

Further Leave to Remain (Highly Skilled Migrant Programme) – FLR(HSMP)

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Further Leave to Remain (Highly Skilled Migrant Programme) – FLR(HSMP)

PAYMENT GUIDANCE NOTES

Valid From 30 March 2007

Section 1: Introduction

1. Applications on form FLR(HSMP) are subject to a fee, unless the applicant is exempt (see Section 4 of these notes). These guidance notes provide details of the fee and aim to help you complete the payment slip. Please note that if your employer (where applicable) or representative has agreed to pay for your application, you should not fill in any part of the payment slip. In such a case you should complete the relevant Sections between 1 to 12 of the application form and then give the form to your employer or representative so that they may make arrangements for the payment and submission of the application.

Section 2: The Fee

2. Applications made on this form must be made by post. The fee for applications made on this form is £350.
3. Please be aware that, for certain types of application, a premium service based at Croydon Public Enquiry Office may be used. However, applications for leave to remain as a Highly Skilled Migrant cannot be dealt with in this way and must, in all cases, be submitted by post or by courier.
4. The fee for the application is payable by the individual rather than their employer or representative. However, your employer (where applicable) or representative may decide to pay the fee to cover the cost of the application on your behalf.
5. If any of your dependants (i.e. your spouse, civil partner, unmarried partner, same-sex partner or child under the age of 18) are included in this application, there is no additional fee. If they apply separately they will have to pay the fee appropriate to the application they are making.

Section 3: Consideration Procedure

6. The fee charged is for the processing and consideration of the application and not for the issue of a decision, therefore the fee will not be refunded in the event that an application is withdrawn before the decision is issued. In order for the Border and Immigration Agency to be able to consider the application, the full fee must accompany the application form (unless the applicant is exempt).

7. We cannot begin the consideration process until the payment has cleared. Payments made by cheque will take five working days, credit/debit cards will take one working day and postal orders will clear immediately.

Section 4: Exemptions

8. In accordance with the 1961 Council of Europe Charter or the 1996 European Social Charter (revised), nationals of countries, which have signed and ratified the Charter are exempted from the requirement to pay the fee for applications submitted on form FLR(HSMP).
9. Therefore, individuals making such an application who are from Albania, Andorra, Armenia, Azerbaijan, Croatia, Georgia, FYR of Macedonia, Moldova, Turkey and Ukraine are exempt from the charge.
10. Details of further countries who sign and ratify the Council of Europe Charter or the European Social Charter (revised) and subsequently become exempt, will be included in our website at: www.workingintheuk.gov.uk.

Section 5: How to pay

11. If you do not fall into the exempt category, the payment must accompany the application and the payment slip must be fully and accurately completed. Payment can be made by:
 - Postal Order;
 - Cheque (personal or business);
 - Debit Card (Delta or Switch/Maestro UK only); and,
 - Credit Card (Visa or MasterCard only).

Please do not send any cash.

12. Please note that we cannot accept multiple payment methods, for example part credit card and part cheque.
13. Please note, we will not accept payment by any other means, including cheques and sterling drafts drawn on foreign banks.
14. For a payment to be valid the payment slip must be completed correctly.

Section 6: Multiple Applications

15. An employer or representative can submit up to 10 FLR(HSMP) applications in one batch, covered by one payment slip, on behalf of several individuals. The fee must be paid in respect of each applicant (unless any of the applicants are exempt).
16. For each batch of up to 10 applications, the payment slip should only be completed on one application form, which should be the first application in the batch. The remaining applications in the batch should be attached to the first application, in the order in which the applicants are listed on the payment slip. Only one payment should be included for the batch.
17. A maximum number of 10 FLR(HSMP) applications can be submitted for every payment slip under the multiple applications category. If more than 10 applications are to be submitted, they should be submitted in batches of (up to) 10 applications. A separate payment slip will need to be completed for each batch and a separate payment made for each batch. However a number of batches may be sent in one envelope. For example:
- i) An application for 7 employees requires one payment slip plus one payment of £2,450.
 - ii) An application for 25 employees should be submitted in 3 batches as follows: 2 batches of 10 applications (each batch covered by one payment slip and a payment of £3,500) and 1 batch of 5 applications (covered by a payment slip and a payment of £1,750).
18. The sums given for the payment due in the above examples assume that all the applications are to be paid for.

Section 7: Completing the Payment Slip

19. Correct completion of the payment slip is very important. Any errors may prevent the payment from being processed, and may result in the application form being returned. This will delay the consideration of the application. It is therefore imperative to complete the payment slip in accordance with the guidance below.
20. Please note that if you are exempt from payment (or, in the case of employers or representatives submitting multiple FLR(HSMP) applications where all the applicants are exempt), you do not need to complete questions 8 to 13 of the payment slip, however you must complete questions 1 to 7 even if the application is exempt from payment.

Contact Details of Payer

21. Please complete all details of the person paying for the application and who can be contacted if we have a payment enquiry in the following way:
- Question 1: contact name;
 - Question 2: contact address:
 - Line 1: house number and street name;
 - Line 2: town;
 - Line 3: county; and,
 - Question 3: postcode.
22. If you have allocated your own reference number to an application, this can be entered in question 4. However it is the Payment Reference Number (PRN) you should quote when contacting the Border and Immigration Agency regarding your application.

Details of the Applicant(s)

23. Please enter the total number of applications submitted at question 5 and the number of applications to be paid for and exempt at question 6. In question 7 only complete line 01 with the following details:
- your surname;
 - your date of birth (day/month/year, eg 31/01/1970);
 - the number of passports provided (including dependants passports if applicable);
 - the number of Police Registration Certificates (PRC) (including dependants if applicable); and,
 - indicate whether the application is paid for or exempt.
24. In question 7 employers or representatives submitting multiple FLR(HSMP) applications should set out the above information for each application (with each applicant on a separate line starting at 01).

Payment details

25. You do not need to complete questions 8 to 13 of the payment slip if the application is exempt from payment.
26. If the application is not exempt from payment please indicate the method of payment at question 8 and the amount paid at question 9, i.e. £350, also complete the relevant Sections as indicated below.

Postal Orders

27. Postal orders should be made payable to 'Home Office Work Permits (UK)' and should contain a valid post office stamp.
28. Please attach your postal orders to the front of the form.
29. We do not accept postal orders for payment of multiple FLR(HSMP) applications.

Cheque Payments

30. The cheque must be made payable to 'Home Office Work Permits (UK)' and crossed A/C Payee only.
31. Please make sure that the date and the amount (words and figures) are correct and that the cheque is signed properly.
32. Include the account number, the sort code, and the cheque number on the payment slip.
33. Please attach your cheque to the front of the form.
34. Paying by cheque will increase the time taken to process an application.

