful application. The tool will enable you to understand how you can score points and what documentary evidence you require. If you decide to make an application, you should complete application form VAF9 with your personal details. Depending on which country you are making your application from, you may be able to complete this on-line. You will also need to complete Appendix 2 using the points scoring information obtained from the Self-Assessment Points Calculator. Check <http://www.ukvisas.gov.uk/en/howtoapply/biometricvisa/> to see if you need to apply through a Visa Application Centre (VAC) or the British Mission in your country.

What do I need to make my application?

- your passport or travel document;
- the application forms VAF9 and Appendix 2 with all mandatory sections completed;

- the fee, which cannot be refunded and you must pay in local currency;
- your biometric details (see below);
- a recent passport sized photograph
(please note - photographs should measure 45mm x 35mm and be:
 - in colour taken against a white background;
 - clear and of good quality and not framed or backed;
 - printed on normal photographic paper;
 - full face and without sunglasses, hat or head covering (unless it is worn for cultural or religious reasons but the face must not be covered)
 (If the application is successful, the photographs provided will be reproduced on the visa vignette).
- all documents as specified in the Tier 1 (Investor) Policy Guidance as stated in the Immigration Rules. If you do not submit relevant documents, your application is likely to be refused as we will be unable to award the relevant points.

What are my biometric details?

Biometric details are scans of all 10 fingers and a full-face digital photograph. You will need to provide your biometric details in person. The whole procedure should take no more than 5 minutes to complete. Your visa application will not be processed until you have met this requirement. For more information about biometrics please refer to <http://www.ukvisas.gov.uk/en/howtoapply/biometricvisa/>

What are Visa Application Centres (VACs)?

In some countries we are working with commercial companies to run Visa Application Centres. The VACs are in largely populated areas making it easier and more convenient for people to apply for a UK visa. Trained staff at each VAC deals with all visa enquiries and applications. They collect your biometric information along with the relevant fees and provide unbiased advice on the application process, including whether or not you have included all the necessary documents. Entry clearance staff at the British mission will then consider your application and decide whether to issue or refuse your visa. VAC staff will have no say in this decision.

How are the points calculated?

Points are awarded for what are called "Attributes", for which you need to score a minimum of 75 points. In order to be awarded these you must have either:

- Money of your own held in a regulated financial institution which is disposable in the United Kingdom amounting to no less than £1 million; **or**
- Personal assets, taking into account any liabilities, which have a value exceeding £2 million. Assets held by your husband, wife, civil partner, unmarried or same sex partner either jointly or in your partner's own name can be taken into account when assessing your net worth; **and** money under your control held in a regulated financial institution which is disposable in the United Kingdom amounting to no less than £1 million which has been loaned to you by a financial institution regulated by the UK Financial Services Authority (FSA). You may not mix personal funds and borrowed funds in order to meet the total £1 million investment.

The money may be held overseas at the time of application or it may already be in the United Kingdom. If the money is not held in pounds sterling you must convert its value into pounds sterling on the application form. We will check this rate on the date of the application using the OANDA website (www.oanda.com).

You may rely on money you own jointly with your husband, wife, civil partner, unmarried or same sex partner. You may also rely on money owned solely by your husband, wife, civil partner, unmarried or same sex partner. If the funds are held jointly you must have unrestricted right to transfer and dispose of the funds and have permission from your husband, wife, civil partner or unmarried or same sex partner to have control of these funds in the United Kingdom.

There is no requirement to demonstrate English language ability or to provide separate funds for personal maintenance.

What supporting documents should I include with my application?

You should include originals of all documents specified **AND** also a copy of each document.

If using your own money (or that of your husband, wife, civil partner, unmarried or same sex partner)

Evidence of funds

You must provide one or more of the documents listed below.

- **Portfolio report produced by an authorised financial institution (AFI) covering the three consecutive months immediately before the application**

If the money has been in the United Kingdom in the previous 12 months you may use a report produced by an authorised financial institution or provide a breakdown of your investments in a letter from the institution. The letter must be original on the official letter headed paper of the institution and authorised by an official of that institution the portfolio report or letter must confirm all of the following:

- the amount of funds held in the investment;
- the beneficial owner of the funds (this must be the applicant and/or husband, wife, civil partner, unmarried or same sex partner);
- the date of the investment period covered;
- that the institution is regulated by the Financial Services Authority with details of the registration shown on the documentation;
- that the money can be transferred to the United Kingdom; **or**
- that the money has already been invested in the United Kingdom in the form of UK Government bonds, share capital or loan capital in active and trading companies registered in the UK. The dates of investments must be included. Investments must have been made within the 12 months immediately before the date of the application.

