

# Immigration Rules

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## Immigration Rules part 8: family members

Family members (paragraphs A277 to 319Y).

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### Transitional provisions and interaction between Part 8, Appendix FM and Appendix FM-SE

A277 From 9 July 2012 Appendix FM will apply to all applications to which Part 8 of these rules applied on or before 8 July 2012 except where the provisions of Part 8 are preserved and continue to apply, as set out in paragraphs A280 to A280B.

A277A. Where the Secretary of State is considering an application for limited leave to remain or indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant or Appendix W Worker), and where the applicant:

(a) does not meet the requirements of Part 8 for indefinite leave to remain, (where the application is for indefinite leave to remain) and

(b) meets or continues to meet the requirements for limited leave to remain under Part 8 in force at the date of decision,

subject to compliance with any requirement notified under paragraph A277D(b), further limited leave to remain under Part 8 may be granted of such a period and subject to such conditions as the Secretary of State deems appropriate. For the purposes of this sub-paragraph an applicant last granted limited leave to enter under Part 8 will be considered as if they had last been granted limited leave to remain under Part 8.

(c) DELETED

A277B. Where the Secretary of State is considering an application for limited leave to remain or indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant or Appendix W Worker) and where the application does not meet the requirements for indefinite leave to remain (where the application is for indefinite leave to remain) or limited leave to remain under Part 8 in force at the date of decision:

(a) the application will also be considered as a partner, parent or child under Appendix FM (family life) in line with paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b) and (d) and under Appendix Private Life; and

(b) if the applicant meets the requirements for leave as a partner, parent or child under the relevant paragraphs of Appendix FM or under Appendix Private Life (except the requirement for a valid application under that route), the applicant will (subject to compliance with any requirement to pay an Immigration Health Charge notified under paragraph A277D(b)) be granted leave. If the applicant meets provisions in both Appendix FM and Appendix Private Life, the applicant will be granted on Appendix Private Life if the applicant is a child or young adult (as that provides a shorter



route to settlement), otherwise the applicant will be granted on Appendix FM; and

(c) if the applicant is granted leave under those provisions, the period of the applicant's continuous leave under Part 8 at the date of application will be counted towards the period of continuous leave which must be completed before the applicant can apply for indefinite leave to remain under paragraph 276B or Appendix Settlement Family Life or Appendix Private Life.

A277C. Subject to paragraphs A277 to A280B and paragraph GEN.1.9. of Appendix FM, the Secretary of State may consider any application to which the provisions of Appendix FM (family life) and Appendix Private life of these rules do not apply, under paragraphs RLTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d), R-LTRC.1.1.(a), (b) and (d) of Appendix FM (family life) and Appendix Private life of these rules. If the applicant meets the requirements for leave under those provisions (except the requirement for a valid application), the applicant will be granted leave under paragraph D-LTRP.1.2., D-LTRPT.1.2. or DLTRC.1.1. of Appendix FM or under Appendix Private Life.

A277D. Where, pursuant to paragraphs A277A to A277C, a person who has made an application for indefinite leave to remain to which Part 8 of these rules continues to apply does not meet the requirements for indefinite leave to remain but falls to be granted limited leave to remain under Part 8, Appendix Private Life or Appendix FM, or outside the rules on Article 8 grounds:

- (a) The Secretary of State will treat that application for indefinite leave to remain as an application for limited leave to remain;
- (b) The Secretary of State will notify the applicant in writing of any requirement to pay an immigration health charge under the Immigration (Health Charge) Order 2015; and
- (c) If there is such a requirement and that requirement is not met, the application for limited leave to remain will be invalid and the Secretary of State will not refund any application



fee paid in respect of the application for indefinite leave to remain.

A278 The requirements to be met under Part 8 after 9 July 2012 may be modified or supplemented by the requirements in Appendix FM and Appendix FM-SE.

A279. Paragraphs 13.2.1.- 13.3.2. apply to all immigration decisions made further to applications under Part 8 and paragraphs 276A-276D where a decision is made on or after 28 July 2014, irrespective of the date the application was made.

A280 The following provisions of Part 8 apply in the manner and circumstances specified:

(a) The following paragraphs apply in respect of all applications made under Part 8 and Appendix FM, irrespective of the date of application or decision:

277-280

289AA

295AA

296

(b) The following paragraphs of Part 8 continue to apply to all applications made on or after 9 July 2012. The paragraphs apply in their current form unless an additional requirement by reference to Appendix FM is specified:

Paragraph number	Additional requirement
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295J	None
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297-300	Where the applicant falls under paragraph 297, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of the applicant. For these purposes, “a parent of the applicant” is to be construed as including “a
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Paragraph number	Additional requirement
	relative of the applicant” under paragraph 297.
304-309	Where the applicant falls under paragraph 305, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of the applicant.
309A-316F	<p>Where: (1) the applicant: - falls under paragraph 314(i)(a); or - falls under paragraph 316A(i)(d) or (e); and - is applying on or after 9 July 2012; and (2) the “other parent” mentioned in paragraph 314(i)(a), or one of the prospective parents mentioned in paragraph 316A(i)(d) or (e), has or is applying for entry clearance or limited leave to remain as a partner under Appendix FM the application must also meet the requirements of paragraphs E-ECC 2.1-2.3 or E-ECC.2.5.-2.6 (entry clearance applications) or E-LTRC 2.1-2.3 or E-LTRC.2.5.-2.6 (leave to remain applications) of Appendix FM.</p> <p>Where the applicant: - falls under paragraph 314(i)(d); - is applying on or after 9 July 2012; and - has two parents or prospective parents and one of the applicant’s parents or prospective parents does not have right of abode, indefinite leave to enter or remain, is not present and settled in the UK or being admitted for settlement on the same occasion as the applicant is seeking admission, but otherwise has or is applying for entry clearance or limited leave to remain as a partner under Appendix FM, the application must also meet the requirements of paragraphs E-ECC 2.1-2.3 or E-ECC.2.5.-2.6 (entry clearance applications) or E-LTRC</p>



Paragraph number	Additional requirement
	2.1-2.3 or E-LTRC.2.5.-2.6 (leave to remain applications) of Appendix FM.
319X	None

(c) The following provisions of Part 8 continue to apply on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above:

- (i) to persons who have made an application before 9 July 2012 under Part 8 which was not decided as at 9 July 2012; and
- (ii) to applications made by persons in the UK who have been granted entry clearance or limited leave to enter or remain under Part 8 before 9 July 2012 and where this is a requirement of Part 8, this leave to enter or limited leave to remain is extant:

281-289

289A-289C

290-295

295A-295O

297-316F

317-319

319L-319U

319V-319Y

(d)

(i) The following provisions of Part 8 continue to apply to applications made in the period beginning with 9 July 2012 and ending on 30 November 2013, including those that have not been decided before 1 December 2013, and are not subject to any additional requirement listed in (b) above, by



persons who have made an application for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, or child or other dependant relative of a British citizen or settled person who is a full-time member of HM Forces:

281-289

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289A-289C

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290-295

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295A-295O

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297-316F

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317-319

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(d)

(ii) Subject to the following provisions, from 1 December 2013, Appendix Armed Forces applies to all applications for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner or child of a British citizen or settled person who is a full-time member of HM Forces.

(iii) Except, from 1 December 2013, the provisions in paragraph A280(d)(i) continue to apply to persons who were granted entry clearance, limited leave to enter or remain under Part 8 before 1 December 2013, and where it is a requirement of Part 8, that leave to enter or remain is extant.

(iv) Applications may continue to be made under paragraphs 297 to 316F of Part 8 by the child of a British citizen or settled person who was a full-time member of HM Forces regardless of the date of application and paragraph A280(b) continues to apply to these applications as appropriate.

(v) A new application by a dependent relative of a British citizen or settled person who is a full time member of HM Forces may no longer be

made under paragraphs 317-319 on or after 1 December 2013. Those applications must meet the requirements of Appendix FM unless an application was submitted on or before 30 November 2013. An application made by a dependent relative of a British citizen or settled person who is a full time member of HM Forces on or before 30 November 2013 will be considered under the relevant paragraphs 317-319 which apply.

