

Your family's immigration

26 August 2011

The information in this Information Sheet is based on the “[Points Based System – Dependants Policy Guidance](#)” as at 4 July 2011 (on the website of the UK Border Agency). Please ensure that you are referring to the latest version of the “[Points Based System – Dependants Policy Guidance](#)” and the “[Immigration Rules](#)”

Who is this information for?

This information is for you if you have, or are applying for, Tier 4 immigration permission. If you applied for your immigration permission before 31 March 2009, and you are not applying for further permission, please see instead [Your family's immigration if you do not have Tier 4 leave](#)

If you are a European Economic Area (EEA) or Swiss national, or if you are in the UK as the family member of such a person, this Information Sheet does not apply to you. Please see instead [EEA and Swiss Students](#).

Who can be a Tier 4 dependant?

The only family members who can make applications as your 'dependants' are:

- Partners - the following are described collectively as 'partners', in the information that the UK immigration authorities provide about the Points Based System, and in this Information Sheet. Your must both be at least 18 years old when you arrive in the UK, if you have not yet come to the UK. Partners are:
 - your husband or wife
 - your civil partner. This means you are a same-sex couple who has registered your partnership to gain formal legal recognition of your relationship. For information about partnerships in countries outside the UK that are treated as civil partnerships, see the UK Lesbian and Gay Immigration Group website <http://www.uklgig.org.uk/partnership.htm>)
 - your unmarried or same-sex partner. To be unmarried or same-sex partners, you need to have been living together in a relationship similar to marriage or civil partnership for a period of at least two years. You will be expected to provide evidence of this.
- Your child or children
 - children must be less than 18 years old, or
 - 18 years old or more, but already in the UK with immigration permission as a dependant child . If your current immigration permission is not permission granted under the Points Based System, you must be applying at the same time as your child for permission under the Points Based System.
- Only Tier 4 (General) Students are entitled to have 'dependants' with them in the UK. Tier 4 (Child) Students cannot

Who can apply

Your dependants (as described above), can apply for immigration permission to join or remain with you only if:

- You are government-sponsored and your course is over six months long OR
- You are doing a [postgraduate level course](#) of 12 months or longer at a [Higher Education](#)

Institution OR

- You had Tier 4 or pre-Tier 4 student leave for your previous course where the course was over six months long AND
 - your permission is current or expired no more than three months before this immigration application AND
 - your new immigration application is for a course over six months long AND
 - your dependants already have Tier 4 dependant or "student" dependant leave AND
 - you apply for immigration permission at the same time as your dependant

How to apply

If your dependants are currently outside the UK, or are in the UK, but not as your dependants

- Your dependants must apply for 'entry clearance' from the British authorities in their home country before they travel to the UK.
- Each dependant must complete a separate application form, and pay a fee which is the equivalent of £255 in local currency.
- They need to complete application form VAF10, which is available on the UK Border Agency's Visa Services website www.ukvisas.gov.uk/en/howtoapply/vafs/ They should also refer to the 'PBS Dependant Guidance Notes' that are available on the same web page, when completing the form, and the 'Points Based System - Dependants Policy Guidance' (www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants).

If your dependants are already in the UK, with immigration permission as your dependants

- Your dependant can apply to extend their stay from inside the UK. They should make their application to the UK Border Agency before their current immigration permission expires on form PBS (Dependant). This can be downloaded from the UK Border Agency website www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants.
- They need to read the '[Points Based System Dependants – Policy Guidance](#)', which they can download from the same web page. Each dependant needs to fill in a separate form. Note that when the form asks for the 'main applicant's' details, you (the student) are the main applicant.
- The fee is different, depending on whether your dependants are applying at the same time as you or separately.
 - If your dependants (except for children aged 18 or over) apply at the same time as you make a Tier 4 application, they will each have to pay £193 if they apply by post or £351 if they apply in person.
 - If your dependants apply at a time when you are not making an application (or are children aged 18 or over whether or not they apply at the same time as you), they each have to pay £550 if they apply by post or £850 if they apply in person.
 - If they apply by post you should note that the safest way to make sure that payment of the fee is accepted is to pay using postal orders or banker's drafts. This is because payments using cards and cheques often fail, with the result that the application is treated as though you never made it.

Home Office
UK Border Agency

APPLICATION FOR AN EXTENSION OF STAY AS A DEPENDANT OF A PERSON WHO HAS LEAVE TO REMAIN UNDER THE POINTS BASED SYSTEM

FOR DEPENDANTS OF TIER 1, 2, 4 AND TIER 5 MIGRANTS. THIS IS ALSO AN APPLICATION FOR A BIOMETRIC RESIDENCE PERMIT

In accordance with paragraph 34 of the Immigration Rules, this form is specified for applications made on or after 4 July 2011.