Credit or Debit Card Payments

35. Such applications should contain the card number, the amount paid, the payer's name as it appears on the card, the valid from and expiry date, the card verification value (CVV) code, signature and date.
36. The Card Verification Value (CVV) is a three-digit security code. You will find this code on the back of your card on the signature strip: it consists of the last 3 digits.



37. For Switch/Maestro UK card users the issue number must also be completed.

Section 8: Duplicate Applications

38. In the event that more than one application for the same individual is submitted, each application will be subject to the standard appropriate charge.

Section 9: Withdrawn Applications

39. Once an application has been received, the appropriate fee will be charged. If a request to withdraw the application is received after an application has been made the fee will not be refunded. It is your responsibility to ensure that you wish to enter into the application process before you submit the application form.

Section 10: Insufficient payment

40. If the payment submitted does not cover the cost of the application (or, in the case of multiple FLR(HSMP) applications, does not cover the costs of all the applications submitted) it will not be possible to consider the application. We will inform you that insufficient payment has been received, and the application and the incorrect payment will be returned to you.
41. If you do not respond with the correct payment amount within 28 days we will presume that you do not wish to pursue the application.
42. In order to avoid any delay, it is therefore important to ensure that the correct payment is submitted at the outset.
43. If an overpayment is made, the application can be accepted and we will refund the difference.

Further Leave to Remain (Highly Skilled Migrant Programme) – FLR(HSMP)

GUIDANCE NOTES Valid From 01 June 2007

SECTION 1: Introduction

1. The Highly Skilled Migrant Programme (HSMP) allows individuals with exceptional skills to seek leave to enter/remain in the UK without having a prior offer of employment. Once in the UK, individuals are permitted to take up employment or to engage in self-employment or business here.
2. Annex A of these guidance notes provides an overview of the application processes associated with initial applications made under the Highly Skilled Migrant Programme, and with applications submitted by those seeking to extend their leave to enter/remain in the UK under HSMP.

Who can apply on form FLR(HSMP)?

3. You should use this application form if you:
 - Are currently in the UK under the Highly Skilled Migrant Programme and are seeking to extend your leave within this category for a further period.
 - Are currently in the UK in another capacity and are seeking leave to remain as a Highly Skilled Migrant (ie. you wish to 'switch', in-country, from your current immigration status into HSMP). In such circumstances, you will first need to obtain separate approval letter to enter the Highly Skilled Migrant Programme before this can be considered. See Annex A for a description of this process.

Dependants

4. Form FLR(HSMP) can also be used to apply for an extension of stay (limited leave to remain) in the UK for the following dependants if they are applying at the same time as you: a spouse, civil partner, unmarried partner, same-sex partner, or child under the age of 18.
5. If your dependants apply separately to you, they will need to apply on an FLR(O) form and pay the appropriate fee, if applicable.
6. Dependent children aged 18 or over wishing to remain in the UK as your dependants need to make a separate application. For further information on this, please see our website: www.ind.homeoffice.gov.uk.

Do I need to pay a fee?

7. Yes, you must pay the correct fee as required by law. If you fail to do so, your application cannot be considered and will be returned to you. Information on the current fees and how to pay is given in the Payment Guidance Notes (pages 2 – 4).
8. There is no additional fee for any dependants included in your application.

How do I make sure my application is valid?

9. **This is very important.** Your application will be returned if it is invalid. This will delay the outcome and could also affect whether or not you have a right of appeal against the eventual decision. You will only have a right of appeal if a valid application is made before the end of your authorised stay in the UK. To make sure that your application is valid, you need to do the following:
 - Use the right form for the category in which you are applying. For details of the different FLR application forms or to obtain another form, you can telephone the Application Forms Unit on **0870 241 0645**. If you are hearing impaired, we have a freephone textphone service on **0800 3898289**. You can also download application forms from the www.workingintheuk.gov.uk website.
 - Complete the relevant sections of the form by answering and completing all the questions or ticking the boxes that apply to you, as well as to any dependants included in the application.
 - Ensure all relevant declarations are completed, signed and dated.
 - Provide all relevant documents and photographs, including passports or travel documents, needed in support of your application and those of any dependants included in the form. If you cannot provide a particular document immediately, please explain the reason(s) and tell us when you will be able to let us have the missing item. If this document is required, your application will not be processed until it is received.

10. Section 2 of these guidance notes (below) provides further details of the supporting documentation that you will need to include with your FLR(HSMP) application.

Switching Immigration Categories into the HSMP

11. You should use form FLR(HSMP) if you are currently in the UK in another immigration category and are seeking to obtain leave to remain under HSMP (ie if you are seeking to 'switch' your immigration status whilst in the UK.)
12. Applications to change immigration category into HSMP can only be approved for applicants who are in the UK where they:
- satisfy the specific Immigration Rule requirements for a grant of leave within the HSMP category; and
 - are already in the UK within one of the following categories:
 - a work permit holder;
 - a student who has successfully obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance;
 - a postgraduate doctor or dentist;
 - a working holidaymaker;
 - a participant on the Science and Engineering Graduate Scheme;
 - an innovator;
 - a participant on the Fresh Talent: Working in Scotland scheme.
13. Prior to Immigration Rules changes announced on 07 November 2006, HSMP approvals could be granted under the 'priority application process for GPs'. Applicants already in the UK for the purposes of undertaking the PLAB test, or a clinical attachment, who were granted an HSMP approval under this provision, were permitted to switch immigration categories. However, the Immigration Rules changes announced on 07 November 2006 removed the GP Priority category from HSMP with the effect that, from 08 November 2006 individuals in the UK to undertake PLAB tests/clinical placements are no longer permitted to switch into HSMP. However, those applicants in the UK to undertake a PLAB Test or a clinical attachment, who were granted an HSMP approval under the GP Priority provision prior to 08 November 2006, but whose leave to remain application is not submitted until on or after this date, will, as a concessionary arrangement, still be considered able to switch, in-country, into HSMP.

Please note - Applications submitted by individuals who are seeking to change immigration category/'switch' into HSMP, but who are not already in the UK within one of the categories specified above, will normally be refused. If you are not in the UK within one of the listed categories, you should normally be advised to leave the UK and submit an application for entry clearance on the basis of your HSMP approval letter, from overseas.

Please see Annex A for further details of the HSMP application process.

When should I apply?