(vi) For the avoidance of doubt, paragraph A280(e) will continue to apply to the spouse, civil partner, unmarried partner or same sex partner of a British citizen or settled person who was a full-time member of HM Forces when the spouse, civil partner, unmarried or same sex partner was admitted to the UK under paragraph 282(c) or 295B(c) where the applicant has not yet applied for indefinite leave to remain, including where an application relying on paragraph A280(e) is made on or after 1 December 2013.

(vii) The requirements in paragraphs 8 and 9 of Appendix Armed Forces apply to applications for entry clearance, leave to enter or remain as the fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, or child or other dependent relative of a British citizen or settled person who is a full-time member of HM Forces making an application under Part 8 (where paragraph A280 (d) has permitted such an application) where the decision is made on or after 1 December 2013 (and irrespective of the date of the application).

(e) The following provisions of Part 8 shall continue to apply to applications made on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above, by a spouse, civil partner, unmarried partner or same sex partner who was admitted to the UK before 9 July 2012 further to paragraph 282(c) or 295B(c) of these Rules who has not yet applied for indefinite leave to remain:

284-286

287(a)(i)(c)





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287(a)(ii)-(vii)

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287(b)

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288-289

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289A-289C

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295D-295F

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295G(i)(c)

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295G(ii)-(vii)

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295H-295I

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(f) Paragraphs 301-303F continue to apply to applications made under this route on or after 9 July 2012, and are not subject to any additional requirement listed in (b) above, by a child of a person to whom those paragraphs relate who has been granted limited leave to enter or remain or an extension of stay following an application made before 9 July 2012,

(g) For the avoidance of doubt, notwithstanding the introduction of Appendix FM, paragraphs 319AA - 319J of Part 8 continue to apply, and are not subject to any additional requirement listed in paragraph (b) above, to applications for entry clearance or leave to enter or remain as the spouse, civil partner, unmarried partner, same sex partner, or child of a Relevant Points Based System Migrant or Appendix W Worker.

A280A. The sponsor of an applicant under Part 8 for limited or indefinite leave to remain as a spouse, civil partner, unmarried partner or same sex partner must be the same person as the sponsor of the applicant's last grant of leave in that category.

A280AA. Where a person aged 18 or over is granted limited leave to enter or remain under Part 8 of these rules, or where a person granted such limited leave to enter or remain will be aged 18 before that period of limited leave expires, the leave will, in addition to any other conditions which may

apply, be granted subject to the ATAS condition in Appendix ATAS.

A280B. An applicant aged 18 or over may not rely on paragraph A280 where, since their last grant of limited leave to enter or remain under Part 8, they have been granted or refused leave under Appendix FM, Appendix Armed Forces or Appendix Private Life of these rules, or been granted limited leave to enter or remain in a category outside their original route to settlement.

A281. In Part 8 “specified” means specified in Appendix FM-SE, unless otherwise stated, and “English language test provider approved by the Secretary of State” means a provider specified in Appendix O.

A282. From 1 December 2020, all references to ‘refusal under General Grounds for Refusal’ in Part 8 are to be read as ‘refusal under Part 9: grounds for refusal’

A283. From 12 April 2023, an application for a child to join, stay or settle with a non-parent relative with protection status must meet the requirements under Appendix Child joining or staying with a Non-Parent Relative (Protection) and the application will not be considered under this Part of the Immigration Rules.

A284. From 31 January 2024, an application for settlement from a victim of domestic abuse (and any dependent children), must be made under Appendix Victim of Domestic Abuse and an application for settlement from a bereaved partner (and any dependent children), must be made under Appendix Bereaved Partner (and any application for settlement will not be considered under this Part).

A285. From 11 April 2024, an application for a partner or child to join a member of HM Armed Forces or an HM Armed Forces service leaver must meet the requirements under Appendix HM Armed Forces and will not be considered under this Part of the Immigration Rules.

A286. From 6 June 2024, an application by a child to join an adoptive parent or parents in the UK must



meet the requirements under Appendix Adoption and the application will not be considered under this Part of the Immigration Rules.

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## Spouses and civil partners

277. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse or civil partner of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in the United Kingdom or (as the case may be) on the date on which the leave to remain or variation of leave would be granted. In these rules the term “sponsor” includes “partner” as defined in GEN 1.2 of Appendix FM.

278. Nothing in these Rules shall be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the spouse and civil partner of a man or woman (the sponsor) if:

- (i) his or her marriage or civil partnership to the sponsor is polygamous; and

- (ii) there is another person living who is the husband or wife of the sponsor and who:

- (a) is, or at any time since his or her marriage or civil partnership to the sponsor has been, in the United Kingdom; or

- (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in Section 2(1)(a) of the Immigration Act 1988 or an entry clearance to enter the United Kingdom as the husband or wife of the sponsor.

For the purpose of this paragraph a marriage or civil partnership may be polygamous although at its inception neither party had any other spouse or civil partner.

279. Paragraph 278 does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or she has been in the United Kingdom before 1 August 1988 having been admitted for



the purpose of settlement as the husband or wife of the sponsor; or

(ii) he or she has, since their marriage or civil partnership to the sponsor, been in the United Kingdom at any time when there was no such other spouse or civil partner living as is mentioned in paragraph 278 (ii).

But where a person claims that paragraph 278 does not apply to them because they have been in the United Kingdom in circumstances which cause them to fall within sub paragraphs (i) or (ii) of that paragraph it shall be for them to prove that fact.

280. For the purposes of paragraphs 278 and 279 the presence of any wife or husband in the United Kingdom in any of the following circumstances shall be disregarded:

- (i) as a visitor; or
- (ii) an illegal entrant; or
- (iii) in circumstances whereby a person is deemed by Section 11(1) of the Immigration Act 1971 not to have entered the United Kingdom.

### **Spouses or civil partners of persons present and settled in the United Kingdom or being admitted on the same occasion for settlement**

Requirements for leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement

281. The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement are that:

(i) (a)(i) the applicant is married to or the civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and

\_\_\_ (ii) the applicant provides an original English language test certificate in speaking



and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (a) the applicant is aged 65 or over at the time he makes his application; or
- (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;
- (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

\_\_\_ (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

\_\_\_ (iv) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; the British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

\_\_\_ (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

- (1) provides the specified evidence to show he has the qualification, and



(2) Ecctis has confirmed that the qualification was taught or researched in English, or

\_\_\_ (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

- (1) he has the qualification, and
- (2) that the qualification was taught or researched in English.

Or

\_\_\_(b)(i) the applicant is married to or the civil partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside the United Kingdom; and

\_\_\_(b)(ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

\_\_\_(b)(iii) DELETED

(ii) the parties to the marriage or civil partnership have met; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and



(vii) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs 282-289 a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.

### **Leave to enter as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted for settlement on the same occasion**



282. A person seeking leave to enter the United Kingdom as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person who meets the requirements of paragraph 281(i)(a)(i) and one of the requirements of paragraph 281(i)(a)(ii) - (vi) be admitted for an initial period not exceeding 27 months, or
- (b) in the case of a person who meets all of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 27 months, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.

