



## DO YOUR POINTS ADD UP TO A UK VISA?

### Guidance - Points Based System: Tier 1 (Post-Study Work)(INF...) (../06/08)

This guidance explains what you need to do if you were awarded an acceptable qualification from a United Kingdom institution within the last 12 months, and want to work in the United Kingdom (UK) for a limited period, under Tier 1 (Post-Study Work) 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 does this affect me if I wish to go to the UK as a student/work permit holder/working holiday maker or in any other work or study category?**

All routes which currently exist for work or study will continue to operate in their existing form until they are replaced and moved into the various tiers and sub-tiers of PBS. To know more about these routes, please consult the guidance leaflets on <http://www.ukvisas.gov.uk>.

#### **Do I need a sponsor?**

You do not need a sponsor for Tier 1 (Post-Study Work) of PBS.

#### **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 4 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 4 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 (Post-Study Work) 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 75 points. These are awarded as follows:

- You have been awarded a United Kingdom recognised bachelor or postgraduate degree; a United Kingdom postgraduate diploma; or a higher national diploma (HND) from a Scottish institution [20 points available].
- You studied for the award at a United Kingdom recognised or listed body; a Scottish publicly funded institution of further or higher education or acceptable private education institution (if your HND is from a Scottish institution); or hold a sponsor licence under Tier 4 of the Points Based System [20 points available].
- Your period of study and/or research were while you were in the United Kingdom with entry clearance, leave to enter or to leave to remain as a student or dependant of someone with leave in any category permitting the admittance of dependants [20 points available].
- Your application for entry clearance under Tier 1 (Post-Study Work) is made within 12 months of obtaining the relevant qualification [15 points available].

Separate points are given for English language ability (10 points automatically awarded if you scored 75 points for the attributes above) and the availability of funds for maintenance (10 points). You must produce evidence of

the required funds **in addition** to reaching the pass mark for the Attributes. Entry Clearance Officers will only award points for the sections for which you have indicated that you wish to claim and for which you have supplied the required supporting evidence.

## Points scoring

### Attributes

#### • **Qualification [20 points available]**

- **United Kingdom recognised degree at bachelor or postgraduate level** – A United Kingdom recognised body is an institution granted degree awarding powers by a Royal Charter, Act of Parliament or the Privy Council. Further information can be found on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dfes.gov.uk/recognisdukdegrees>.
- **United Kingdom postgraduate certificate or diploma** – It is not necessary for the awarding body to be a United Kingdom recognised body.
- **Higher national diploma (HND) from a Scottish institution** – The qualification must be at Level 8 on the Scottish Credit and Qualifications Framework. You must have studied at a Scottish institution and the HND awarded by a Scottish awarding body.
- **Qualifications not acceptable** – Foundation degrees; honorary degrees; qualifications awarded in the United Kingdom by overseas awarding bodies, including overseas campuses of United Kingdom institutions; and professional and vocational qualifications.

#### • **Institution [20 points available]**

- **United Kingdom recognised or listed body** – A recognised body is described above. A listed body provides full courses that lead to the award of a degree by a United Kingdom recognised body. Further information can be found on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dfes.gov.uk/recognisdukdegrees>. The bodies on the DIUS website are also set out in statutory instruments available on the website of the Office of Public Sector information (OPSI) at <http://www.opsi.gov.uk/stat.htm>.
- **Scottish institution** – If you began your HND studies at a Scottish institution before the launch of Tier 1 (Post-Study Work) the institution does not have to be a recognised or listed body. However, you must have studied at a Scottish publicly funded institution of further or higher education, or at a Scottish private education institution which maintains satisfactory records of enrolment and attendance. The Scottish institution should be on the Register of Education and Training Providers list which is available on the website of the Department for Innovation, Universities and Skills (DIUS) at <http://www.dfes.gov.uk/providersregister/index.cfm>.
- **Tier 4 sponsor licensing register** – After the launch of Tier 4 during spring 2009 students will need to be sponsored by an institution that is on the sponsors licensing register. Institutions can begin to register from summer 2008. From summer 2008 Tier 1 (Post-Study Work) applicants can meet this requirement of the attributes points scoring section by providing details of an institution that is held on the Tier 4 sponsors licensing register.

#### • **Immigration status in the United Kingdom during the period of study and/or research in the United Kingdom [20 points available]**

You can claim 20 points if you can establish that during your period of study and/or research in the United Kingdom you had leave to enter or remain in the United Kingdom as a:

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

You do not need to have lived in the United Kingdom throughout the entire period of your study. For example, you may have undertaken periods of overseas study and/or research whilst obtaining your qualification.

#### • **Date of award of qualification [15 points available]**

You can claim 15 points if your qualification was obtained within 12 months immediately before your application for entry clearance under Tier 1 (Post-Study Work). The date of your obtaining your qualification is the date you were first notified in writing, by the awarding institution, that they had awarded your qualification, NOT the date of graduation.

## Controls

- **English language ability [10 points available]**

There is no specific English language assessment under this category. If you successfully achieved 75 points in the attributes section you will automatically satisfy the English language requirement.