If you are already in the UK in another immigration category and are switching into the Highly Skilled Migrant Programme:

14. Before making an application for an initial grant of limited leave to remain under HSMP, you should already have made a separate application for an HSMP approval letter using form HSMP1. Further information on making an application for an HSMP approval letter can be found on the Border and Immigration Agency website: www.workingintheuk.gov.uk.
15. Normally you should have received an HSMP approval letter from the Border and Immigration Agency's HSMP Team before submitting your application for limited leave to remain under HSMP using the FLR(HSMP).
16. We advise you to apply for your further leave to remain as soon as possible following notification that your HSMP approval letter has been issued **and in any event before your current leave expires**. If you apply more than six months after the date of issue of your HSMP approval letter, this letter will no longer be valid and your application will be refused. You will, in such circumstances, be required to re-apply for a new HSMP approval letter and pay the associated fee.

When can I start work?

17. You will be unable to start work until your FLR(HSMP) application has been approved, unless you already have leave to enter or leave to remain in another immigration category that allows you to continue or commence full time work.
18. If you are in any doubt, you should phone the Immigration and Nationality Enquiry Bureau on 0870 606 7766 or visit our website at www.ind.homeoffice.gov.uk before taking up employment.

Extending Leave under HSMP

19. You should also use form FLR(HSMP) if you are already in the UK as a participant on the HSMP and you wish to extend your leave within this category.

When should I apply?

20. It is important that you make your application for further leave to remain before your current leave expires. However you should, wherever possible, make your application no more than five weeks in advance of the expiry of your current leave.

Can I continue to work whilst my application is being considered?

21. You will be able to continue to work whilst your application is being considered, provided:
- You have previously been granted leave to enter or remain in the UK under the Highly Skilled Migrant Programme; and
 - You submit a valid application to extend your leave to remain under the Highly Skilled Migrant Programme before your existing leave expires.

SECTION 2: Supporting Documentation

What supporting documents should I include with my application?

22. When making an application using form FLR(HSMP), you will need to ensure you provide all the necessary supporting documentation at the time you submit your application.
23. On receipt of your application form we will ensure that the documents we need in order to consider you to have submitted a **valid application** (ie in order to accept your application for consideration) are enclosed.
24. If we accept your application as 'valid' this does not mean that all of the documentation has been provided for a successful application. It does however mean that we have accepted your fee to consider your application.
25. The documents you will need to supply fall into two categories:
 - i) Documents required from all applicants, and for the purposes of 'validating' the application; and
 - ii) Documents required only from applicants who are seeking to extend leave under HSMP and for the purposes of satisfying the Points Scoring Assessment, the mandatory English Language Requirement and (where applicable) the Transitional Arrangements for Self Employed Persons.
26. This section of the guidance notes outlines the documentation required in respect of each of the above categories, and the manner in which any documents supplied will be assessed.

Documents required for validation purposes

(Paragraphs 27 to 36 below relate to all applications submitted using form FLR(HSMP).)

27. You will only be considered to have submitted a 'valid' application if you have included with your completed application form all the relevant supporting documentation specifically listed in Section 11 (the '**Documentary Evidence**' section) of the FLR(HSMP) application form.
28. In addition to completing Section 11 (the '**Documentary Evidence**' section) of the FLR(HSMP), you should complete Section 14, the '**Documents Checklist**', which can be found on the final page of the application form. This will help us to confirm the receipt of your documents and to safeguard them whilst they are with us.

29. All documents included with your application must be originals. However, we will accept a certified photocopy for the purpose of validating your application if you cannot provide the original at the time of application and if you tell us when you will provide it. A certified copy of a document is one certified either by the issuing authority (such as a photocopy of a building society passbook certified by the building society) or by a notary.
30. We are unlikely however, to grant your application without seeing the original document
31. Please note: If all documentation required in order to 'validate' your application is not supplied at the outset, we will contact you and provide you with a relevant correspondence address to send the additional documentation to. However, if the requested documentation is not submitted within the timescale stipulated, your application will be rejected as 'invalid' and will be returned to you, together with your application fee.
32. In such circumstances, unless you are able to re-submit a complete and valid application before your existing leave expires, you will not be considered to have made an 'in-time' immigration application under Section 3C of the 1971 Immigration Act.
33. The following list should assist you in providing all the documentation required to ensure that your application is considered to be valid:
 - Two recent passport-sized photographs of yourself, with your name written on the back of each photograph;
 - Two recent passport-sized photographs of each dependant applying for an extension of stay in the UK included on your application, with each dependant's name written on the back of the photograph;

NB Passport-sized photographs supplied should measure 45mm x 35mm and should be:

- Colour photographs taken against a white background;
 - Clear and of good quality and not framed or backed;
 - Printed on normal photographic paper;
 - Full face, and without sunglasses, hat or other head covering, unless you wear this for cultural or religious reasons.
- Your current passport or travel document – if you last entered the UK on a previous passport or travel document, please also provide this document if you have it;
 - Current passport(s) or travel document(s) for each dependant applying for an extension of stay in the UK with you and included on this application form – if they last entered the UK on a previous passport(s) or travel document(s), please also provide these document(s) if you have them;

- Your police registration certificate (if you have been asked to register with the police);
 - The police registration certificate(s) of each dependant applying for an extension of stay in the UK included in your application (if they have been asked to register with the police) and included on this application form;
 - A full birth certificate (ie. one that shows the parents' names) for each dependant child for whom you are applying for an extension of stay in the UK included in your application form;
 - Your marriage certificate/civil partnership document if you are applying for an extension of stay in the UK for your spouse/civil partner;
 - If you are not married or in a civil partnership and are applying for an extension of stay in the UK for a partner (opposite-sex or same-sex), we will need to see evidence of a two-year relationship. This may include:
 - Evidence that any previous marriage, civil partnership, or similar relationship, has permanently broken down;
 - Evidence that you have been living together in a relationship similar to marriage or civil partnership for two years or more;
 - Documents showing joint commitments, such as bank accounts, investments, rent agreements or mortgages;
 - Letters linking you to the same address; and
 - Official records of your address such as your National Insurance card or health card.
34. Where any of the documents provided are not in English, the original must be accompanied by a translation certified by a recognised translator.
35. Translated documents should have an official authenticated stamp confirming that the translator belongs to a professional body.
36. Only once an application has been accepted as 'valid', will we begin to consider whether the evidence supplied satisfies the requirements for a further grant of leave under HSMP.