- **Portfolio not managed by a regulated financial institution covering the three consecutive months immediately before the application**

You must provide one or more of the documents from the list below as relevant to the type of investment:

- certified copies of bond documents, showing value, date of purchase and name of owner;
- share documents showing value, date of purchase and name of owner;
- the organisation's last audited accounts showing loan capital investment.
These accounts must clearly show:
 - the amount of funds held in the investments;
 - your name (or that of yourself and/or your husband, wife, civil partner, unmarried or same sex partner);
 - the date of investment.Where no accounts have been produced a certificate from an accountant showing the amount of funds held in the investments may be acceptable. The accountant must be a member of a recognised supervisory body in the country in which they operate.
- trust and fund share documents showing value, date of purchase and name of owner.

- **Personal bank statements regulated by the home regulator showing the amount of cash available in your name or that of yourself and/or your husband, wife, civil partner, unmarried or same sex partner covering the three consecutive months immediately before the application**

- statements must be original on official bank stationery showing the full amount of cash available;
- electronic bank statements must be accompanied by a supporting letter from an authorised official of the bank on the institution's official headed paper confirming the content and that the document is genuine;
- the bank must be regulated by the home regulator.

- **Letter from a bank that is regulated by the home regulator confirming that you (or you and/or your husband, wife, civil partner, unmarried same sex partner) have held the required amount of cash for the three consecutive months immediately before the application**

If you cannot provide bank statements we will require a letter from your bank confirming that you have held the required amount of cash for the full three months before the application. This must be original on the institution's

official headed paper and issued by an authorised official of that institution. The letter must confirm all of the following:

- your name (or that of yourself and/or your husband, wife, civil partner unmarried or same sex partner) and that the cash is available in your name(s);
- the dates of the period covered;
- the balance of the account to cover the amount claimed as a credit balance for the full period of three months immediately before the date of the application.

Source of Funds

If the money has not been held in the portfolio or bank account for three months or more, you must provide every item of evidence to establish the source of your funds. The following sources of funds is acceptable if the evidence specified below is provided:

- gift;
 - deeds of sale;
 - evidence from a business;
 - will;
 - divorce settlement; or
 - award or winnings.
- **Gift - original documents in the form of an irrevocable memorandum of gift and letter from a legal adviser**
 - **irrevocable memorandum** – this is an official document that confirms a gift to you (or to you and/or your husband, wife, civil partner, unmarried or same sex partner) and must be within the three months immediately before the application. You must supply the original document together with confirmation from a legal adviser that the memorandum of gift is valid and binding according to the laws of the country in which it was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>)
 - **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the gift was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>)
 - **Deeds of sale – original documents in the form of deeds of sale of assets and letter from a legal adviser**
 - **deeds of sale of assets** – these may be deeds for a business or property if funds from the sale of these have been generated in the three months immediately prior to the application. You must supply the original document together with confirmation from a legal adviser that the sale was genuine and the funds are available to you. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
 - **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the sale was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
 - **Evidence of a business – original documents in the form of business financial accounts and letter from a legal adviser**
 - **business financial accounts** – You must supply the original accounts together with confirmation from a legal adviser that the accounts are genuine and that you can lawfully extract the cash from the business. The accounts must be profit and loss (or income and expenditure if the organisation is not trading for profit) and the balance sheet should be signed by a director. Accounts should be prepared in accordance with statutory requirements and clearly show the amount of cash available for investment.
 - **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the business operates. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

- **Will – notarised copy of a will and letter from a legal adviser confirming the will’s validity**

- **will** – if you (or you and/or your husband, wife civil partner, unmarried or same sex partner) have been the beneficiary of a will within the three months before making the application and received cash as a result you must provide a notarised copy of the will together with a letter from your legal adviser confirming the validity of the will. If you received assets and possessions rather than cash you may not use estimates of the value of the items as evidence of funds for investment. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
- **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the will was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

- **Divorce settlement – notarised copy of a divorce settlement and letter from a legal adviser confirming that the document is valid**

- **divorce settlement** - if you (or you and/or your husband, wife civil partner, unmarried or same sex partner) have obtained money as a result of a divorce settlement within three months before making the application and have received cash as a result you must provide a notarised copy of the divorce settlement together with a letter from your legal adviser confirming that the document is valid. If you received assets and possessions rather than cash you may not use estimates of the value of the items as evidence of funds for investment.
- **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the divorce took place. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

- **Award or winnings – in the form of an original letter from an organisation issuing the financial award or winnings and letter from a legal adviser**