### **Refusal of leave to enter as the spouse or civil partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement**



283. Leave to enter the United Kingdom as the spouse or civil partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.

### **Requirements for an extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom**

284. The requirements for an extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom are that:

- (i) the applicant has or was last granted limited leave to enter or remain in the United Kingdom which meets the following requirements:
  - (a) The leave was given in accordance with any of the provisions of these Rules; and
  - (b) The leave was granted for a period of 6 months or more, unless it was granted as a fiancé(e) or proposed civil partner; and
  - (c) The leave was not as the spouse, civil partner, unmarried or same-sex partner of a Relevant Points-Based System Migrant or Appendix W Worker; and
- (ii) the applicant is married to or the civil partner of a person present and settled in the United Kingdom; and
- (iii) the parties to the marriage or civil partnership have met; and
- (iv) the applicant must not be in the UK in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded); and
- (v) the marriage or civil partnership has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under Section 6(2) of the Immigration Act 1971 or been given directions for his removal





under section 10 of the Immigration and Asylum Act 1999; and

(vi) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(vii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(ix) (a) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(i) the applicant is aged 65 or over at the time he makes his application; or

(ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;

(iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(ix) (b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; Malta; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(ix)(c) the applicant has obtained an academic qualification (not a professional or vocational qualification) which either:

(i) is a UK Bachelor's degree, Master's degree or PhD; or



(ii) is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; The British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the USA; Malta; and provides the specified documents; or

(ix) (d) the applicant has obtained an academic qualification which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(i) provides the specified evidence to show he has the qualification, and

(ii) if awarded outside of the UK, Ecctis has confirmed that the qualification was taught or researched in English, or

(ix) (e) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis, if awarded outside of the UK to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(i) he has the qualification, and

(ii) that the qualification was taught or researched in English.



### **Extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom**

285. An extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom may be granted for a period of 2 years in the first instance, provided the Secretary of State is satisfied that each of the requirements of paragraph 284 is met.

### **Refusal of extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom**

286. An extension of stay as the spouse or civil partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 284 is met.

### **Requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom**

287. (a) The requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom are that:

(i) (a) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of a person present and settled in the United Kingdom; or

\_\_\_(b) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or same-sex partner and then the spouse or civil partner of a person present and settled in the United Kingdom; or

\_\_\_(c) was admitted to the United Kingdom in accordance with leave granted under paragraph 282(c) of these rules; or

\_\_\_(d) the applicant was admitted to the UK or given an extension of stay as the spouse or civil partner of a Relevant Points Based System Migrant or Appendix W Worker; and then obtained an extension of stay under paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of the person who is now present and settled here; or



\_\_\_(e) the applicant was admitted to the UK or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or same-sex partner and then the spouse or civil partner of the person who is now present and settled in the UK; or

\_\_\_(f) the applicant was admitted into the UK in accordance with paragraph 319L and has completed a period of 2 years limited leave as the spouse or civil partner of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the spouse or civil partner of a former refugee or beneficiary of humanitarian protection who is now a British Citizen.

(ii) the applicant is still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join and the marriage or civil partnership is subsisting; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

(vii) the applicant does not fall for refusal under the general grounds for refusal.

(b) DELETED.



## **Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom**

288. Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 287 is met.

## **Refusal of indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom**

289. Indefinite leave to remain for the spouse or civil partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 287 is met.

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## **Victims of domestic violence**

### **Requirements for indefinite leave to remain in the United Kingdom as the victim of domestic violence**

289A. DELETED.

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### **Indefinite leave to remain as the victim of domestic violence**

289B. DELETED.

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### **Refusal of indefinite leave to remain as the victim of domestic violence**

289C. DELETED.

289D. DELETED.

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## **Fiance(e)s and proposed civil partners**

289AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as a fiancé(e) or proposed civil partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the United Kingdom or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

**Requirements for leave to enter the United Kingdom as a fiancé(e) or proposed civil partner (i.e. with a view to marriage or civil partnership and permanent settlement in the United Kingdom)**

290. The requirements to be met by a person seeking leave to enter the United Kingdom as a fiancé(e) or proposed civil partner are that:

- (i) the applicant is seeking leave to enter the United Kingdom for marriage or civil partnership to a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner after the marriage or civil partnership ; and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage or civil partnership; and
- (v) there will, after the marriage or civil partnership, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage or civil partnership to maintain themselves and any dependants adequately without recourse to public funds; and



(vii)(a) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (i) the applicant is aged 65 or over at the time he makes his application; or
- (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
- (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(vii)(b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(vii)(c) the applicant has obtained an academic qualification, which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; the British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

(vii)(d) the applicant has obtained an academic qualification which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

- (1) provides the specified evidence to show he has the qualification, and
- (2) Ecctis has confirmed that the qualification was taught or researched in





English, or

(vii)(e) has obtained an academic qualification which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

- (1) he has the qualification, and
- (2) that the qualification was taught or researched in English. and

(viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

### **Leave to enter as a fiancé(e) or proposed civil partner**



291. A person seeking leave to enter the United Kingdom as a fiancé(e) or proposed civil partner may be admitted, with a prohibition on employment, for a period not exceeding 6 months to enable the marriage or civil partnership to take place provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.

### **Refusal of leave to enter as a fiancé(e) or proposed civil partner**

292. Leave to enter the United Kingdom as a fiancé(e) or proposed civil partner is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### **Requirements for an extension of stay as a fiancé(e) or proposed civil partner**

293. The requirements for an extension of stay as a fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted to the United Kingdom with a valid United Kingdom entry clearance as a fiancé(e) or proposed civil partner; and



(ii) good cause is shown why the marriage or civil partnership did not take place within the initial period of leave granted under paragraph 291; and

(iii) there is satisfactory evidence that the marriage or civil partnership will take place at an early date; and

(iv) the requirements of paragraph 290 (ii)-(vii) are met.

### **Extension of stay as a fiancé(e) or proposed civil partner**

294. An extension of stay as a fiancé(e) or proposed civil partner may be granted for an appropriate period with a prohibition on employment to enable the marriage or civil partnership to take place provided the Secretary of State is satisfied that each of the requirements of paragraph 293 is met.



### **Refusal of extension of stay as a fiancé(e) or proposed civil partner**

295. An extension of stay is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 293 is met.

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## **Unmarried and same-sex partners**

### **Leave to enter as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement**

295AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as an unmarried or same-sex partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the United Kingdom or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

## **Requirements for leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement**

295A. The requirements to be met by a person seeking leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement, are that:

(i) (a)(i) the applicant is the unmarried or same-sex partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement and the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for two years or more; and

\_\_\_ (ii) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(a) the applicant is aged 65 or over at the time he makes his application; or

(b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or

(c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

\_\_\_ (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or



\_\_\_ \_\_ (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; the British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; or

\_\_\_ \_\_ (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) Ecctis has confirmed that the qualification was taught or researched in English, or

\_\_\_ \_\_ (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English. or

\_\_\_ (b)(i) the applicant is the unmarried or same-sex partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the United Kingdom and is on the same occasion seeking admission to the United Kingdom for the purposes of settlement and the parties have been living together outside the United Kingdom in a relationship akin to marriage or civil partnership which has subsisted for 4 years or more; and



\_\_\_(b)(ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and

\_\_\_(b)(iii) DELETED

(ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and

(iii) the parties are not involved in a consanguineous relationship with one another; and

(iv) DELETED

(v) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(vi) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vii) the parties intend to live together permanently; and

(viii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity; and

(ix) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs 295B - 295I, a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the United Kingdom, is to be regarded as present and settled in the United Kingdom.

**Leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement**



295B. A person seeking leave to enter the United Kingdom as the unmarried or same-sex partner of a person present and settled in the United Kingdom or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person who meets the requirements of paragraph 295A(i)(a)(i), and one of the requirements of paragraph 295A(i)(a)(ii)-(vi) be admitted for an initial period not exceeding 27 months, or
- (b) in the case of a person who meets all of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom, be admitted for an initial period not exceeding 27 months, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.



## **Refusal of leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement**

295C. Leave to enter the United Kingdom with a view to settlement as the unmarried or same-sex partner of a person present and settled in the United Kingdom or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met.

