

# Immigration Rules

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## Immigration Rules Appendix Scale-up

### Appendix Scale-up

The Scale-up route is for talented individuals recruited by a UK Scale-up Sponsor, who have the skills needed to enable the Scale-up business to continue growing.

The person must have a high-skilled job offer from a qualifying Scale-up business at the required salary level.

A dependent partner and dependent children can apply on this route.

The Scale-up route is a route to settlement.

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### Validity requirements for a Scale-up Worker

SCU 1.1. A person applying for entry clearance or permission to stay as a Scale-up Worker must

apply online on the gov.uk website on the specified form as follows:

- (a) for applicants outside the UK, form “Scale-up visa”; or
- (b) for applicants inside the UK, form “Scale-up”.

SCU 1.2. An application for entry clearance or permission to stay as a Scale-up Worker must meet all the following validity requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided biometrics when required; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) if the applicant is making a sponsored application, they must have a Certificate of Sponsorship that was issued to them by their Sponsor no more than 3 months before the date of application.

SCU 1.3. The applicant must be aged 18 or over on the date of application.

SCU 1.4. If the applicant has in the last 12 months before the date of application received an award from a Government or international scholarship agency covering both fees and living costs for study in the UK, they must provide written consent to the application from that Government or agency.

SCU 1.5. If applying for permission to stay, the applicant must be in the UK on the date of application.

SCU 1.5ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or



(f) outside the Immigration Rules.

SCU 1.5A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A, B or C below on the date of application:

(a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or

(b) Condition B:

(i) the applicant must be studying a full-time course of study at degree level or above with a higher education provider which has a track record of compliance; and

(ii) the Certificate of Sponsorship in SCU 1.2(d) must have a start date no earlier than the course completion date; or

(c) Condition C:

(i) the applicant must be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and

(ii) the Certificate of Sponsorship in SCU 1.2(d) must have a start date no earlier than 24 months after the start date of that course.

SCU 1.6. An application which does not meet all the validity requirements for the Scale-up route may be rejected as invalid and not considered.

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## **Suitability requirements for a Scale-up Worker**

SCU 2.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SCU 2.2. If applying for permission to stay the applicant must not be:

(a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or

(b) on immigration bail.



## Eligibility requirements for a Scale-up Worker

### Entry requirements for a Scale-up Worker

SCU 3.1. A person seeking to come to the UK as a Scale-up Worker must apply for and obtain entry clearance as a Scale-up Worker before they arrive in the UK.

SCU 3.2. A person applying for entry clearance as a Scale-up Worker must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.



### Points requirement for a Scale-up Worker

SCU 4.1. The applicant must be awarded 70 points in the table below. An applicant may only be awarded points from one of the first two rows of the table. All applicants must meet the requirements in the final two rows of the table.

SCU 4.2. An applicant may only make a Sponsored Application and score 50 points in the first row of the table if the conditions for making an Un-sponsored Application in SCU 4.3. are not met.

SCU 4.3. An applicant must make an Un-sponsored Application and score 50 points in the second row of the table if they have been employed as a Scale-up Worker by a sponsor for at least 6 months in a previous permission on the Scale-up route and –

- (a) the applicant has permission as a Scale-up Worker on the date of application; or
- (b) the applicant last had permission as a Scale-up Worker and
  - (i) if the applicant is applying for entry clearance, that permission expired less than 6 months before the date of application; or

(ii) if the applicant is applying for permission to stay, paragraph 39E applies.

Type of application	Relevant requirements to be met	Relevant rules	Points
Sponsored Application	Sponsorship	SCU 5.1 to SCU 5.6	50
	Job at an appropriate skill level	SCU 6.1 to SCU 6.4	
	Appropriate salary	SCU 7.1 to SCU 7.6	
Un-sponsored Application	UK earnings during most recent permission on the Scale-up route	SCU 8.1 to SCU 8.7	50
All applications	English language requirement at level B1	SCU 9.1 to SCU 9.3	10
All applications	Financial requirement	SCU 10.1 to SCU 10.4	10



## Sponsored Application

### Sponsorship requirement for Sponsored Application

SCU 5.1. The applicant must have a valid Certificate of Sponsorship for the job they are planning to do, which must:

- (a) confirm the applicant's name, that they are being sponsored as a Scale-up Worker, details of the job and salary the Sponsor is offering them and PAYE details; and

(b) include a start date for the job, stated by the Sponsor, which is no more than 3 months after the date of application; and

(c) confirm the applicant is expected to work for the Sponsor for at least the first 6 months of their permission; and

(d) not have been used in a previous application which was either granted or refused (but can have been used in a previous application which was rejected as invalid, made void or withdrawn); and

(e) not have been withdrawn by the Sponsor or cancelled by the Home Office; and

(f) confirm whether or not the Academic Technology Approval Scheme (ATAS) requirement in Appendix ATAS applies.