Documents required from existing HSMP participants only

(Paragraphs 37 to 42 below relate only to applications made by individuals who are already in the UK as HSMP participants and who are seeking to extend their leave in this category)

37. In addition to the documents listed in the preceding paragraphs, if you already have leave to enter/remain in the UK under HSMP, you will also be required to submit documentary evidence to establish the following:
- That you qualify for the award of any points being claimed under the 'Points Scoring Assessment' of your application (Section 7 of the application form);
 - That you satisfy the mandatory 'English Language Requirement' of the application (Section 9 of the application form); and
 - Where applicable, that you satisfy the requirements laid out in the 'Transitional Arrangements for Self Employment Persons Section' of the application (Section 8 of the application form).
38. You must supply the documents specified on the application form to support any statements made under each of the Sections listed in paragraph 37 above.
39. Full details of the documentary evidence that will be accepted under each of these separate sections of the application can be found in the following annexes of these guidance notes:
- **Annex B** Points Scoring Assessment
 - **Annex C** Transitional Arrangements for Self Employed Persons
 - **Annex D** English Language Requirement
40. It is extremely important that you read the above annexes carefully before attempting to complete the relevant sections of your application.
41. **Please note: You must provide all the evidence required to support your application at the outset. Where we accept that you have sent a 'valid' application, and accept your fee for consideration, we will then go on to consider your application. If the evidence required to support any of the statements made in your application is not included with it, or if the evidence you supply is not as specified on the application form, the Border and Immigration Agency will not contact you to request additional or alternative documentation. Instead we will make a decision on the basis of the documents**

supplied. Failure to submit the specified evidence in support of statements made may therefore lead to the refusal of your application.

42. When submitting documents as evidence of statements made in your application, please be selective in the documents you submit. Large amounts of irrelevant or poor quality documentation may delay the consideration of your case. It is therefore important that you only include evidence that is directly relevant to your application. Unrelated evidence will not be considered. For example, under the 'Points Scoring Assessment', points are not available for qualifications gained at school, so it is unnecessary to submit evidence of these.

Verification of evidence

43. Evidence provided with your application must be from a clear source. The Border and Immigration Agency may seek to verify the evidence provided with the source. You must ensure therefore that any evidence provided can be independently verified.
44. As part of this process of verification, the Border and Immigration Agency may contact employers, relevant UK diplomatic posts overseas and other UK government agencies, such as Her Majesty's Revenue and Customs (HMRC), or other third parties. The purpose of such checks is to ensure that the information contained in the documentation provided is a full and accurate reflection of statements made in your application.
45. Caseworkers may seek to verify documents provided with an independent third party (as detailed in the paragraph above) where they have reasonable doubts that the documents in question are forged or are not genuine, or do not properly relate to the applicant.

Definitions

- 'Forged documents' are counterfeit, fabricated or falsified in an attempt to pass them off as original.
 - Documents that are 'not genuine' include those that are not original and do not originate from the stated source.
 - Documents that 'do not properly relate' to the applicant may be genuine and from a reliable source but relate to another person who is not the applicant.
46. The list below outlines examples of circumstances under which caseworkers may consider there to be reasonable doubt about evidence submitted with an application and on this basis may seek to verify evidence (please note this is not an exhaustive list):
- Where documents are of poor quality and we suspect forgery may have been attempted;

- Where contradictory evidence has been supplied with the application;
 - Where the Border and Immigration Agency has knowledge of similar applications in respect of which attempts have been made to abuse the system;
 - Where the Border and Immigration Agency has received allegations of abuse or has other evidence that indicates abuse.
47. If, having followed the standard verification procedures on the basis of reasonable doubts about the documents, we are unable to verify that the documents are genuine, the application is likely to be refused, as set out in the Immigration Rules. This will include, for example, situations in which the Border and Immigration Agency has made several attempts, but has been unable to contact an employer to confirm an individual's past earnings.
48. If, having followed standard verification procedures, we are able to conclude that it is more likely than not that the document is forged, not genuine or does not properly relate to the applicant, then the application will be refused. Where an applicant submits any documents which, although not material to their application, are forged or not genuine or do not properly relate to the applicant, then the application will be refused.
49. If your application would ordinarily fall for refusal for the reasons outlined in paragraph 48 above, but you can clearly demonstrate, to the satisfaction of the Border and Immigration Agency that you were unaware that the document in question was forged or not genuine or did not properly relate to you, the Border and Immigration Agency may consider the remainder of evidence submitted in support of the application in the usual way.
50. There may be occasions where evidence comes to light to show that an applicant has knowingly deceived us. In these cases, the Border and Immigration Agency reserves the right to revoke the HSMP permission, and to curtail the leave that an overseas national has been granted on this basis in the UK.

SECTION 3: Completing your FLR(HSMP)

Application

51. You should complete the form by typing or printing the required details in English in **BLOCK** letters and in **BLACK INK**. The notes included in this section of the guidance are designed to help you in completing your application.

Payment Slip

52. Applications submitted on form FLR(HSMP) are subject to a fee, unless the applicant is exempt.
53. Please ensure that you refer to the Payment Guidance Notes when completing the Payment Slip at the front of the application form.
54. The Border and Immigration Agency will be unable to consider your application unless the appropriate fee is included with your application.

Type of Application

(Completing Section 1 of the form – all applicants)

55. Please indicate, by ticking the relevant box, whether you will be paying for your application or you are exempt from payment.
56. You must also indicate, by ticking the relevant box, whether you are already in the UK under HSMP, or whether you are seeking to 'switch' into HSMP from another immigration category.
57. Details of which of the subsequent sections of the application form must be completed by applicants are provided in this section of the form.

Personal Details of Applicant

(Completing Section 2 of the form – all applicants)

58. This section of the application form requires you, as the main applicant, to provide your personal details. (Personal details of any dependants being included in your application are requested under a later section of the application form).

Immigration Status

(Completing Section 3 of the form – all applicants)

59. You will need to complete this section of the application form, to establish your immigration status at the time you make your application.
60. You should only use form FLR(HSMP) if you are currently in the UK in another immigration category and want to switch status into the HSMP, or if you are currently in the UK under HSMP and wish to extend your leave.
61. If you do not wish to switch into the HSMP or to extend your leave under the HSMP then you should not continue to complete this application form. In such circumstances, you should seek further advice

before proceeding with an application for leave to remain. Further guidance may be obtained from The Border and Immigration Agency's website: www.workingintheuk.gov.uk

Details of your Family

(Completing Section 4 of the form – complete only where applicable)

62. As outlined in Section 1 of these guidance notes, form FLR(HSMP) can also be used to apply for an extension of stay in the UK for your spouse, civil partner, unmarried partner or same-sex partner and/or children under the age of 18.
63. This section of the application form requires you to provide personal details for each of the dependants on whose behalf you are applying for an extension of stay on this application form.
64. You will need to include evidence to establish your relationship with each of the dependants included in this section of the form. Section 2 of the guidance notes above provides details of acceptable documentation for the purposes of establishing your relationship to each of the dependants you include on your application.