## **Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

## **Requirements for leave to remain as the unmarried or same-sex partner of a person**

## present and settled in the United Kingdom

295D. The requirements to be met by a person seeking leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom are that:

(i) the applicant has or was last granted limited leave to enter or remain in the United Kingdom which was given in accordance with any of the provisions of these Rules, unless:

(a) as a result of that leave he would not have been in the United Kingdom beyond 6 months from the date on which he was admitted to the United Kingdom; or

(b) the leave was granted as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and

(ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and

(iii) the applicant is the unmarried or same-sex partner of a person who is present and settled in the United Kingdom; and

(iv) the applicant must not be in the UK in breach of immigration laws (except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded); and

(v) the parties are not involved in a consanguineous relationship with one another; and

(vi) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for two years or more; and

(vii) the parties' relationship pre-dates any decision to deport the applicant, recommend him for deportation, give him notice under Section 6(2) of the Immigration Act 1971, or give directions for his removal under section 10 of the Immigration and Asylum Act 1999; and

(viii) there will be adequate accommodation for the parties and any dependants without



recourse to public funds in accommodation which they own or occupy exclusively; and

(ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(x) the parties intend to live together permanently; and

(xi) (a) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(i) the applicant is aged 65 or over at the time he makes his application; or

(ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or;

(iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(xi) (b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; Malta; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or

(xi) (c) the applicant has obtained an academic qualification (not a professional or vocational qualification) which either:

(i) is a UK Bachelor's degree, Master's degree or PhD; or

(ii) is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; The British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New





Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the USA; Malta; and provides the specified documents; or

(xi) (d) the applicant has obtained an academic qualification which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(i) provides the specified evidence to show he has the qualification, and

(ii) if awarded outside of the UK, Ecctis has confirmed that the qualification was taught or researched in English, or

(xi) (e) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis, if awarded outside of the UK to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(i) he has the qualification, and

(ii) that the qualification was taught or researched in English.



### **Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295E. Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom may be granted for a period of 2 years in the first instance provided that the Secretary of State is satisfied that each of the requirements of paragraph 295D are met.

### **Refusal of leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295F. Leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295D is met.



## **Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

### **Requirements for indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295G. The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in the United Kingdom are that:

- (i)(a) the applicant was admitted to the United Kingdom for a period not exceeding 27 months or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and has completed a period of 2 years as the unmarried or same-sex partner of a person present and settled here; or
  - (b) the applicant was admitted to the UK or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker; and then obtained an extension of stay under paragraphs 295AA to 295F of these Rules; and the person has completed a period of 2 years as the unmarried or same-sex partner of the person who is now present and settled here; or
  - (c) the applicant was admitted to the United Kingdom in accordance with leave granted under paragraph 295B(c) of these rules; or
  - (d) the applicant was admitted into the UK in accordance with paragraph 319O and has completed a period of 2 years limited leave as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the unmarried or same-sex partner of a former refugee or beneficiary of humanitarian protection who is now a British Citizen.
- (ii) the applicant is still the unmarried or same-sex partner of the person he was admitted or granted an extension of stay to join and the relationship is still subsisting; and



- (iii) each of the parties intends to live permanently with the other as his partner; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.



### **Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295H. Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 295G is met.

### **Refusal of indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom**

295I. Indefinite leave to remain as the unmarried or same-sex partner of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 295G is met.

### **Leave to enter or remain as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270**

### **Requirements for leave to enter or remain as the unmarried or same-sex partner of a person with**

## **limited leave to enter or remain in the United Kingdom under paragraphs 128-193; 200-239; or 263-270**

295J-295L. DELETED.

## **Indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom**

### **Requirements for indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom**

295M. DELETED.

## **Indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom**

295N. DELETED.

## **Refusal of indefinite leave to remain for the bereaved unmarried or same-sex partner of a person present and settled in the United Kingdom**

295O. DELETED.

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## **Children**

296. Nothing in these Rules shall be construed as permitting a child to be granted entry clearance, leave to enter or remain, or variation of leave where his parent is party to a polygamous marriage or civil partnership and any application by that parent for admission or leave to remain for settlement or with a view to settlement would be refused pursuant to paragraphs 278 or 278A.

## **Leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative**



## **present and settled or being admitted for settlement in the United Kingdom**

### **Requirements for indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom**

297. The requirements to be met by a person seeking indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom are that he:

(i) is seeking leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances:

- (a) both parents are present and settled in the United Kingdom; or
- (b) both parents are being admitted on the same occasion for settlement; or
- (c) one parent is present and settled in the United Kingdom and the other is being admitted on the same occasion for settlement; or
- (d) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is dead; or
- (e) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
- (f) one parent or a relative is present and settled in the United Kingdom or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and



(iv) can, and will, be accommodated adequately by the parent, parents or relative the child is seeking to join without recourse to public funds in accommodation which the parent, parents or relative the child is seeking to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents, or relative the child is seeking to join, without recourse to public funds; and

(vi) holds a valid United Kingdom entry clearance for entry in this capacity; and

(vii) does not fall for refusal under the general grounds for refusal.

### **Requirements for indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom**



298. The requirements to be met by a person seeking indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom are that he:

(i) is seeking to remain with a parent, parents or a relative in one of the following circumstances:

(a) both parents are present and settled in the United Kingdom; or

(b) one parent is present and settled in the United Kingdom and the other parent is dead; or

(c) one parent is present and settled in the United Kingdom and has had sole responsibility for the child's upbringing or the child normally lives with this parent and not their other parent; or

(d) one parent or a relative is present and settled in the United Kingdom and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) has or has had limited leave to enter or remain in the United Kingdom, and

(a) is under the age of 18; or

(b) was given leave to enter or remain with a view to settlement under paragraph 302 or Appendix FM; or

(c) was admitted into the UK in accordance with paragraph 319R and has completed a period of 2 years limited leave as the child of a refugee or beneficiary of humanitarian protection who is now present and settled in the UK or as the child of a former refugee or beneficiary of humanitarian protection who is now a British Citizen, or

(d) the applicant has limited leave to enter or remain in the United Kingdom in accordance with paragraph 319X, as the child of a relative with limited leave to remain as a refugee or beneficiary of humanitarian protection in the United Kingdom and who is now present and settled here; or

(e) was last given limited leave to remain under paragraph 298A; or

(f) was last given entry clearance or permission to stay under Appendix Adoption or the adopted children rules in this Part; and

(iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds in accommodation which the parent, parents or relative the child was admitted to join, own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds; and

(vi) does not fall for refusal under the general grounds for refusal, and



(vii) if aged 18 or over, was admitted to the United Kingdom under paragraph 302, or Appendix FM, or 319R or 319X and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom in accordance with Appendix KoLL.

298A. If an applicant does not meet the requirements of paragraph 298 only because:

(a) the applicant does not meet the requirement in paragraph 298(vi) by reason of a sentence or disposal of a type mentioned in paragraph 9.4.3. of Part 9 of these Rules; or

(b) an applicant aged 18 or over does not meet the requirement in paragraph 298(vii); or

(c) the applicant would otherwise be refused indefinite leave to remain under paragraph 9.4.3. of Part 9 of these Rules, the applicant may be granted limited leave to remain for a period not exceeding 30 months and subject to a condition of no recourse to public funds.



### **Indefinite leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom**

299. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom may be granted provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 298 is met.

### **Refusal of indefinite leave to enter or remain in the United Kingdom as the child of a parent, parents or a relative present and settled or**



## **being admitted for settlement in the United Kingdom**

300. Indefinite leave to enter the United Kingdom as the child of a parent, parents or a relative present and settled or being admitted for settlement in the United Kingdom is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the child of a parent, parents or a relative present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 298 is met.



### **Requirements for limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement**

301. The requirements to be met by a person seeking limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement are that he:

(i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:

(a) one parent is present and settled in the United Kingdom or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement; or

(b) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and has had sole responsibility for the child's upbringing; or

(c) one parent is being or has been given limited leave to enter or remain in the United Kingdom with a view to settlement and there



are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

(ii) is under the age of 18; and

(iii) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) can, and will, be accommodated adequately without recourse to public funds, in accommodation which the parent or parents own or occupy exclusively; and

(iva) can, and will, be maintained adequately by the parent or parents without recourse to public funds; and

(ivb) does not qualify for limited leave to enter as a child of a parent or parents given limited leave to enter or remain as a refugee or beneficiary of humanitarian protection under paragraph 319R; and

(v) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the United Kingdom; and

(vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.