You also need the separate guidance notes for this form. Please read them before making your application. If you do not already have them, you can get them from our website at www.ukba.homeoffice.gov.uk

Please note that changes to the Immigration Rules mean that successful applicants in this category may not be permitted to work in the UK as a doctor or lawyer. Please refer to the UK Border Agency website at www.ukba.homeoffice.gov.uk

Applications made on this form may be made by post, e-mail or in person at one of our Public Enquiry Offices. To apply in person you must make an appointment. Details of our Public Enquiry Offices can be found on our website: www.ukba.homeoffice.gov.uk/visas/peo/locations

Postal address (Tier 1 & Dependants)	Postal address (Tier 2 & Dependants)	Postal address (Tier 4 & Dependants)	Postal address (Tier 5 & Dependants)
UK Border Agency PO Box 496 Barnet Middlesex NW4 3AD	UK Border Agency PO Box 496 Barnet Middlesex NW4 3AD	UK Border Agency PO Box 496 Barnet Middlesex NW4 3AD	UK Border Agency PO Box 496 Barnet Middlesex NW4 3AD

This form is to be used for applications made on or after 4 July 2011

We have created a PDF file of the PBS (Dependant) application form, which includes our commentary and advice on completing the form. You can use for reference as you are completing your own application form. Click on the image of the form here to view it.

When you see a yellow Question Mark (?), rest your cursor on the Question Mark, and a text box will appear with advice on completing that specific question. The text boxes only work when viewed on a screen. They will not print.

Our advice is based on:

- the UK Border Agency's answers to our specific and general questions about this application form and about other Points Based System application forms
- the immigration rules and the policy guidance
- feedback about the form from international student advisers who advise students and their dependants on immigration applications
- comments and responses to queries from students and their dependants on our telephone Advice Line

Further requirements your dependants need to meet

- You must already have Tier 4 student immigration permission, or must be applying for Tier 4 student immigration permission in the same country where your dependants are making their application, at the same time as them.
- You intend to live together, and in the case of children, they are not married or in a civil partnership and have not formed an independent family unit or started leading an independent life - see 'Points Based System Dependants – Policy Guidance' for the extra evidence about this that children who are over 16 have to provide
- Your dependants do not intend to stay in the UK longer than the period you are given
- In the case of children, both parents will be lawfully living in the UK. The only exceptions are when the other parent is dead, or you have had sole responsibility for the child's upbringing, or there are other serious or compelling considerations that mean the child should be with you in the UK and you have made suitable arrangements for the child's care. If you are relying on any of these exceptions, it is important that your dependants include evidence of this with their application. This could include, for example, death certificates, divorce certificates and letters from employers
- There are not 'general grounds' for refusing them, such as the fact that they have previously broken UK immigration laws. If they think they might have previously broken UK immigration laws by, for example, staying longer than the time limit in their passport, or working when they were not allowed to, you should ask the international student adviser at your college or university for advice about whether they should apply.
- They meet strict the financial requirements - see below.

The financial requirements that your dependants must meet

- It is important that you show that you have the required maintenance funds for you and all dependants who are applying for immigration permission as your dependants. If not, all applications, including yours, will be refused.

- The general principle is that each dependant must have a certain amount of money, held in a bank or building society account, or an account with an officially regulated financial institution. All dependants will need to have evidence of this, and in most cases, your dependants must produce this evidence with their immigration application. However, those who meet the following criteria do not have to produce these documents with their immigration application:
 - You are studying with a Highly Trusted Sponsor (the Register of Tier 4 Sponsors can be downloaded from the UK Border Agency website <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/registerofsponsors/> AND
 - you are all low risk nationals (the list of low risk nationals appears in 'Points Based System - Dependants Policy Guidance' www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants) AND
 - your dependants are applying at the same time as you AND
 - your dependants are applying for entry clearance in their country of nationality or for leave to remain inside the UK AND
 - you and your dependants hold the same nationality
- The money can be held by the dependant or by you. If the dependant is your child, the funds can be held by the child's other parent, but only if the other parent will come to the UK too.
- There is an exception to this requirement if a government, the British Council, an international organisation, a company or a university is giving you money to cover your course fees or living costs. In that case, ask if they are prepared to give you a letter stating that they will cover the full maintenance costs of your dependants. If they will, then that letter on its own will mean that your dependants have met the financial requirements. There will be no requirement for them to show that they have any money at all in a bank or building society account, or in an account with an officially regulated financial institution. There are precise instructions about the format the letter must take in the 'Points Based System Dependants – Policy Guidance'. Make sure the letter complies with every one of those instructions. If they are not prepared to say in their letter that they will cover the full maintenance costs of your dependants, but they are prepared to promise them a certain amount, they should say in their letter how much they will provide for your dependants. That amount will then be deducted from the total amount of money that your dependants are expected to show in bank or building society accounts or accounts with officially regulated financial institutions.
- Each dependant must sign a declaration in the application form to say that the money for living costs will remain available to them, unless used for living costs in the UK.