Your Home and Finances

(Completing Section 5 of the form – all applicants)

65. This section of the application form requires you to provide details of your living circumstances and your personal finances in the UK.
66. These details are required in order to:
- Assess whether you will be able to maintain and accommodate yourself, and any dependants included in your application, in the UK without recourse to public funds;
- and
- Establish that, in your preceding period of leave to enter/remain in the UK, you have not had access to Public Funds.

Public Funds

67. Individuals subject to immigration control who have limited leave to enter or remain are not eligible for benefits or services listed as public funds in the Immigration and Asylum Act 1999 and the Immigration Rules. They should also have the basic means to support themselves and any dependants without the need to seek assistance from the State.
68. The following are regarded as Public Funds under the Immigration Rules:
- Housing and homelessness assistance;
 - Attendance allowance;
 - Severe disablement allowance;
 - Carer's allowance;

- Disability living allowance;
- Income support;
- A social fund payment;
- Council tax benefit;
- Child benefit;
- Income-based jobseeker's allowance;
- State pension credit;
- Child tax credit;
- Working tax credit; and
- Housing benefit.

69. In some exceptional cases, the relevant benefits, tax credits or housing legislation allow individuals subject to immigration control to claim certain public funds in their own right. For example, reciprocal social security agreements allow nationals of some countries to claim certain funds despite being subject to immigration control. Further information can be found on the Home Office website www.ind.homeoffice.gov.uk.

What does not count as public funds?

70. The term public funds only includes non-contributory benefits, tax credits, and housing and homelessness assistance. It does not include benefits based on National Insurance contributions, such as:

- contribution-based jobseeker's allowance;
- incapacity benefit;
- retirement pension;
- widows benefit and bereavement benefit;
- guardian's allowance; and,
- statutory maternity pay.

71. Also, treatment under the National Health Service, or education funded by a Local Education Authority (LEA), does not count as recourse to public funds.

Housing and homelessness assistance

72. Housing and homelessness assistance are included in the term public funds. However, this has a precise definition in the Immigration Rules:

- An allocation of housing, or grant of a licence or tenancy, by a local housing authority, for example through the "housing waiting list"; or,
- Housing assistance under homelessness legislation; or,
- Cases where the housing is provided for either of these purposes on the local authority's behalf, for example, by an independent housing association.

73. However, there are other types of housing that individuals subject to immigration control may receive which are not included in the definition of public funds under the Rules. These include:

- Housing provided independently by housing associations.

- Housing provided by key worker housing schemes.
- Housing paid for by employers, for example where an NHS Trust pays for housing for international nurses.
- Housing being received by your partner if they are not subject to immigration control.

Personal History

(Completing Section 6 of the form – all applicants)

74. This section must be completed for each person (main applicant and each dependant) included on the application form.
75. If you need more space than is available to complete any of the questions contained in this section of the form, you should continue on a separate sheet.
76. You should ensure that you have read fully the guidance included within Section 6 of the application form, before you complete this section.
77. Information provided in your responses, may be checked with other agencies.

Guidance on completing Sections 7, 8, 9 and 10 of the application form - all of which sections need only be completed by existing HSMP participants - is provided at paragraphs 85 to 109 below.

Documentary Evidence

(Completing Section 11 of the form – all applicants)

78. This section of the application form asks you to list the documents that you are including with your application.
79. If you are unsure what documentation you will need to include, Section 2 of these guidance notes provides details of the documents that you are likely to need to provide.
80. You should ensure that you tick the relevant box for each of the documents that you are including with your application. This will assist you in making sure that you include all the documents that we require to assess your application fully. It will also assist us in keeping track of your personal documentation whilst it is in our care.
81. **Important** - In addition to the documents listed in this section of the application form, if you are already in the UK as an HSMP participant, you will also need to supply original documents for the purposes of satisfying the 'Points Scoring Assessment' **and** the mandatory 'English Language Requirement' **and** (where applicable) the 'Transitional Arrangements for Self Employed Persons'. Details of the specific documents required in respect of each of these separate sections of the application form may be found in the Annexes to this guidance.

Declarations

(Completing Section 12 of the form - all applicants; and completing Section 13 of the form – to be completed only where applicable).

82. Please sign and date the 'Applicant's Declaration' at Section 12 of the form. Where more than one applicant is included in the form, the signature must be that of the main applicant.
83. If you would like documents and correspondence relating to your application to be sent to your employer (where applicable) or representative, you should indicate this in the box provided at the end of the Applicant's Declaration. They will need to complete Section 13 of the application form, the "Representative's Declaration".

Checklists

(Completing Sections 14 and 15 of the form – all applicants)

84. Section 14 of the application form, the 'Documents Checklist' and Section 15, the 'Personal Checklist for Form FLR(HSMP)', must be completed by all applicants. These checklists are intended to help you ensure that the application you submit is valid, complete and appropriate to your circumstances. The checklists also assist the Border and Immigration Agency in making sure that we have received the documents you have supplied and in keeping a record of them whilst they are in our possession.

Points Scoring Assessment

(Completing Section 7 of the form – to be completed only by applicants who are already in the UK as HSMP participants.)

85. Before an extension of your limited leave to enter/remain in the UK under HSMP can be granted, *in addition to meeting the other requirements of the Immigration Rules for a grant of leave in this category*, you will also need to establish that you qualify for the award of a minimum of 75 points under the points scoring criteria applied to HSMP Extensions.
86. Annex B of these guidance notes provides full details of the points available under each of the four points scoring areas. It also provides full details of the specific documentation that you will need to provide as evidence that you qualify for the award of points claimed under each points scoring area.
87. The points scoring assessment for HSMP participants seeking to extend their leave in this capacity was announced on 07 November 2006. This replaced the previous requirement applied to those seeking to extend their leave under HSMP, that the applicant should be able to establish they

had 'taken all reasonable steps during their stay to become lawfully economically active in the United Kingdom in employment, self-employment or a combination of both', during their preceding period of stay under HSMP.