SCU 5.2. The sponsor must be authorised by the Home Office to sponsor the job in question under the Scale-up route.

SCU 5.3. The Sponsor must be listed as A-rated on the Home Office's register of licensed sponsors.

SCU 5.4. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do:

(a) does not exist; or

(b) is a sham; or

(c) has been created mainly so the applicant can apply for entry clearance or permission to stay.

SCU 5.5. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do amounts to:

(a) the hire of the applicant to a third party who is not the Sponsor to fill a position with that party, whether temporary or permanent; or

(b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.



SCU 5.6. The decision maker must not have reasonable grounds to believe the job the applicant is being sponsored to do does not comply with the National Minimum Wage Regulations or the Working Time Regulations.

### **Job at an appropriate skill level requirement for Sponsored Application**

SCU 6.1. The applicant must be sponsored for a job in a SOC 2020 occupation code listed in Table 2 or Table 3 of Appendix Skilled Occupations.

SCU 6.2. The sponsor must have chosen an appropriate SOC 2020 occupation code, and the decision maker must not have reasonable grounds to believe the sponsor has chosen a less appropriate SOC 2020 occupation code for any of the following reasons:

- (a) the most appropriate SOC 2020 occupation code is not eligible under the Scale-up route; or
- (b) the most appropriate SOC 2020 occupation code has a higher going rate than the proposed salary.

SCU 6.3. To support the assessment in SCU 6.2, the decision maker may, in particular, consider:

- (a) whether the Sponsor has shown a genuine need for the job as described; and
- (b) whether the applicant has the appropriate skills, qualifications and experience needed to do the job as described; and
- (c) the sponsor's history of compliance with the immigration system including, but not limited to, paying its sponsored workers appropriately; and
- (d) any additional information from the sponsor.

SCU 6.4. If the ATAS requirement in Appendix ATAS applies, the applicant must provide a valid ATAS certificate.

### **Appropriate salary requirement for Sponsored Application**



SCU 7.1. The salary for the job for which the applicant is being sponsored must equal or exceed all of the following:

- (a) £39,100 per year; and
- (b) the going rate for the SOC 2020 occupation code.
- (c) DELETED.

SCU 7.2. Salary only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions).

SCU 7.3. Salary does not include other pay and benefits, such as any of the following:

- (a) pay which cannot be guaranteed because the nature of the job means that hours fluctuate; or
- (b) additional pay such as shift, overtime or bonus pay, (whether or not it is guaranteed); or
- (c) employer pension and employer national insurance contributions; or
- (d) any allowances, such as accommodation or cost of living allowances; or
- (e) in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food; or
- (f) one-off payments, such as 'golden hellos'; or
- (g) any payments relating to immigration costs, such as the fee or Immigration Health Charge; or
- (h) payments to cover business expenses, including (but not limited to) travel to and from the applicant's country of residence, equipment, clothing, travel or subsistence.

SCU 7.4. If the applicant is being sponsored to work more than 48 hours a week, subject to SCU 7.4A, only the salary for the first 48 hours a week will be considered towards the salary requirements set out in SCU 7.1 (a).



For example, an applicant who works 60 hours a week for £15 per hour will be considered to have a salary of £37,440 ( $£15 \times 48 \times 52$ ) per year and not £46,800 ( $£15 \times 60 \times 52$ ).

SCU 7.4A. If the applicant is being sponsored to work a pattern where the regular hours are not the same each week, resulting in uneven pay:

(a) work in excess of 48 hours in some weeks can be considered towards the salary threshold of £39,100, providing the average over a regular cycle (which can be less than, but not more than, 17 weeks) is not more than 48 hours a week; and

(b) any unpaid rest weeks will count towards the average when considering whether the salary thresholds are met; and

(c) any unpaid rest weeks will not count as absences from employment for the purpose of paragraph 9.30.1 in Part 9 of these rules.