The amount of money that **each** dependant must show is as follows:

- If you will study in inner London, £533 for each month that the dependant will be allowed to stay in the UK. To work out how many months they will be allowed to stay for, check how much time you have or will be given. They will be given exactly the same amount of time. If this figure is more than £4,797, they only have to show £4,797, as this has been set as a maximum figure. The Tier 4 Policy Guidance explains what counts as 'Inner London' www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/
- If you will study somewhere other than inner London, £400 for each month that the dependant will be allowed to stay in the UK. To work out how many months they will be allowed to stay for, check how much time you have or will be given. They will be given exactly the same amount of time. If this figure is more than £3,600, they will only have to show £3,600, as this has been set as a maximum figure.
- These are the figures that apply in most cases. However, if you have student-related immigration permission, which has not expired and
 - are applying for immigration permission to continue to study a course of which you have completed six months OR
 - have completed a course of study in the UK and that course was six months or more in length within your most recent period of immigration permission

the amount of money that each dependant has to show is reduced, to £1,066, if you will study in inner

London or £800 if you will study somewhere other than inner London.

The Policy Guidance is worded unclearly in respect of this. Dependant(s) should be applying for their immigration permission at the same time as you in order to benefit from being able to show a reduced amount of maintenance funds.

Evidence of funds

- The money must have been in the account for a minimum period of 28 days, and that 28-day period must not have ended more than 31 days before they apply. The UK Border Agency has confirmed that the date of the closing balance on any financial statement used in a Tier 4 application will be counted as the 28th day of the 28-day period for which the funds must have been held. They have also clarified that this day must be no more than 31 days before the date of application.

Will my dependants be entitled to work?

This will depend on whether you made your application under the old immigration system or under Tier 4. Please see our Information Sheet 'Working during your studies' www.ukcisa.org.uk/student/info_sheets/working_during_studies.php

My baby has just been born here in the UK. Do I need to make an immigration application for the baby?

Birth in the UK does not automatically make a baby a British citizen. The baby needs to have a parent with British citizenship or settled status in the UK in order to be born British.

If your baby is not a British citizen, it is quite lawful for him or her to remain in the UK without making an immigration application. The baby will need immigration permission to re-enter the UK after any travel abroad and for babies born to Tier 4 students, there are very limited instances when the baby can apply for immigration permission as your dependant.

Babies can apply for immigration permission as your dependant if:

- you are government-sponsored on a course of more than six months OR
- you are on a postgraduate course of at least 12 months at an HEI
- the baby is born during your most recent period of Tier 4 or pre-Tier 4 student permission (unless the leave was for a re-sit or re-take a module for the same course, in which case the baby does not have to have been born during your most recent period of student-related permission); OR
- the baby is born within three months of the expiry of your most recent permission.

As the Immigration Rules only allow dependants of Points Based System migrants to make an immigration application from inside the UK if they currently have, or last had, immigration permission in this capacity, it is unlikely that your baby will be able to apply for immigration permission from inside the UK. It is advisable, therefore, that if the baby is eligible to make an immigration as your dependant, that the application is made as an entry clearance application from your country of residence. If you do wish to make an immigration from inside the UK for your baby, you are advised to seek legal advice.

Dependants coming to the UK as visitors

If your dependants wish to come to visit for a period of up to six months only, they may wish to come as a visitor. Entry clearance is compulsory for anyone who wants to come for more than six months, whatever their nationality*. It is also compulsory for anyone who is a 'visa national', even if they are coming for six months or less (look at the list on the UK Border Agency Visa Services website www.ukvisas.gov.uk/en/doineedvisa/visadatvnationals to see if your family members are 'visa nationals').

*except for British Nationals (Overseas), British overseas territories citizens, British protected persons and British subjects. However, even people of these nationalities will probably want to apply for entry clearance, as the maximum period an immigration officer at the border can give them is six months, and they will have to pay a high fee for an extension inside the UK if they want to stay longer. Having entry

clearance will also ensure they avoid difficulties at the UK border.

Definitions

A higher education institution(HEI)

is defined by the UKBA as an institution with degree awarding powers; or an institution in receipt of funding as a higher education institute from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council of England, the Higher Education Funding Council of Wales, or the Scottish Funding Council; or Richmond, the American International University in London which is recognised in The Education Order 2006.

post-graduate level study

means a course at level 7 or above of the revised National Qualifications Framework or Qualifications and Credit Framework, or level 11 or above of the Scottish Credit and Qualifications Framework, which leads to a recognised United Kingdom postgraduate degree at Master's level or above, or an equivalent qualification at the same level

Further information and contacts

UK Border Agency

Website: www.ukba.homeoffice.gov.uk

Information about the immigration system of the UK. Forms for applications being made in the UK are available on the website or from the Application Forms Unit on 0870 241 0645.

UK Border Agency Visa Services

Website: www.ukvisas.gov.uk

Information about applying for entry clearance, and application forms.

UK Council for International Student Affairs

Website: www.ukcisa.org.uk

Telephone advice line: Mon-Fri 1300-1600 hours (UK time)

Tel (from within the UK): 020 7107 9922

Tel (from outside the UK): +44 20 7107 9922

We regret that we cannot advise personal callers at our offices. Please use the telephone advice line or write to us at: UKCISA, 9-17 St Albans Place, London N1 0NX, UK.

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