88. From 08 November 2006, all applications for HSMP extensions will be subject to the new points scoring requirements detailed at Annex B, regardless of the Rules that were in place at the time of the applicant's previous grant of leave under HSMP.
89. The Immigration Rules, which provide for entry into the UK under immigration categories including HSMP, are subject to change. The criteria for HSMP extensions may therefore be subject to change in the future.
90. The Points Scoring Assessment of the FLR(HSMP) application form allows you to self assess your points score.
91. When completing this section of the form, you must clearly indicate the number of points you are claiming within each scoring area, and detail how you meet the criteria for the award of these points.
92. When considering your application, points will only be awarded for the sections where you have self-assessed your score and where appropriate evidence has been provided.
93. Failure to provide appropriate evidence that establishes you score at least 75 points under the Points Scoring criteria laid out at Annex B will normally lead to a refusal of your application.
94. Where a particular document was provided with your original HSMP application, and you are relying upon the same evidence to claim points under your HSMP extension application, you will not normally be required to resubmit the document in question. You should however make it clear in your application that the document in question has been provided previously. For example, if you included your original degree certificate with your initial application, you will also be eligible to claim points for this qualification as part of your extension application. You will not however need to resubmit the document itself with your extension application.

The MBA Provision:

95. Those whose original period of approval under HSMP was granted under the MBA Provision should be aware that, in order to qualify for an extension of your leave under HSMP, you will need to meet the full Points Scoring requirements that apply to all other HSMP extension applications.
96. This means that, with reference to your extension application, your MBA qualification will only attract a score of 35 points. You will therefore need to

provide evidence to establish that you qualify for the award of sufficient points under the other points scoring areas, to take your total points score up to the required minimum score of 75 points.

GP Priority Applications:

97. The 'GP Priority Application' category was removed from the Highly Skilled Migrant Programme on 08 November 2006.
98. Any applicant whose original period of approval was granted under this category will, in order to qualify for an extension under HSMP, need to meet the full points scoring requirements that apply to all other HSMP extension applications. Only in circumstances where such applicants are able to establish that they meet the minimum required score of 75 points, will their application be likely to succeed.

What if I don't meet the required 75 points for this section?

99. You may have undertaken a self assessment under this section of the application form and found that you fail to meet the minimum 75 points required to meet the points scoring requirements for an HSMP extension.

If you are in employment in the UK:

100. If you are in the above situation, but are currently in employment, you may seek to regularise your stay in the UK by applying for leave under another employment based immigration category (e.g. the work permit arrangements).

Important Note

Transitional arrangements have been put in place for individuals already in the UK under HSMP, who obtained their previous grant of leave under HSMP prior to 08 November 2006, and who are seeking to switch into work permit employment.

In such cases, if the post for which their employer applies for a work permit on their behalf is one that they have held for at least 12 months (where they have already spent more than 12 months under HSMP), or for at least 8 months (where they have spent 12 months or less under HSMP), the resident labour test requirements of the work permit arrangements will normally be waived. The work permit application must still however meet all the other requirements of the work permit arrangements before a work permit can be issued. If a work permit is granted, the applicant will then need to apply for further leave to remain as a work permit holder.

For further advice on these transitional arrangements, please contact the Customer Contact Centre (see Section 4 for contact details).

If you are involved in self-employment in the UK:

101. Annex C of these guidance notes details the circumstances in which self-employed individuals may still qualify for an extension of their leave under HSMP, even where they do not meet the full, points scoring requirements for an HSMP extension.
102. Section 8 of the application form should be completed by those applicants who fail to qualify for the award of 75 points under the Points Scoring Section of the application but who are eligible to have their application considered under the 'Transitional Arrangements for Self Employed Persons' (see Annex C).
103. Where an applicant can establish that they meet the requirements of Section 8 of the application form, this will be accepted in lieu of the Points Scoring Assessment set out in Section 7. Applicants must however, in all cases, complete Section 7 of the application form in addition to Section 8.
104. Even where the requirements of this Section of the application form are met, the applicant must still also satisfy the other immigration requirements for a further grant of limited leave to remain under HSMP. These include a separate mandatory 'English Language Requirement' (set out in Section 9 of the application form) which must be satisfied before a further period of leave under HSMP can be granted. (see paragraphs 106 – 107 below and Annex D).
105. Where a self employed applicant fails to meet the 'Points Scoring Assessment' at Section 7 of the application form, and also fails to meet the transitional requirements provided for at Section 8 of the application form, it will not normally be possible to grant a further period of limited leave to remain under the HSMP category.

English Language Requirement

(Completing Section 9 of the form – to be completed only by applicants who are already in the UK as HSMP participants)

106. Before an extension of your limited leave to enter/remain in the UK under HSMP can be granted, *in addition to meeting the other requirements of the Immigration Rules for a grant of leave in this category*, you will also need to establish that you satisfy the mandatory 'English Language Requirement' set out at Section 9 of the application form.
107. Full details of this requirement are provided at Annex D of these guidance notes.

Additional Information

(Completing Section 10 of the form - to be completed only by applicants who are already in the UK as HSMP participants)

108. The answers that you provide in this section of the application form will not affect the outcome of your application or be assessed as part of it.
109. The purpose of this section is to allow us to gather information on the business sectors and professions within which Highly Skilled Migrants establish their careers in the UK. It is useful to assess in more detail, the effectiveness of the various entry routes into the UK.

SECTION 4: How to get advice on making an application

110. If you want advice about completing an application form or clarification on these guidance notes please contact the Work Permit (UK) Customer Contact Centre:

Telephone: 0114 207 4074

Fax: 0114 207 4000

(9am to 5pm Monday to Friday)

Email: wpcustomers@ind.homeoffice.gsi.gov.uk

Or write to us at:

Customer Contact Centre

Border and Immigration Agency

Home Office

PO Box 3468

Sheffield

S3 8WA

What if I want to use a representative?

111. This form is designed to let you make your own application.
112. Your employer (where applicable) may help you complete the form. However, it is your responsibility to ensure that the application is sent in to us with the correct fee enclosed.
113. You may wish to use an immigration advisor; however you should take care when choosing one. ***The Office of the Immigration Services Commissioner (OISC)*** regulates immigration advisers. If your adviser is not a solicitor, barrister or legal executive you should ask if they are OISC authorised or exempt. Anyone else could be committing a criminal offence if they act on your behalf without being OISC authorised or exempted.
114. Your employer, or prospective employer (where applicable), is permitted to give you immigration advice in connection with your application. If they are completing the "Representative Declarations" section of the form, then at the appropriate point they should tick the box marked "Within a category of person specified in an Order made by the Secretary of State under subsection 84(4)(d) of the Immigration and Asylum Act 1999".
115. If you choose to make an application through a representative, such as a solicitor or other agent, we will correspond with them directly and send our decision on the application to them provided they are permitted to give Immigration advice. **Whether you choose to use a representative will not affect how quickly we consider your application.**
116. The Border and Immigration Agency reserves the right to contact the applicant directly to verify details on the application.