For example, an applicant who works a pattern of 60 hours a week for £15 per hour for two weeks, followed by an unpaid rest week, will be considered to work 40 hours a week on average and have a salary of just £31,200 ( $£15 \times 40 \times 52$ ) per year.

SCU 7.5. Going rates in Table 2 of Appendix Skilled Occupations are based on a 37.5-hour week and will be pro-rated to the applicant's working pattern, as follows:

(a) (the going rate for the SOC 2020 occupation code stated in Table 2 of Appendix Skilled Occupations) x (the number of weekly working hours stated by the sponsor  $\div$  37.5)

(b) the applicant's full weekly hours will be included when checking their salary against the going rate, even if they work more than 48 hours a week.

SCU 7.6. If the requirements in SCU 5.1. to SCU 7.5. are met, the applicant will be awarded 50 points for meeting the Sponsored Application requirements.



## **Genuineness requirement for a Scale-Up Worker**

SCU 7A.1. The applicant must genuinely intend, and be able, to undertake the role for which they are being sponsored.

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## **Un-sponsored Application**

### **UK earnings in most recent grant of permission as a Scale-up Worker requirement for Un-sponsored Application**

SCU 8.1. The applicant must, during at least 50% of their most recent permission as a Scale-up Worker (for example, an applicant with 2 years' permission as a Scale-up Worker must have had this level of earnings during at least 12 months of that permission), have had monthly PAYE earnings in the UK equivalent to at least:

- (a) £39,100 per year; or
- (b) £36,300 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 4 April 2024 and 21 July 2025; or
- (c) £34,600 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 12 April 2023 and 3 April 2024; or
- (d) £33,000 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned on or before 11 April 2023.

SCU 8.2. For the purpose of meeting the requirement in SCU 8.1, periods of absence from work for any of the following reasons will be treated as periods during which the applicant was paid at the required level:

- (a) statutory maternity, paternity, parental, or shared parental leave; or
- (b) statutory adoption leave; or
- (c) sick leave



Providing at the time the absence starts the applicant's job had PAYE earnings equivalent to at least:

- (i) £39,100 per year; or
- (ii) £36,300 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 4 April 2024 and 21 July 2025; or
- (iii) £34,600 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 12 April 2023 and 3 April 2024; or
- (iv) £33,000 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned on or before 11 April 2023.



For example, an applicant with 2 years' permission, who spent 6 months on the above types of leave during a 2-year permission as a Scale-up Worker, must have had PAYE earnings in the UK equivalent to the level stated in SCU 8.1. per year during at least 6 months of the remaining 18 months of that permission.

SCU 8.3. PAYE means the guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions), recorded through PAYE.

SCU 8.4. Earnings do not include other sources of income, such as any of the following:

- (a) earnings from self-employment; or
- (b) earnings from outside the UK; or
- (c) payments not recorded through PAYE; or
- (d) employer pension and employer national insurance contributions; or
- (e) income from savings, investments, property, inheritance, gambling or competitions.

SCU 8.5. The decision maker must not have reasonable grounds to believe the PAYE earnings, or any part of the PAYE earnings, the applicant is relying on have been fabricated or inflated or do not relate to genuine employment.

SCU 8.6. To support the assessment in SCU 8.5, the decision maker may in particular consider any of the following:

- (a) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading; and
- (b) any payments made by the applicant to other parties; and
- (c) any additional information.

SCU 8.7. If the requirements in SCU 8.1. to SCU 8.6. are met, the applicant will be awarded 50 points for meeting the Unsponsored Application requirements.

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## **All Applications by Scale-up Workers**

### **English language requirement for Scale-up Worker**

SCU 9.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B1.

SCU 9.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

SCU 9.3. If the requirements in SCU 9.1. and SCU 9.2. are met, the applicant will be awarded 10 points for meeting the English language requirement.

### **Financial requirement for Scale-up Worker**

SCU 10.1. If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SCU 10.2. If the applicant is applying for entry clearance, or has been in the UK for less than 12 months on the date of application, either:



(a) the applicant must have funds of at least £1,270; or

(b) if the applicant is applying as a sponsored applicant, the applicant's A-rated sponsor must confirm on the Certificate of Sponsorship that they will, if necessary, maintain and accommodate the applicant up to the end of the first month of their employment, to an amount of at least £1,270.