- **Maintenance (Funds) [10 points available]**

Even if you have attained the pass mark of 75 in the Attributes section thereby satisfying the English language requirement, your application will be refused if you do not pass the Maintenance (Funds) requirement. As a general rule you must be able to support yourself for the entire duration of your stay in the UK without needing any help from public funds. Initially, in order to qualify under Tier 1 (Post-Study Work) you must be able to demonstrate that you have £2,800 for yourself and (where applicable) £1,600 for each dependant accompanying you **AND** that you have held these amounts for a minimum period of 3 months immediately preceding the application.

## What supporting documents should I include with my application?

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

## Attributes

You must provide the specified documents as follows:

- original certificate of award; and
  - original letter from the academic institution where you studied;
  - where you are not able to submit your original certificate of award because it has not yet been issued, you may still submit your application provided the letter from the academic institution includes extra information explaining your situation; and
  - original passport/s or travel document/s containing the relevant grant/s of leave in the United Kingdom for the period during which you studied and/or conducted research for your eligible qualification in the UK.
- **Original certificate of award** – This should clearly show:
    - your name;
    - title of the qualification; and
    - name of the awarding body.
  - **Original letter from the academic institution where you studied** – This letter must be an original on the official letter-headed paper of the United Kingdom institution where you studied bearing the official stamp of that institution. It must have been issued by an authorised official of that institution and must confirm:
    - your name;
    - title of the qualification;
    - start and end dates of your period/s of study and/or research for this qualification at the United Kingdom institution; and
    - date of award (as defined above).If the qualification is a postgraduate diploma or certificate the letter must also include:
    - confirmation that the qualification is equivalent to, or above the level of, a United Kingdom bachelor degree.If the qualification is an HND, the letter must also include:
    - confirmation that the qualification is at level 8 on the Scottish Credit and Qualifications Framework.

### Extra information in original letter from the academic institution where you studied

If you are unable to provide a certificate of award (for example if the application is made before your graduation) the letter must also include:

- details of the body awarding the qualification; and
  - confirmation that the certificate of the award has not yet been issued.
- **Original passport/s or travel document/s containing the relevant grant/s of leave in the United Kingdom for the period during which you studied and/or conducted research for your eligible qualification in the United Kingdom**

You must send your original passport/s or travel document/s. We will check your dates of study as shown in your academic letter against your passport/s or travel document/s with electronic record we holds internally. We will not award any points if you have not sent us the relevant passport/s or travel documents and we are

unable to establish your status during the period of study and/or research in the United Kingdom against internal electronic records. In this case we will refuse your application.

## **Controls**

### • **English language ability**

There is no need to send any additional documents to establish that you have the required level of English language.

### • **Maintenance (Funds)**

You should provide one or more of the following:

- personal bank statements covering a period of 3 months;
- savings account pass book/s covering a period of 3 months;
- letter from your bank confirming level of funds and that they have been held in the bank account for at least 3 months. This must be an original document, on the official letter-headed paper or stationery of the organisation and bear the official stamp of that organisation;
- letter from a regulated financial institution confirming funds

### **Personal bank or building loan statements**

These should clearly show:

- your name;
- your account number;
- the date of the statement;
- the financial institution's name and logo;
- transactions covering a three month period;
- that there are sufficient funds present in the account on a regular basis;
- the receipt of funds along with regular withdrawals from the account.

Internet statements are acceptable only if they contain all the information above. Statements which simply show the balance in the account on a particular day are not sufficient.

### **Savings Account pass books**

These should clearly show:

- your name;
- your account number;
- the financial institution's name and logo;
- transactions covering a three month period;
- that there are sufficient funds present in the account on a regular basis;
- the regular receipt of funds along with regular withdrawals from the account.

### **Letters from a bank or regulated financial institution**

These should clearly show:

- your name;
- your account number;
- the date of the letter;
- the financial institution's name and logo;
- the funds held in your account;
- that the funds have been in bank for at least 3 months.

Letters which state simply the balance in the account on a particular day are not sufficient

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

## **What if I was previously granted leave to remain in a route that no longer exists?**

If you were previously living in the United Kingdom under one of the categories listed below, or your last grant of leave was in one of those categories (now deleted) you may apply under the transitional arrangements as described below. The deleted categories are the:

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

If you were granted less than 2 years leave under the IGS or SEGS you will be able to apply to Tier 1 (Post-Study Work) under the transitional arrangements. These will enable you to obtain a total of up to 2 years leave under a combination of your previous scheme and Tier 1 (Post-Study Work).

If you are a participant in the FT:WISS you would normally have been granted 2 years at the outset and would not therefore need any transitional arrangements. However, if you were granted less than 2 years under the FT:WISS you can apply under the transitional arrangements to get a total of 2 years leave under a combination of your previous scheme and Tier 1 (Post-Study Work).

### **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 if:

- they have a visa for this purpose and
- you can support them without any help from public funds. You need £1,600 for each dependant joining you within 12 months of your arrival in the UK and £533 thereafter.

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/>] which can be found on

the UK Border Agency website: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). 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](http://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]

3<sup>rd</sup> 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](mailto:advice@iasuk.org) [link]  
Website: [www.iasuk.org](http://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](http://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.