### **Limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement**

302. A person seeking limited leave to enter the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be admitted for a period not exceeding 27 months provided he is able, on arrival, to produce to the Immigration Officer a valid passport or other identity document and the applicant has entry clearance for entry in this capacity. A person seeking limited leave to remain in the United Kingdom with a view to settlement as

the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement may be given limited leave to remain for a period not exceeding 27 months provided the Secretary of State is satisfied that each of the requirements of paragraph 301 (i)-(v) is met.

### **Refusal of limited leave to enter or remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement**

303. Limited leave to enter the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the United Kingdom with a view to settlement is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 301 (i)-(v) is met.



### **Leave to enter and extension of stay in the United Kingdom as the child of a parent who is being, or has been admitted to the United Kingdom as a fiancé(e) or proposed civil partner**

#### **Requirements for limited leave to enter the United Kingdom as the child of a fiancé(e) or proposed civil partner**

303A. The requirements to be met by a person seeking limited leave to enter the United Kingdom as the child of a fiancé(e) or proposed civil partner, are that:

- (i) he is seeking to accompany or join a parent who is, on the same occasion that the child seeks admission, being admitted as a fiancé(e) or proposed civil partner, or who has been

admitted as a fiancé(e) or proposed civil partner; and

(ii) he is under the age of 18; and

(iii) he is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(iv) he can and will be maintained and accommodated adequately without recourse to public funds with the parent admitted or being admitted as a fiancé(e) or proposed civil partner; and

(v) there are serious and compelling family or other considerations which make the child's exclusion undesirable, that suitable arrangements have been made for his care in the United Kingdom, and there is no other person outside the United Kingdom who could reasonably be expected to care for him; and

(vi) he holds a valid United Kingdom entry clearance for entry in this capacity.



### **Limited leave to enter the United Kingdom as the child of a parent who is being, or has been admitted to the United Kingdom as a fiancé(e) or proposed civil partner**

303B. A person seeking limited leave to enter the United Kingdom as the child of a fiancé(e) or proposed civil partner, may be granted limited leave to enter the United Kingdom for a period not in excess of that granted to the fiancé(e) or proposed civil partner, provided that on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Where the period of limited leave granted to a fiancé(e) will expire in more than 6 months, a person seeking limited leave to enter as the child of the fiancé(e) or proposed civil partner should be granted leave for a period not exceeding six months.

### **Refusal of limited leave to enter the United Kingdom as the child of a parent who is being, or has been admitted to the United Kingdom as a fiancé(e) or proposed civil partner**

303C. Limited leave to enter the United Kingdom as the child of a fiancé(e) or proposed civil partner, is to be refused if on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.

### **Requirements for an extension of stay in the United Kingdom as the child of a fiancé(e) or proposed civil partner**

303D. The requirements to be met by a person seeking an extension of stay in the United Kingdom as the child of a fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted with a valid United Kingdom entry clearance as the child of a fiancé(e) or proposed civil partner; and
- (ii) the applicant is the child of a parent who has been granted limited leave to enter, or an extension of stay, as a fiancé(e) or proposed civil partner; and
- (iii) the requirements of paragraph 303A (ii) - (v) are met.



### **Extension of stay in the United Kingdom as the child of a fiancé(e) or proposed civil partner**

303E. An extension of stay as the child of a fiancé(e) or proposed civil partner may be granted provided that the Secretary of State is satisfied that each of the requirements of paragraph 303D is met.

### **Refusal of an extension of stay in the United Kingdom as the child of a fiancé(e) or proposed civil partner**

303F. An extension of stay as the child of a fiancé(e) or proposed civil partner is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 303D is met.

### **Children born in the United Kingdom who are not British citizens**

304. This paragraph and paragraphs 305-309 apply only to dependent children under 18 years of age who are unmarried and are not civil partners and who were born in the United Kingdom on or after 1 January 1983 (when the British Nationality Act 1981 came into force) but who, because neither of their parents was a British Citizen or settled in the United Kingdom at the time of their birth, are not British Citizens and are therefore subject to immigration control. Such a child requires leave to enter where admission to the United Kingdom is sought, and leave to remain where permission is sought for the child to be allowed to stay in the United Kingdom. If he qualifies for entry clearance, leave to enter or leave to remain under any other part of these Rules, a child who was born in the United Kingdom but is not a British Citizen may be granted entry clearance, leave to enter or leave to remain in accordance with the provisions of that other part.



### **Requirements for leave to enter or remain in the United Kingdom as the child of a parent or parents given leave to enter or remain in the United Kingdom**

305. The requirements to be met by a child born in the United Kingdom who is not a British Citizen who seeks leave to enter or remain in the United Kingdom as the child of a parent or parents given leave to enter or remain in the United Kingdom are that he:

- (i) (a) is accompanying or seeking to join or remain with a parent or parents who have, or are given, leave to enter or remain in the United Kingdom; or
  - (b) is accompanying or seeking to join or remain with a parent or parents one of whom is a British Citizen or has the right of abode in the United Kingdom; or
  - (c) is a child in respect of whom the parental rights and duties are vested solely in a local authority; and
- (ii) is under the age of 18; and
- (iii) was born in the United Kingdom; and

(iv) is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and

(v) (where an application is made for leave to enter) has not been away from the United Kingdom for more than 2 years.

## **Leave to enter or remain in the United Kingdom**

306. A child born in the United Kingdom who is not a British Citizen and who requires leave to enter or remain in the circumstances set out in paragraph 304 may be given leave to enter for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Immigration Officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where leave to remain is sought, the child may be granted leave to remain for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Secretary of State is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met. Where the parent or parents have or are given periods of leave of different duration, the child may be given leave to whichever period is longer except that if the parents are living apart the child should be given leave for the same period as the parent who has day to day responsibility for him.

307. If a child does not qualify for leave to enter or remain because neither of his parents has a current leave, (and neither of them is a British Citizen or has the right of abode), he will normally be refused leave to enter or remain, even if each of the requirements of paragraph 305 (ii)-(v) has been satisfied. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in the United Kingdom and it appears unlikely that they will be removed in the immediate future, and there is no other person outside the United Kingdom who could reasonably be expected to care for him.

308. A child born in the United Kingdom who is not a British Citizen and who requires leave to enter or remain in the United Kingdom in the circumstances set out in paragraph 304 may be given indefinite leave to enter where paragraph 305 (i)(b) or (i)(c) applies provided the Immigration Officer is satisfied



that each of the requirements of paragraph 305 (ii)-(v) is met. Where an application is for leave to remain, such a child may be granted indefinite leave to remain where paragraph 305 (i)(b) or (i)(c) applies, provided the Secretary of State is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met.

## **Refusal of leave to enter or remain in the United Kingdom**

309. Leave to enter the United Kingdom where the circumstances set out in paragraph 304 apply is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 305 is met. Leave to remain for such a child is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 305 (i)-(iv) is met.

309A. DELETED

309B. DELETED

310. DELETED

311. DELETED

312. DELETED

313. DELETED

314. DELETED

315. DELETED

316. DELETED

316A. DELETED

316B. DELETED

316C. DELETED

316D DELETED

316E DELETED

316F DELETED

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## **Parents, grandparents and other dependent relatives of persons present and settled in the United Kingdom**





## **Requirements for indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom**

317. The requirements to be met by a person seeking indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom are that the person:

(i) is related to a person present and settled in the United Kingdom in one of the following ways:

(a) parent or grandparent who is divorced, widowed, single or separated aged 65 years or over; or

(b) parents or grandparents travelling together of whom at least one is aged 65 or over; or

(c) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person settled in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or civil partner or child of the second relationship who would be admissible as a dependant; or

(d) parent or grandparent under the age of 65 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; or

(e) parents or grandparents travelling together who are both under the age of 65 if living in the most exceptional compassionate circumstances; or

(f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; and

(ii) is joining or accompanying a person who is present and settled in the United Kingdom or who is on the same occasion being admitted for settlement; and



- (iii) is financially wholly or mainly dependent on the relative present and settled in the United Kingdom; and
- (iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
- (iva) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
- (v) has no other close relatives in his own country to whom he could turn for financial support; and
- (vi) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity; and
- (vii) does not fall for refusal under the general grounds for refusal.