SCU 10.3. If SCU 10.2.(a) applies, the applicant must show that they have held the required funds for a 28-day period and must show funds as specified in Appendix Finance.

SCU 10.4. If the requirements in SCU 10.1 to SCU 10.3. are met, the applicant will be awarded 10 points for meeting the financial requirement.

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## **Decision on an application as a Scale-up worker**

SCU 11.1. If the decision maker is satisfied that all the suitability and the relevant eligibility requirements for a Scale-up Worker are met, the application will be granted, otherwise the application will be refused.

SCU 11.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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## **Period and conditions of grant for a Scale-up Worker**

SCU 12.1. If the applicant was awarded 50 points for meeting the Sponsored Application requirements, they will be granted entry clearance or permission to stay for 2 years.

SCU 12.2. If the applicant was awarded 50 points for meeting the Sponsored Application requirements, the grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) for the first 6 months of their permission, the applicant must be employed in the job for which

the applicant is being sponsored; and

(c) in addition to (b), work (including self-employment and voluntary work) is permitted, except for work as a professional sportsperson (including as a sports coach); and

(d) study is permitted, subject to the ATAS condition in Appendix ATAS.

(e) DELETED

SCU 12.3. If the applicant was awarded 50 points for meeting the Un-sponsored Application requirements, they will be granted entry clearance or permission to stay for 3 years.

SCU 12.4. If the applicant was awarded 50 points for meeting the Un-sponsored Application requirements, the grant will be subject to all the following conditions:

(a) no access to public funds; and

(b) work (including self-employment and voluntary work) is permitted, except for work as a professional sportsperson (including as a sports coach); and

(c) study is permitted, subject to the ATAS condition in Appendix ATAS.

(d) DELETED



## Settlement as a Scale-up Worker

### Validity requirements for settlement as a Scale-up Worker

SCU 13.1. A person applying for settlement as a Scale-up Worker must apply online on the gov.uk website on the specified form, "Settle in the UK in various immigration categories: form SET(O)".

SCU 13.2. An application for settlement as a Scale-up Worker must meet all the following requirements:

(a) any fee must have been paid; and

(b) the applicant must have provided biometrics when required; and

(c) the applicant must have provided either a passport or other travel document which

satisfactorily establishes their identity and nationality; and

(d) the applicant must be in the UK on the date of application.

SCU 13.3. The applicant must have, or have last been granted, permission as a Scale-up Worker.

SCU 13.4. An application which does not meet all the validity requirements for settlement as a Scale-up Worker may be rejected as invalid and not considered.

### **Suitability requirements for settlement as a Scale-up Worker**

SCU 14.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SCU 14.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

### **Eligibility requirements for settlement as a Scale-up Worker**

### **Qualifying period requirement for settlement as a Scale-up Worker**

SCU 15.1. The applicant must have spent a continuous period of 5 years in the UK.

SCU 15.2. The 5-year continuous period must consist of time with permission (not as a dependant) on any of, or any combination of, the following routes:

- (a) Scale-up; or
- (b) Skilled Worker; or
- (c) Global Talent; or
- (d) Innovator; or
- (e) T2 Minister of Religion; or



- (f) International Sportsperson; or
- (g) Representative of an Overseas Business; or
- (h) Tier 1, other than Tier 1 (Graduate Entrepreneur).

### **Continuous residence requirement for settlement as a Scale-up Worker**

SCU 16.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SCU 15.1.

### **Knowledge of life in the UK requirement for settlement as a Scale-up Worker**



SCU 17.1. Unless an exemption applies, the applicant must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

### **UK earnings in most recent permission requirement**

SCU 18.1. On the date of application, the applicant must be in employment in the UK with a salary paid through PAYE of at least:

- (a) £39,100 per year; or
- (b) £36,300 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 4 April 2024 and 21 July 2025; or
- (c) £34,600 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 12 April 2023 and 3 April 2024; or
- (d) £33,000 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned on or before 11 April 2023.

SCU 18.2. The applicant must, during at least 24 months of the three years immediately before the date of application, have had monthly PAYE earnings in the UK equivalent to at least:

- (a) £39,100 per year; or
- (b) £36,300 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 4 April 2024 and 21 July 2025; or
- (c) £34,600 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 12 April 2023 and 3 April 2024; or
- (d) £33,000 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned on or before 11 April 2023.