117. If a representative makes an application on your behalf, and that representative is not permitted to provide advice and immigration services (by section 84 of the Immigration and Asylum Act 1999), the Border and Immigration Agency will inform both you and the representative of the requirements of the Act, and send further correspondence to you.

Authorised immigration advisors

118. A list of authorised advisers is available from the OISC:

By phone: 0845 000 0046

(calls charged at local rate)

By Internet: www.oisc.gov.uk

By post: The Office of the Immigration Services Commissioner (OISC)
5th Floor
Counting House
53 Tooley Street
London
SE1 2QN

By fax: 0207 211 1553

By email: info@oisc.gov.uk

119. The OISC website also has links to websites for solicitors, barristers and legal executives.

SECTION 5: Submitting Your Completed Application

120. You can submit your application using the Royal Mail postal service or by courier.
121. We are unable to accept emailed or faxed applications.
122. Please note that our Sheffield offices are not open to the public and it is not usual practice for Border and Immigration Agency staff to see members of the public except on an exceptional basis and by prior appointment.
123. Please note that the Border and Immigration Agency is not responsible for any items whilst in transit to or from our offices.

Postal and Courier Service

124. In order to simplify the validation procedure, please ensure that the application is packaged in the following order:
- i) application form with cheque or postal order (if applicable) secured to page one of the form;
 - ii) any supporting letters;
 - iii) passport(s); and
 - iv) supporting documents.
125. If you wish to send more than one application in the same envelope, please ensure that each application is clearly distinguishable from the others by packaging each one separately. For a batch of up to 10 applications submitted as a multiple application, the cheque or postal order (if applicable) should be secured to page one of the first application in the batch.
126. Completed applications should be sent to the Payment Handling address below:
- Work Permits (UK) - FLR(HSMP)
PO Box 3976
Sheffield
S1 9BN
127. We recommend that you use Recorded or Special Delivery, as this helps us to record the receipt of your application. Please make sure that you keep a record of the Recorded or Special Delivery number.
128. You may alternatively wish to submit your application(s) by courier. These applications will only be accepted between 9am-5pm, Monday to Friday (excluding public holidays).

129. If you wish to send your application by courier the delivery address is:
- Work Permits (UK) - FLR(HSMP)
7th Floor
Fountain Precinct
Balm Green
Sheffield
S1 2JA
130. Please note that the Payment Handling Service is independent from the Border and Immigration Agency and does not process any applications. Furthermore, they do not have the capacity to deal with public callers.
131. All payments are processed by a Government approved Payment Handling Service, who will check the following:
- i) payment is necessary;
 - ii) the payment slip is completed correctly;
 - iii) the payment method is valid; and,
 - iv) the validity of an application, which has been identified as falling into the exempt category.

SECTION 6: Considering Your Application

How long will it take to consider and decide my application?

132. Please see our website for details of our service standards: www.workingintheuk.gov.uk

What if I want to travel before my application has been decided?

133. We would advise you not to make any plans for non-urgent travel outside the UK until we have returned your own and any dependants' passports or travel documents.
134. If you do wish to travel outside the UK whilst your application is with the Border and Immigration Agency, then your application will need to be withdrawn. In these circumstances your documents and passport will be returned to you. You will not receive a refund. If you still wish to pursue your application a new application will have to be made at a later date, and include a new fee.

How will I be notified of the decision?

135. We will send all letters to the applicant named on the application form unless you are using a solicitor or other representative. In most cases we will send the decision and all letters to them unless they are not permitted to provide immigration advice or service under section 84 of the Immigration and Asylum Act 1999.

Please note – If your application is refused the reasons for the refusal, together with next steps available to you, including any appeal rights you may have, will be included in the letter notifying you of our decision.

Return of information

136. Documentation submitted with your application will normally be returned to you under the same cover as your decision letters.
137. Decision letters and original documentation can only be returned to your current address, declared on the front of the application form, or to the address provided on the representative's declaration page, if one has been appointed. Decision letters and original documents will not be sent to any other address.
138. All documents will be despatched by Recorded Delivery.
139. If you wish your passport and documents to be returned to you by Special Delivery, you will need to provide a prepaid Special Delivery envelope appropriate to the size and weight of the documents submitted.

140. If you wish to arrange for a courier to collect your documents you may do so. However, all costs for a courier will need to be borne by the applicant.
141. If you arrange for a courier to collect your documents, you must ensure that you notify the team considering your application. In all such cases, you should, in the first instance, contact the Border and Immigration Agency by telephone on: 0114 207 6016 for further advice.
142. If at the end of one week your documents have not been collected we will post them out by the appropriate postal method as above.
143. Please note, Border and Immigration Agency staff will be unable to sign any documentation when couriers pick up your documents. Therefore you should check with the courier company you instruct that there are no papers to be signed when they collect the parcel from our office.
144. Couriers should be arranged to collect documents during normal business hours only (9.00 am to 5.00 pm on weekdays excluding public holidays).

SECTION 7: Further Information

How can I contact the Border and Immigration Agency?

145. Please do not contact WP(UK) before a decision on your application is likely to have been made (see www.workingintheuk.gov.uk for service standards and latest performance information), unless you have an urgent enquiry. If you do need to contact the Border and Immigration Agency, please use email wherever possible.

146. For general enquires, please contact our Customer Contact Centre, the contact details are provided in Section 4 of these guidance notes.

147. If you have specific queries relating to your FLR(HSMP) application please contact the Leave to Remain Teams:

Telephone: 0114 207 6016

Fax: 0114 207 6017

(9am to 5pm Monday to Friday)

Email: wpukltr@ind.homeoffice.gsi.gov.uk

Or write to us at:

Leave To Remain Teams
Border and Immigration Agency
Home Office
PO Box 3468
Sheffield
S3 8WA

148. When contacting the Border and Immigration Agency by telephone please make sure you have the following information to hand, and when contacting us in writing please provide the following details in your letter or email:

- applicant's full name, date of birth and nationality;
- the HSMP reference number;
- the Recorded or Special Delivery number (if applicable);
- the date on which the application was posted; and,
- applicant's Home Office reference number if one has been assigned.

149. Please do not send any correspondence about your application to the Government approved Payment Handling Service in Section 5 of these Notes, as this address is for processing the payment only.

How do I make a complaint?

150. If you are unhappy with the standard of service you have received and you wish to make a complaint, please contact us at:

Complaints and Compensation Team
Border and Immigration Agency
Managed Migration Directorate
PO Box 3468
Sheffield
S3 8WA

Email: wpuk.complaints@ind.homeoffice.gsi.gov.uk

Fax: 0114 207 6368

151. Please be aware that you will be advised to send all complaints in writing.

152. If your complaint is about general procedures within the Border and Immigration Agency we will reply within 20 working days of receiving your letter.