**Indefinite leave to enter or remain as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom**

318. Indefinite leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom may be granted provided, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

**Refusal of indefinite leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom**

319. Indefinite leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a person settled in the United Kingdom is

to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

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## **Family members of Relevant Points Based System Migrants and Appendix W Workers**

### **Partners of Relevant Points Based System Migrants and Appendix W Workers**



319AA. (a) Relevant Points Based System migrant means a T1 (Entrepreneur) or T1 (Investor)

(b) DELETED

### **319A. Purpose**

This route is for the spouse, civil partner, unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker (Partner of a Relevant Points Based System Migrant or Appendix W Worker). Paragraphs 277 to 280 of these Rules apply to spouses or civil partners of Relevant Points Based System Migrant or Appendix W Worker; paragraph 277 of these Rules applies to civil partners of Relevant Points Based System Migrant or Appendix W Worker; and paragraph 295AA of these Rules applies to unmarried and same-sex partners of Relevant Points Based System Migrant or Appendix W Worker.

### **319B. Entry to the UK**

(a) any person wishing to enter as the Partner of a relevant Points Based System Migrant Worker must on arrival in the UK have a valid entry clearance for entry under this route.

### 319C. Requirements for entry clearance or leave to remain

To qualify for entry clearance or leave to remain as the Partner of a Relevant Points Based System Migrant or Appendix W Worker, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance or leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and if applying for leave to remain, must not be an illegal entrant.
- (b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:
  - (i) has valid leave to enter or remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (ii) is, at the same time, being granted entry clearance or leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or
  - (iii) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or is at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, where the applicant is applying for further leave to remain, or has been refused indefinite leave to remain solely because the applicant has not met the requirements of paragraph 319E(g), and was last granted leave:
    - (1) as the partner of that same Relevant Points Based System Migrant or Appendix W Worker: or
    - (2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules; or



(iv) has become a British Citizen where prior to that they held indefinite leave to Remain as a Relevant Points Based System Migrant or Appendix W Worker and where the applicant is applying for further leave to remain, or has been refused indefinite leave to remain solely because the application has not met the requirements of paragraph 319E(g), and was last granted leave:

(1) as the partner of that same Relevant Points Based System Migrant or Appendix W Worker, or

(2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules.



(c) An applicant who is the unmarried or same-sex partner of a Relevant Points Based System Migrant or Appendix W Worker must also meet the following requirements:

(i) any previous marriage or civil partnership or similar relationship by the applicant or the Relevant Points Based System Migrant or Appendix W Worker with another person must have permanently broken down,

(ii) the applicant and the Relevant Points Based System Migrant or Appendix W Worker must not be so closely related that they would be prohibited from marrying each other in the UK, and

(iii) the applicant and the Relevant Points Based System Migrant or Appendix W Worker must have been living together in a relationship similar to marriage or civil partnership for a period of at least 2 years.

(d) The marriage or civil partnership, or relationship similar to marriage or civil partnership, must be genuine and subsisting at the time the application is made.

(e) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must intend to live with the other as their spouse or civil partner, unmarried or same-sex partner throughout the applicants stay in the UK.

(f) The applicant must not intend to stay in the UK beyond any period of leave granted to the Relevant Points Based System Migrant or Appendix W Worker.

(g) Unless the applicant is applying as the Partner of a Relevant Points Based System Migrant who is a Tier 1 (Investor) Migrant, there must be a sufficient level of funds available to the applicant, as set out in Appendix E.

(h) An applicant who is applying for leave to remain must not have last been granted:

(i) entry clearance or leave as a:

(a) visitor, including where they entered the United Kingdom from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended by the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014) on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters "BIVS" for the purpose of travelling and staying in the Republic for a period of 90 days or fewer; or

(b) short-term student or short term student (child); or

unless the applicant is applying as the Partner of a Relevant Points Based System Migrant who has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii);

(ii) temporary admission;

(iii) temporary release; or

(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.

(i) DELETED



(j) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

(k) Where the applicant is 18 years of age or older and seeking entry clearance as the partner of a person specified below, the applicant must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months (whether continuously or in total) or more in the past 10 years, while aged 18 or over. This requirement does not need to be met where the Secretary of State is satisfied, by way of an explanation provided in or with the application, that it is not reasonably practicable for the applicant to obtain a certificate from the relevant authority.

(1) For the purposes of sub-paragraph (k), a specified person is a person who is seeking, or has been granted, entry clearance or leave to remain as a:

- (a) Tier 1 (Entrepreneur) Migrant,
- (b) Tier 1 (Investor) Migrant,
- (c) DELETED

(m) If the applicant has failed to provide a criminal record certificate or an explanation in accordance with sub-paragraph (k), the decision maker may contact the applicant or his representative in writing, and request the certificate(s) or explanation. The requested certificate(s) or explanation must be received at the address specified in the request within 28 calendar days of the date of the request.

### **319D. Period and conditions of grant**

(a) (i) Entry clearance or limited leave to remain will be granted for a period which expires on the same day as the leave granted to the Relevant Points Based System Migrant or Appendix W Worker, or

(ii) If the Relevant Points-Based System Migrant or Appendix W Worker has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or where the Relevant Points-Based





System Migrant or Appendix W Worker has since become a British Citizen, leave to remain will be granted to the applicant for a period of 3 years.

(b) Entry clearance and leave to remain under this route will be subject to the following conditions:

- (i) no recourse to public funds,
- (ii) DELETED
- (iii) DELETED
- (iv) DELETED
- (v) no employment as a professional sportsperson (including as a sports coach),
- (vi) study subject to the ATAS condition in Appendix ATAS where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires.



### **319E. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain as the Partner of a Relevant Points Based System Migrant or Appendix W Worker, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### **Requirements:**

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:
  - (i) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker; or
  - (ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.

(c) The applicant must have, or have last been granted, leave as the partner of the Relevant Points Based System Migrant or Appendix W Worker who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.

(d) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must have been living together in the UK in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least a continuous period of 5 years, during which the applicant must:

(a) have been in a relationship with the same Relevant Points Based System Migrant or Appendix W Worker for this entire period,

(b) have spent the most recent part of the 5 year period with leave as the Partner of that Relevant Points Based System Migrant or Appendix W Worker, and during that part of the period have met all of the requirements of paragraph 319C(a) to (e),

(c) have spent the remainder of the 5 year period, where applicable, with leave as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules, and

(d) not have been absent from the UK for more than 180 days during any 12 month period in the continuous period, except that:

(1) any absence from the UK for the purpose of assisting with a national or international humanitarian or environmental crisis



overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s), and

(2) any absence from the UK during periods of leave granted under the Rules in place before 11 January 2018 shall not count towards the 180 days; and

(3) for any applicant who has or has had leave as the dependant partner of a Tier 2 (General) migrant, where the Tier 2 migrant's Certificate of Sponsorship Checking Service entry shows that they were sponsored to work in any PhD level occupation listed in paragraph 245AAA(za) of these rules when the absence occurred, any absence of the applicant from the UK to accompany their partner while the partner carried out research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their partner's sponsor showing that:

(a) research was the purpose of the partner's absence(s); and

(b) the partner's sponsor agreed to the partner's absence(s) for that purpose; and

(c) the absence(s) were directly related to the Tier 2 employment in the UK.

(4) for any applicant who has leave as a PBS partner of a settled migrant who, at the point they applied for settlement, held leave as a Tier 2 (General) migrant, where the Certificate of Sponsorship Checking Service entry showed that they were sponsored to work in any PhD level occupation listed in paragraph 245AAA(za) of these rules, any absence from the UK to accompany the settled migrant for the purpose of their research activities overseas shall not count towards the 180 days, if the applicant provides evidence from their settled partner's employer showing that:

(a) the settled partner remained working in a PhD level occupation listed in



paragraph 245AAA(za) of these rules during the period of absence(s);

(b) research was the purpose of the partner's absence(s); and

(c) the settled partner's employer agreed to the absence(s) for that purpose; and

(d) the absence(s) directly related to the settled partner's employment in the UK.