SCU 18.3. For the purpose of meeting the requirement in SCU 18.2, periods of absence from work, for any of the following reasons will be treated as periods during which the applicant was paid at the required level:

- (a) statutory maternity, paternity, parental, or shared parental leave; or
- (b) statutory adoption leave; or
- (c) sick leave.

Providing at the time the absence starts the applicant's job had PAYE earnings equivalent to:

- (i) £39,100 per year; or
- (ii) £36,300 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 4 April 2024 and 21 July 2025; or
- (iii) £34,600 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned between 12 April 2023 and 3 April 2024; or
- (iv) £33,000 per year if their most recent permission on the route was on the basis of a Certificate of Sponsorship assigned on or before 11 April 2023.

For example, an applicant, who spent 6 months on the above types of leave during their last 3-year's permission as a Scale-up Worker, must have had monthly PAYE earnings in the UK equivalent to at least £39,100 per year during at least 18 months of the remaining 30 months of that permission.



SCU 18.4. Earnings only include guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions), recorded through PAYE.

SCU 18.5. Earnings do not include other sources of income, such as any of the following:

- (a) earnings from self-employment; or
- (b) earnings from outside the UK; or
- (c) payments not recorded through PAYE; or
- (d) employer pension and employer national insurance contributions; or
- (e) income from savings, investments, property, inheritance, gambling or competitions.

SCU 18.6. The decision maker must not have reasonable grounds to believe the PAYE earnings the applicant is relying on have been inflated or fabricated or do not relate to genuine employment.

SCU 18.7. To support the assessment in SCU 18.6, the decision maker may in particular consider any of the following:

- (a) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading; and
- (b) any payments made by the applicant to other parties; and
- (c) any other relevant information.

## **Decision on an application for settlement as a Scale-up Worker**

SCU 19.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement as a Scale-up Worker are met, the applicant will be granted settlement, otherwise the application will be refused.

SCU 19.2. If the application is refused, the person can apply for an Administrative Review under Appendix AR: Administrative Review.



## Dependent partner (“partner”) and dependent child (“child”) on the Scale-up route

### Validity requirements for a partner or child on the Scale-up route

SCU 20.1. A person applying for entry clearance or permission to stay as a partner or child on the Scale-up Worker route must apply online on the gov.uk website on the specified form as follows:

Location of Partner or Child	Specified form
Applicant outside the UK	<ul style="list-style-type: none"><li>• Dependant partner visa</li><li>• Dependant child visa</li></ul>
Applicant inside the UK	<ul style="list-style-type: none"><li>• Dependant partner</li><li>• Dependant child</li></ul>



SCU 20.2. An application for entry clearance or permission to stay as a partner or child of a Scale-up Worker must meet all the following requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided biometrics when required; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be applying as partner or child of a person (P) who:
  - (i) has made a valid application for entry clearance or permission to stay on the Scale-up route that has not been decided; or
  - (ii) has entry clearance or permission to stay on the Scale-up route; or
  - (iii) is settled or has become a British citizen, providing that P had permission on the

Scale-up route when they settled and the applicant either had permission as their partner or child at that time, or the applicant is applying as a child of P and the applicant was born in the UK before P settled.

SCU 20.3. A person applying as a partner must be aged 18 or over on the date of application.

SCU 20.4. If applying for permission to stay, the applicant must be in the UK on the date of application.

SCU 20.4ZA. If applying for permission to stay, the applicant must not have, or have last been granted, permission:

- (a) as a Visitor; or
- (b) as a Short-term Student; or
- (c) as a Parent of a Child Student; or
- (d) as a Seasonal Worker; or
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.

SCU 20.4A. An applicant who is applying for permission to stay and has, or last had, permission as a Student, must fulfil one of the Conditions A or B below on the date of application:

- (a) Condition A: the applicant must have completed the course of study for which the Confirmation of Acceptance for Studies was assigned (or a course to which ST 27.3 of Appendix Student applies); or
- (b) Condition B: the applicant must:
  - (i) be studying a full-time course of study leading to the award of a PhD with a higher education provider which has a track record of compliance; and
  - (ii) have completed at least 24 months of study on that course.