- **winnings** – the winnings must be declared genuine by an original letter from the organisation issuing the award or winnings and you must also provide a letter from your legal adviser confirming that the document is valid. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
- **letter from a legal adviser** – this must be an original letter from a legal adviser permitted to practise in the country where the award was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

- **Other sources of funds**

If you (or you and/or your husband, wife civil partner, unmarried or same sex partner) receive money from a source not listed above you must provide original documentation as evidence of the source of funds together with independent supporting evidence. (See the main guidance on the UK Border Agency website for details of what example documents must contain -

<http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>)

Evidence that the funds can be transferred

All of the £1 million funds required to meet the Tier 1 (Investor) requirements must be freely transferable to the United Kingdom and convertible to pounds sterling. If your funds are not held in the United Kingdom or you do not have a portfolio of investments in the United Kingdom you must provide a letter from your bank or financial institution as evidence that the funds can be transferred to the United Kingdom. The institution must be regulated by the home regulator (official regulatory body for the country in which the institution operates). The letter must be an original on the official letter-headed paper of the bank or financial institution and must confirm:

- the name of the beneficial owner (you or you and/or your husband, wife, civil partner, unmarried or same sex partner);
- the date of the letter;
- the amount of cash to be transferred; and
- that the cash can be transferred to the United Kingdom

Evidence required for joint funding

If your funds are held jointly with your husband, wife, civil partner unmarried or same sex partner then that person must give permission for you to control these funds in the United Kingdom, and a document stating this must be sent with the application. You must provide evidence from each of the following three sections:

- your original certificate of marriage or civil partnership to confirm your relationship. This should include your name and that of your husband, wife or civil partner **or** evidence to demonstrate at least a two-year relationship similar in nature to marriage or civil partnership. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
- a declaration from your husband, wife, civil partner, unmarried or same sex partner that he/she will permit all joint or personal funds used to claim points for the application to be under your control in the United Kingdom. This must be an original document. The effect of the document is that your husband, wife, civil partner, unmarried or same sex partner is not able to access the funds without your consent and you must be able to use the funds freely without the consent of your husband, wife, civil partner, unmarried or same sex partner. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).
- a letter from a legal adviser confirming that the declaration is valid. This is a legal adviser who is permitted to practise in the country where the declaration was made. (See the main guidance on the UK Border Agency website for details of what the document must contain - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

If using money loaned by a financial institution regulated by the Financial Services Authority (FSA)

You will need a letter of confirmation produced by an authorised financial institution in the United Kingdom. This must be an original letter on the official letter-headed paper of the institution and must confirm all of the follow:

- that not less than £1 million is available for you to borrow; and
- that the funds are available on the date that the letter is issued; and
- that the authorised financial institution is regulated by the Financial Services Authority; and
- that your personal net worth is at least £2 million (See the main guidance on the UK Border Agency website for an explanation of personal net worth - <http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying>).

We will refuse your application if we find that any documents are false.

Can I appeal if my application is refused?

Outside the UK a refusal of entry clearance under PBS does not attract a full right of appeal. You can appeal only on one or more of the following grounds referred to in Section 84(1)(b) and (c) of the Nationality, Immigration and Asylum Act 2002:

- that the decision is unlawful by virtue of Section 19B of the Race Relations Act 1976 (c.74) (discrimination by public authorities), and/or
- that the decision is unlawful under Section 6 of the Human rights Act 1998 (c.42) (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

However, all applicants can apply for an Administrative Review, which is a mechanism for reviewing refusal decisions.

What is Administrative Review?

If we refuse an application for entry clearance and you think that an error has been made, you can ask us to check our decision. This is known as an Administrative Review.

The Administrative Review is free of charge. You must ask for an Administrative Review within 28 days from the date you receive the refusal notice (GV51). You will receive an Administrative Review Request Notice with the Refusal Notice. You must complete this 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 may request only **ONE** Administrative Review per refusal decision. Any further review requests for the same refusal decision will not be accepted and will be returned to you. However, where the Administrative Reviewer upholds the refusal but with different refusal grounds, you may request a Review limited to these new refusal grounds.

The Administrative Review will be completed within 28 days and you will be notified of the result in writing. The result of the Review may be sent from a different Post to where the original decision was made, to ensure that the Review is independent.

If you are already in the United Kingdom you cannot apply for an Administrative Review.

For more information about this you should refer to the main guidance on:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/pointsbasedsystem/applying/>

Can my dependants join me in the UK?

Your husband, wife, civil partner or eligible partner and children under 18 can join you as your dependants in the UK provided they have a visa for this purpose.