(5) for any applicant who has or has had leave as the Partner of a Tier 1 (Exceptional Talent) Migrant, or Partner of a Global Talent migrant, where the Tier 1 or Global Talent migrant was endorsed by The Royal Society, The British Academy, The Royal Academy of Engineering, or UK Research and Innovation, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days if it occurred while the applicant held this leave.

(6) for any applicant who has leave as the Points Based System Partner or Appendix W Partner of a settled migrant who, at the point they applied for settlement, held leave as a Tier 1 (Exceptional Talent) Migrant or Global Talent migrant, where they were endorsed by The Royal Society, The British Academy, The Royal Academy of Engineering, UK Research and Innovation, any absence from the UK for the purpose of research activities overseas shall not count towards the 180 days.

Any time spent lawfully in the Bailiwick of Guernsey, Bailiwick of Jersey or the Isle of Man shall be deemed to be time spent in the UK.

(e) The marriage or civil partnership, or relationship similar to marriage or civil partnership, must be genuine and subsisting at the time the application is made.

(f) The applicant and the Relevant Points Based System Migrant or Appendix W Worker must intend to live permanently with the other as their spouse or civil partner, unmarried or same-sex partner.

(g) The applicant has demonstrated sufficient knowledge of the English language and sufficient



knowledge about life in the United Kingdom, in accordance with Appendix KoLL.

(h) DELETED

(i) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

## **Children of relevant points-based system migrants or Appendix W Worker**

### **319F. Purpose**

This route is for the children of a Relevant Points Based System Migrant or Appendix W Worker who are under the age of 18 when they apply to enter under this route. Paragraph 296 of these Rules applies to children of a Relevant Points Based System Migrants or Appendix W Workers.



### **319G. Entry to the UK**

(a) Subject to paragraph (b), all migrants wishing to enter as the Child of a relevant Points Based System Migrant or Appendix W Worker must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

(b) DELETED

### **319H. Requirements for entry clearance or leave to remain**

To qualify for entry clearance or leave to remain under this route, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance or leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

### **Requirements:**

(a) The applicant must not fall for refusal under the general grounds for refusal, and if applying for leave to remain, must not be an illegal entrant.

(b) The applicant must be the child of a parent who has, or is at the same time being granted, valid entry clearance, leave to enter or remain, or indefinite leave to remain, as:

(i) a Relevant Points Based System Migrant or Appendix W Worker, or

(ii) the partner of a Relevant Points Based System Migrant or Appendix W Worker.

or who has obtained British citizenship having previously held indefinite leave to remain as above.

(c) The applicant must be under the age of 18 on the date the application is made, or if over 18 and applying for leave to remain, must have, or have last been granted, leave as the child of a Relevant Points Based System Migrant or Appendix W Worker or as the child of the parent who had leave under another category of these Rules and who has since been granted, or, is at the same time being granted, leave to remain as a Relevant Points Based System Migrant or Appendix W Worker.

(d) The applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life and, if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met.

(e) The applicant must not intend to stay in the UK beyond any period of leave granted to the Relevant Points Based System Migrant or Appendix W Worker parent.

(f) Both of the applicant's parents must either be lawfully present (other than as a visitor) in the UK, or being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant or one parent must be lawfully present (other than as a visitor) in the UK and the other is being granted entry clearance or leave to remain (other than as a visitor) at the same time as the applicant, unless:



(i) The Relevant Points Based System Migrant or Appendix W Worker is the applicant's sole surviving parent, or

(ii) The Relevant Points Based System Migrant or Appendix W Worker parent has and has had sole responsibility for the applicant's upbringing, or

(iii) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care.

(g) Unless the applicant is applying as the Child of a Relevant Points Based System Migrant who is a Tier 1 (Investor) Migrant, there must be a sufficient level of funds available to the applicant, as set out in Appendix E.

(h) An applicant who is applying for leave to remain must not have last been granted:

(i) entry clearance or leave as a:

(a) visitor, including where they entered the United Kingdom from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended by the Immigration (Control of Entry through Republic of Ireland) (Amendment) Order 2014) on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters "BIVS" for the purpose of travelling and staying in the Republic for a period of 90 days or fewer; or

(b) short-term student (child)

(ii) temporary admission;

(iii) temporary release; or

(iv) after the date on which paragraph 1 of Schedule 10 to the Immigration Act 2016 is commenced, a grant of immigration bail in circumstances in which temporary admission or temporary release would previously have been granted.

(i) DELETED





(j) DELETED

(k) If the applicant is a child born in the UK to a Relevant Points Based System migrant or Appendix W Worker and their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

(l) All arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations.

(m) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.



### **319H-SD Specified documents and information**

Applicants who are over the age of 16 on the date the application is made must provide the following specified documents and information:

(a) The applicant must provide two items from the list below confirming his residential address:

- (i) bank statements,
- (ii) credit card bills,
- (iii) driving licence,
- (iv) NHS Registration document,
- (v) letter from his current school, college or university, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation.

(b) The documents submitted must be from two separate sources and dated no more than one calendar month before the date of the application.

(c) If the applicant pays rent or board, he must provide details of how much this amounts to each calendar month.

(d) If the applicant is residing separately from the Relevant Points Based System Migrant or Appendix W Worker, he must provide:

(i) reasons for residing away from the family home. Where this is due to academic endeavours he must provide confirmation from his university or college confirming his enrolment and attendance on the specific course, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation,

(ii) the following evidence that he has been supported financially by his parents whilst residing away from the family home:

(1) bank statements for the applicant covering the three months before the date of the application clearly showing the origin of the deposits; and

(2) bank statements for the applicant's parent covering the three months before the date of the application also showing corroborating payments out of their account.



### **319I. Period and conditions of grant**

(a) Entry clearance and leave to remain will be granted for:

(i) a period which expires on the same day as the leave granted to the parent whose leave expires first, or

(ii) Where both parents have, or are at the same time being granted, indefinite leave to remain, or have since become British citizens, leave to remain will be granted to the applicant for a period of 3 years.

(b) Entry clearance and leave to remain under this route will be subject to the following conditions:

(i) no recourse to public funds,

(ii) DELETED

(iii) DELETED

(iv) no employment as a professional sports person (including as a sports coach).

### 319J. Requirements for indefinite leave to remain

To qualify for indefinite leave to remain under this route, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

#### Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must be the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:
  - (i) a Relevant Points Based System Migrant or Appendix W Worker, or
  - (ii) the partner of a Relevant Points Based System Migrant or Appendix W Worker.
- (c) The applicant must have, or have last been granted, leave as the child of or have been born in the United Kingdom to, the Relevant Points Based System Migrant or Appendix W Worker, or the partner of a Relevant Points Based System Migrant or Appendix W Worker who is being granted indefinite leave to remain.
- (d) The applicant must not be married or in a civil partnership, must not have formed an independent family unit, and must not be leading an independent life, and if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met.
- (e) Both of an applicant's parents must either be lawfully settled in the UK, or being granted indefinite leave to remain at the same time as the applicant, unless:
  - (i) The Relevant Points Based System Migrant or Appendix W Worker is the applicant's sole surviving parent, or



(ii) The Relevant Points Based System Migrant or Appendix W Worker parent has and has had sole responsibility for the applicant's upbringing, or

(iii) there are serious and compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made for the applicant's care, or

(iv) One parent is, at the same time, being granted indefinite leave to remain as a Relevant Points Based System Migrant or Appendix W Worker, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant, and the applicant was granted leave as the child of a Relevant Points Based System Migrant under the Rules in place before 9 July 2012.



(f) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.

(g) If the applicant is a child born in the UK to a Relevant Points Based System migrant or Appendix W Worker and their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

(h) All arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations.

(i) The applicant must not be in the UK in breach of immigration laws except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded.