SCU 20.5. An application which does not meet all the validity requirements as partner or child on the Scale-up route may be rejected as invalid and not considered.



## **Suitability requirements for a partner or child on the Scale-up route**

SCU 21.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SCU 21.2. If applying for permission to stay the applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for a partner and child on the Scale-up route**



## **Entry requirement for a partner and child on the Scale-up route**

SCU 22.1. A person seeking to come to the UK as a partner or child of a Scale-up Worker must apply for and obtain entry clearance as a partner or child of a Scale-up Worker before they arrive in the UK.

SCU 22.2. A person applying for entry clearance as the partner or child on the Scale-up route must, if Appendix Tuberculosis applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

## **Relationship requirements for a partner on the Scale-up route**

SCU 23.1. The applicant must be the partner of a person (P) and one of the following must apply:

- (a) P has permission on the Scale-up route; or
- (b) P is, at the same time, applying for (and is granted) permission on the Scale-up route; or
- (c) P is settled or has become a British citizen, providing P had permission on the Scale-up

route when they settled, and the applicant had permission as P's partner at that time.

SCU 23.2. The requirements of Appendix Relationship with Partner must be met.

SCU 23.3. DELETED.

SCU 23.4. DELETED.

### **Relationship requirement for a dependent child on the Scale-up route**

SCU 24.1. DELETED.

SCU 24.2. DELETED.

SCU 24.3. DELETED.



### **Age requirement for a dependent child on the Scale-up route**

SCU 25.1. DELETED.

SCU 25.2. DELETED.

### **Care requirement for a dependent child on the Scale-up route**

SCU 26.1. DELETED.

### **Requirements for a dependent child on the Scale-up route**

SCU 26A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

- (a) relationship requirement: entry clearance and permission to stay; and
- (b) care requirement; and
- (c) age and independent life requirement.

### **Financial requirement for a partner or child on the Scale-up route**

SCU 27.1. If the applicant is applying for permission to stay and has been living in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

SCU 27.2. If an applicant is applying for entry clearance, or has been living in the UK for less than 12 months on the date of application, either:

(a) funds of at least the amount required in SCU 27.4. must be held collectively by one or more of the following:

(i) the applicant; and

(ii) the Scale-up Worker (P); and

(iii) if the applicant is applying as a child, their parent who is lawfully present in the UK or being granted entry clearance, or permission to stay, at the same time; or

(b) the Scale-up Worker's A-rated sponsor must certify that they will, if necessary, maintain and accommodate the partner and/or any child as well as the Scale-up Worker, up to the end of the first month of each of their grants of permission, to at least the amounts required in SCU 27.4.

SCU 27.3. An applicant may only rely on the option in SCU 27.2(b) if the date of application is at least one calendar month before the end of the first 6 months of the Scale-up Worker's first grant of permission on the Scale-up route.

SCU 27.4. The funds required are:

(a) at least £285 for a partner in the UK or applying for entry clearance; and

(b) at least £315 for the first child in the UK or applying for entry clearance; and

(c) at least £200 for each additional child in the UK or applying for entry clearance.

SCU 27.5. If SCU 27.2(a) applies, the funds held by the applicant must be held in addition to any funds required for the Scale-up Worker to meet the financial requirement and any other dependants in the UK or applying at the same time.



SCU 27.6. If SCU 27.2(a) applies, the funds must have been held for a 28-day period and as set out in Appendix Finance.

## **Decision on an application as a partner or child on the Scale-up route**

SCU 28.1. If the decision maker is satisfied that all the suitability and eligibility requirements are met for a partner or child of a Scale-up Worker, the application will be granted, otherwise the application will be refused.

SCU 28.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.



## **Period and conditions of grant for a partner and child on the Scale-up route**

SCU 29.1. A partner will be granted:

- (a) entry clearance or permission to stay which ends on the same date as their partner's permission as a Scale-up Worker; or
- (b) 3 years' entry clearance or permission if the Scale-up Worker was (or is being) granted settlement as a Scale-up Worker.

SCU 29.2. A child will be granted permission which ends on the same date as whichever of their parents' permission ends first, unless both parents have (or are being granted) settlement or British Citizenship, in which case the child will be granted permission for 3 years.