Partners (married, unmarried, same sex) must intend to live together and the relationship must be subsisting. They must be maintained and accommodated without needing any help from public funds. Your partner must not intend to stay beyond any period of leave granted to you.

If your dependent child is working full-time or earning enough money to support himself/herself, it is unlikely that he/she will qualify for entry to the UK as a dependant. Dependent children must also be able to demonstrate that they have not formed their own independent family, are unmarried and not leading an independent life. If a dependent child has previously been married or formed a civil partnership, or lived in a relationship that is similar to marriage or civil partnership, he/she will usually be considered to have formed an independent family and will not be eligible to enter the UK as the dependant of their parents. Although dependent children may seek employment whilst in the UK they must remain financially dependent on their parent to qualify as dependants.

What do my dependants need to make an application?

Your dependants will need entry clearance but will not themselves be entering the UK under PBS. They will need to satisfy similar conditions to those in paragraphs 194-199 of the Immigration Rules [\[http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part5/\]](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part5/) which can be found on the UK Border Agency website. They will need to make their application using form VAF10 either on-line or on paper depending upon the facilities available in the country in which they are applying. They will also need the following:

- their passport or travel document;
- a recent passport sized photograph
(please note - photographs should measure 45mm x 35mm and be:
 - in colour taken against a white background;
 - clear and of good quality and not framed or backed;
 - printed on normal photographic paper;
 - full face and without sunglasses, hat or other head covering (unless it is worn for cultural or religious reasons but the face must not be covered)
- If the application is successful, the photographs provided will be reproduced on the visa vignette).
- the visa fee. This cannot be refunded and they must normally pay it in the local currency of the country where they are applying;
- their biometric details;
- supporting documents relevant to their application.

What supporting documents should my dependants include with their application?

Your dependants should include all the documents necessary to show that they qualify for entry to the UK as your dependant. If they do not, we may refuse their application.

As a guide your dependants should include:

- evidence of their relationship to you;
- evidence that you can support them and live without needing any help from public funds and
- a copy of the pages from your passport showing your permission to stay, if you are already in the UK.

We will refuse their application/s if we find that any documents are false.

What fee will my dependants pay?

They will pay the same fee as you.

What are public funds?

Under the Immigration Rules, if you want to travel to the UK, you must be able to support yourself and any dependants without claiming certain benefits.

You can find more information about public funds in the Immigration Rules on the UK Border Agency website: www.ukba.homeoffice.gov.uk.

Check your visa

Please check your visa when you get it. You should make sure that:

- your personal details are correct
- it correctly states the purpose for which you want to come to the UK, and
- it is valid for the date on which you want to travel. (You can ask for it to be post-dated up to three months if you do not plan to travel immediately).

If you think there is anything wrong with your visas, **contact the Visa Application Centre or visa section immediately.**

More advice and information may be obtained from:

<http://www.ukvisas.gov.uk/en/>

<http://www.ukba.homeoffice.gov.uk/>

If you are outside the UK please contact your nearest Visa Application Centre (VAC) or where no VAC is in operation your nearest British mission where there is a visa section:

Textphone: (+44)(0) 20 7008 8457

Immigration Advisory Service (IAS)

The Immigration Advisory Service is the UK's largest charity providing advice and representation in asylum, immigration and nationality law. It has offices right across the UK and abroad, and provides a free service to those who are eligible. It may also be available to help those who are not. The IAS is a non-profit service.

Immigration Advisory Service [link]

3rd Floor, County House
190 Great Dover Street
London SE1 4YB

Telephone: (+44)(0)20 7967 1200

Duty Office (open 24 hours a day): (+44)(0)208814 1559

Fax: (+44)(0)20 7403 5875

Email: advice@iasuk.org [link]

Website: www.iasuk.org

Revenue and Customs

For advice on bringing personal belongings and goods into the UK contact:

HM Revenue and Customs [link]

Dorset House
Stamford Street
London SE1 9PY

Telephone: (+44)(0)845 010 9000

Website: www.hmrc.gov.uk

Drugs warning

Anyone found smuggling drugs into the UK would face serious penalties. Drug traffickers may try to bribe travellers. If you are travelling to the UK avoid any involvement with drugs.

Warning: submission of false documents

Travellers to the UK will commit an offence if they produce a false travel document or passport to the UK Immigration Authorities for themselves and/or their children. People found guilty of this offence face up to two years in prison or a fine (or both).

New amendments to the Immigration Rules which came into force on 29 February 2008 stipulate that an application in which deception is used will automatically be refused. From 1 April 2008 further amendments to the Immigration Rules mean that applicants who use deception in their applications will have any future applications they make refused for 10 years.