Please note in the printed version of CM5829 these points appear in error numbered as an alternative version of 316D (iii) and (iv).

## **Other family members of persons with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

### **Requirements for leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

319L. The requirements to be met by a person seeking leave to enter the United Kingdom as the spouse or civil partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that:



(i)

(a) the applicant is married to or the civil partner of a person who has limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection granted such status under the immigration rules and the parties are married or have formed a civil partnership after the person granted asylum or humanitarian protection left the country of his former habitual residence in order to seek asylum or humanitarian protection; and

(b) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(i) the applicant is aged 65 or over at the date he makes his application; or

(ii) the Secretary of State or Entry Clearance Officer considers that the applicant has a physical or mental

condition that would prevent him from meeting the requirement; or

(iii) the Secretary of State or entry Clearance officer considers there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or

(iv) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas Territories; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; USA; Malta; or

(v) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; the British Overseas Territories; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; Malta; and provides the specified documents; or

(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) Ecctis has confirmed that the degree was taught or researched in English, or



(vii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English; and

(ii) the parties to the marriage or civil partnership have met; and

(iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

319M. Leave to enter the United Kingdom as the spouse or civil partner of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements of paragraph 319I (i) - (vi) are met.

319N. Leave to enter the United Kingdom as the spouse or civil partner of a refugee or beneficiary of humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 319L(i) - (vi) are met.

**Requirements for leave to enter the United Kingdom as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**





3190. The requirements to be met by a person seeking leave to enter the United Kingdom as the unmarried or same-sex partner of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that:

(i)

(a) the applicant is the unmarried or same-sex partner of a person who has limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection granted such status under the immigration rules, and the parties have been living together in a relationship akin to either a marriage or civil partnership subsisting for two years or more after the person granted asylum or humanitarian protection left the country of his former habitual residence in order to seek asylum or humanitarian protection; and

(b) the applicant provides an English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for these purposes, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

(i) the applicant is aged 65 or over at the time he makes his application;

(ii) the Secretary of State or entry Clearance officer considers that the applicant has a physical or mental condition that would prevent him from meeting the requirement;

(iii) the Secretary of State or Entry Clearance Officer considers there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;

(iv) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; the British Overseas



Territories, Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; USA; Malta;

(v) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; the British Overseas Territories, Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; Malta; and provides the specified documents; or

(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) Ecctis has confirmed that the degree was taught or researched in English, or

(vii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Masters degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English; and

(ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and



(iii) the parties are not involved in a consanguineous relationship with one another; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the parties intend to live together permanently; and

(vii) the applicant holds a valid United Kingdom entry clearance for entry in this capacity.

319P. Leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements of paragraph 319O (i) - (vii) are met.

319Q. Leave to enter the United Kingdom as the unmarried or same-sex partner of a refugee or beneficiary of humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 319O (i) - (vii) are met.

### **Requirements for leave to enter the United Kingdom as the child of a parent or parents given limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection**

319R. The requirements to be met by a person seeking leave to enter the United Kingdom as the child of a parent or parents given limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection, are that the applicant:

(i) is the child of a parent or parents granted limited leave to enter or remain as a refugee or beneficiary of humanitarian protection granted as such under the immigration rules; and

(ii) is under the age of 18, and



(iii) is not leading an independent life, is unmarried, is not in a civil partnership, and has not formed an independent family unit; and

(iv) was conceived after the person granted asylum or humanitarian protection left the country of his habitual residence in order to seek asylum in the UK; and

(v) can, and will, be accommodated adequately by the parent or parents the child is seeking to join without recourse to public funds in accommodation which the parent or parents the child is seeking to join, own or occupy exclusively; and

(vi) can, and will, be maintained adequately by the parent or parents the child is seeking to join, without recourse to public funds; and

(vii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity.



319S. limited leave to enter the United Kingdom as the child of a refugee or beneficiary of humanitarian protection may be granted for 63 months provided the Immigration Officer is satisfied that each of the requirements in paragraph 319R (i)-(vii) are met.

319T. Limited leave to enter the United Kingdom as the child of a refugee or beneficiary humanitarian protection is to be refused if the Immigration Officer is not satisfied that each of the requirements in paragraph 319R (i) - (vii) are met.

**Requirements for indefinite leave to remain in the United Kingdom as the spouse or civil partner, unmarried or same - sex partner or child of a refugee or beneficiary of humanitarian protection present and settled in the United Kingdom**

319U. To qualify for indefinite leave to remain in the UK, an applicant must meet the requirements set out in paragraph 287 if the applicant is a spouse or civil partner, paragraph 295G if they are an unmarried or same-sex partner, or 298 if the applicant is a child and the sponsor must be present and settled in the United Kingdom at the time the application is made. if an applicant meets

the requirements as set out in the relevant paragraphs, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

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## **Parents, grandparents and other dependent relatives of persons with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection**

### **Requirements for leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection**



319V. The requirements to be met by a person seeking leave to enter or remain in the United Kingdom as the parent, grandparent or other dependent relative of a person with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection are that the person:

- (i) is related to a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom in one of the following ways:
  - (a) parent or grandparent who is divorced, widowed, single or separated aged 65 years or over; or
  - (b) parents or grandparents travelling together of whom at least one is aged 65 or over; or
  - (c) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person with limited leave to enter or remain in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or

civil partner or child of the second relationship who would be admissible as a dependant; or

(d) a parent or grandparent under the age of 65 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; or

(e) parents or grandparents travelling together who are both under the age of 65 if living in the most exceptional compassionate circumstances; or

(f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the United Kingdom in the most exceptional compassionate circumstances; and

(ii) is joining a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and

(iii) is financially wholly or mainly dependent on the relative who has limited leave to enter or remain as a refugee or beneficiary of humanitarian protection in the United Kingdom; and

(iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and

(v) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and

(vi) has no other close relatives in his own country to whom he could turn for financial support; and

(vii) if seeking leave to enter, holds a valid United Kingdom entry clearance for entry in this capacity, or, if seeking leave to remain, holds valid leave to remain in another capacity.

319VA. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted for 5 years provided on arrival, a valid passport or other identity



document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319V (i)-(vii) is met.

319VB. Limited leave to enter the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if, on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity. Limited leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319V (i)-(vii) is met.

**Requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom or of a former refugee or beneficiary humanitarian protection, who is now a British Citizen.**

319W. The requirements for indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is now present and settled in the United Kingdom or who is now a British Citizen are that:

- (i) the applicant has limited leave to enter or remain in the United Kingdom in accordance with paragraph 319V as a dependent relative of a refugee or beneficiary of humanitarian protection with limited leave to enter or remain in the United Kingdom; and





- (ii) the sponsor the applicant was admitted to join is now present and settled in the United Kingdom, or is now a British Citizen; and
- (iii) the applicant is financially wholly or mainly dependent on the relative who is present and settled in the United Kingdom; and
- (iv) the applicant can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and
- (v) the applicant can, and will, be maintained adequately, together with any dependants, without recourse to public funds; and
- (vi) the applicant has no other close relatives in their country of former habitual residence to whom he could turn for financial support; and
- (vii) does not fall for refusal under the general grounds for refusals.



319WA. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a refugee or beneficiary of humanitarian protection who is present and settled in the United Kingdom, or who is now a British Citizen may be granted provided the Secretary of State is satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

319WB. Indefinite leave to remain in the United Kingdom as the parent, grandparent or other dependent relative of a person present and settled in the United Kingdom is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 319W (i)-(vii) is met.

**Requirements for leave to enter or remain in the United Kingdom as the child of a relative with limited leave to enter or remain in the United Kingdom as a refugee or beneficiary of humanitarian protection.**

319X. DELETED

319XA. DELETED

## Granting leave to enter or remain where there are exceptional circumstances

319XAA. DELETED

319XB. DELETED

## Requirements for indefinite leave to remain in the United Kingdom as the child of a relative who is present and settled in the United Kingdom or as a former refugee or beneficiary of humanitarian protection who is now a British Citizen

319Y. DELETED



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