SCU 29.3. The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted; except work as a professional sportsperson (including as a sports coach); and
- (c) study is permitted, subject to the ATAS condition in Appendix ATAS (if the study will commence when the person is aged over 18).

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(d) DELETED

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## Settlement for a partner or child on the Scale-up route

### Validity requirements for settlement as a partner or child on the Scale-up route

SCU 30.1. A person applying for settlement as a partner or child of a Scale-up Worker must apply online on the gov.uk website on the specified form, "Settle in the UK in various immigration categories: form SET(O)".

SCU 30.2. An application for settlement as a partner or child of a Scale-up Worker must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided biometrics when required; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) the applicant must be in the UK on the date of application; and
- (e) the applicant must be applying as a partner or child of a person (P) who:
  - (i) has made a valid application for settlement in the UK on the Scale-up route and that application has not been decided; or
  - (ii) is settled or has become a British citizen, provided that P had permission on the Scale-up route when they settled and the applicant either had permission as their partner or child at that time, or the applicant is applying as a child of P and the applicant was born in the UK before P settled.

SCU 30.3. An application which does not meet the validity requirements for settlement as a partner or child of a Scale-up Worker may be rejected as invalid and not considered.



## **Suitability requirements for settlement as a dependent partner or dependent child on the Scale-up route**

SCU 31.1. The applicant must not fall for refusal under Part 9: grounds for refusal.

SCU 31.2. The applicant must not be:

- (a) in breach of immigration laws, except that where paragraph 39E applies, that period of overstaying will be disregarded; or
- (b) on immigration bail.

## **Eligibility requirements for settlement as a dependent partner or dependent child on the Scale-up route**



## **Relationship requirement for settlement as a dependent partner or dependent child of a Scale-up Worker**

SCU 32.1. The applicant must be the partner or child of a person (P) where one of the following applies:

- (a) P is, at the same time, being granted settlement as a Scale-up Worker; or
- (b) P is settled in the UK or has become a British citizen, providing P had permission as a Scale-up Worker when they settled and the applicant either:
  - (i) had permission as P's partner or child at that time; or
  - (ii) is applying as a child of P and was born in the UK before P settled.

SCU 32.2. The applicant must either:

- (a) have last been granted permission as a partner or child of the person (P) in SCU 32.1; or
- (b) have been born in the UK and be applying as a child of the person (P) in SCU 32.1.

SCU 32.3. If applying as a partner, the requirements of Appendix Relationship with Partner must be met.

SCU 32.4. If applying as a child, the applicant must meet the relationship requirement for settlement in Appendix Children.

### **Age requirement for settlement as a dependent child on the Scale-up route**

SCU 33.1. DELETED.

SCU 33.2. DELETED.

### **Care requirement for settlement as a dependent child of a Scale-up Worker**

SCU 34.1. DELETED.

### **Requirements for settlement as a dependent child on the Scale-up route**

SCU 34A.1. The applicant must meet the following requirements for a dependent child in Appendix Children:

- (a) care requirement; and
- (b) age and independent life requirement.

### **Qualifying period requirement for settlement as a partner on the Scale-up route**

SCU 35.1. The applicant must have spent a continuous period of 5 years in the UK with permission as a partner of the person (P) in SCU 32.1.

### **Continuous residence requirement for settlement as a partner on the Scale-up route**

SCU 36.1. The applicant must meet the continuous residence requirement as set out in Appendix Continuous Residence during the period in SCU 35.1.



## **English language requirement for settlement as a partner or child on the Scale-up route**

SCU 37.1. Unless an exemption applies, the applicant must show English language ability on the Common European Framework of Reference for Languages in speaking and listening to at least level B1.

SCU 37.2. The applicant must show they meet the English language requirement as specified in Appendix English Language.

## **Knowledge of life in the UK requirement for settlement as a partner or child on the Scale-up route**

SCU 38.1. Unless an exemption applies, the applicant must meet the knowledge of Life in the UK requirement as set out in Appendix KOL UK.

## **Decision on an application for settlement as a partner or child on the Scale-up route**

SCU 39.1. If the decision maker is satisfied all the suitability and eligibility requirements are met for settlement as a partner or child of a Scale-up Worker, the application will be granted settlement, otherwise the application will be refused.

SCU 39.2. If the application is refused the person can apply for an Administrative Review under Appendix AR: Administrative Review.

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