153. If your complaint is about the behaviour, attitude or general conduct of a member of our staff, we will reply within 12 weeks of receipt of your complaint, to allow time for an investigation.

154. If it is not possible to give you a full reply within these timescales, for example because a detailed investigation is needed, we will provide you with an interim reply. This will tell you how we are dealing with your complaint and when you can expect a full reply.

155. The full reply will include details of who to contact next if you believe that your complaint has not been dealt with properly. This will normally be an appropriate senior official.

156. If you are still not satisfied, you can ask your local Member of Parliament to contact the independent Parliamentary Commissioner for Administration (the Ombudsman) to review your complaint and how it has been handled. If the Ombudsman is satisfied that your complaint has been dealt with fairly, they will close your case and we will not respond to further correspondence about the matter.

157. A copy of our Complaints Procedure is available to customers on request. If you want a copy, please contact our Customer Contact Centre on telephone: 0114 207 4074.

Data Protection Notice

158. We will treat in confidence all information you provide in connection with your application. But we may disclose it to other agencies for immigration and nationality purposes or so they can carry out their jobs. The information in the Payment Slip will be known to the Payment Handling Service who work for the Home Office processing application payments.

Annex A:

Overview of Application Processes for HSMP

Initial HSMP Applications

1. For individuals seeking an initial period of leave to enter/remain in the UK under HSMP, the application process has two stages. This process will apply whether you are:
 - Overseas and seeking to enter the UK for an initial period of stay as a Highly Skilled Migrant; or
 - In the UK within an immigration category *other than* HSMP, but wish to vary your leave to remain here to undertake an initial period of stay under the Highly Skilled Migrant Programme.

Stage 1: Completion of an application for a HSMP approval letter.

2. You should make such an application using form HSMP1. A copy of this application form, and the guidance notes can be obtained from the Border and Immigration Agency website on:
www.workingintheuk.gov.uk
3. If your application is successful, you will be issued with an HSMP approval letter. This does not however guarantee that you will be granted leave to enter or leave to remain in the UK under HSMP.

Stage 2: Application for permission to enter or remain in the UK.

4. Once you have obtained your HSMP approval letter, you should make an application for entry clearance (if you are outside the UK) or an application to vary your leave to enter/remain (if you are already in the UK).
5. *Applications for entry clearance* should be submitted to the British Embassy, High Commission or Consulate in either your country of origin or your current country of residence. You should make such an application as soon as possible after the issue of your HSMP approval letter, and in any case within six months of its having been granted.
6. For further information concerning entry clearance applications, please visit www.ukvisas.gov.uk
7. *If you are already in the UK when your HSMP approval letter is issued*, you will need to apply to vary your leave before you can take up your HSMP approval. Applications of this type should be made using application form FLR(HSMP).
8. You should make your application to vary your leave as soon as possible after your HSMP application is approved, and in any case within six months of your HSMP approval letter having been issued. You should also ensure, in all such cases, that your FLR(HSMP) application is submitted before your existing leave to remain expires. This is because an

HSMP application (made on form HSMP1) is not treated as an in-time immigration application under Section 3C of the 1971 Act.

9. You should also be aware that applications to change your immigration category, or to 'switch' from another immigration category into HSMP, can only be approved for applicants who are already in the UK within one of a specified number of immigration categories. A full list of these categories can be found in Paragraph 12, Page 6 of these guidance notes.
10. Applications submitted by individuals who are seeking to change immigration category/'switch' into HSMP, but who are not currently in the UK under one of these specified immigration categories, will normally be refused. If you are not in the UK within one of the listed categories therefore, you should normally be advised to leave the UK and submit an application for entry clearance on the basis of your HSMP approval letter from overseas.
11. Initial periods of leave to enter/remain in the UK granted under HSMP are normally issued for a maximum period of 24 months.

Applications to Extend Leave under HSMP

12. If you are already in the UK under HSMP, and are seeking to extend your leave for a further period under this category, the process involved is to make a single, further leave to remain, application using form FLR(HSMP).
13. Such an application should be submitted before your existing leave to remain expires, but normally no more than five weeks in advance of its expiry.
14. Full details of the requirements for obtaining a further grant of leave within this category can be found in these guidance notes.
15. Where a further period of leave to remain is granted to an existing Highly Skilled Migrant, this will normally be issued for a maximum period of 36 months.

Applications for Settlement/Indefinite Leave to Remain under HSMP

16. The Highly Skilled Migrant Programme is intended to provide a route to settlement.
17. Once an individual has spent a period of at least five years in the UK under HSMP, they should be eligible to apply for settlement/indefinite leave to remain here. Moreover, in certain circumstances, previous periods of leave to enter/remain in the UK spent within categories other than HSMP may be amalgamated with subsequent periods under HSMP, for the purposes of meeting the qualifying period for settlement.

18. Details of the application process and qualifying criteria for settlement can be found on the IND website at: www.ind.homeoffice.gov.uk.
19. If you make a successful application for settlement, this will effectively remove your employment restrictions in the UK, and make it unnecessary for you to submit further applications for subsequent periods of limited leave to remain.

IMPORTANT

If you are applying to switch in the UK from another immigration category into the HSMP then you need not read these notes any further.

If you are applying for an extension as a Highly Skilled Migrant, you will need to read through the further annexes contained in these guidance notes

Annex B:

Points Scoring Assessment for HSMP Extension Applications

(Please note, this Annex relates only to those applicants who are already in the UK as HSMP participants and who are seeking to extend their leave in this category.)

1. To qualify for a grant of further leave to remain under HSMP, in addition to meeting the other immigration requirements for a grant of leave in this category, existing participants must establish either that they qualify for the award of a minimum of 75 points under the 'Points Scoring Assessment' at Section 7 of the application form, or that they meet the 'Transitional Requirements for Self Employed Persons' at Section 8 (see Annex C).
2. With reference to the Points Scoring Assessment (Section 7 of the application), this Annex provides details of each of the four areas under which points can be scored, and the points available under each. It also provides detail of the documentation that must be supplied, with your application, as evidence that you qualify for the points you have claimed within each of the four points scoring areas.
3. The application form you are completing allows you to self-assess, and you must indicate in all cases the points you are claiming in each area.

QUALIFICATIONS

Points Available

4. Under this point scoring area you can score the following points according to the educational qualification you wish to claim points for. Applicants can only claim points for one qualification:

Qualification	Points Available
PhD	50 points
Masters (eg MA, MBA)	35 points
Bachelors (eg. BA)	30 points

5. Qualifications must meet the recognised standard of UK Bachelors, Masters or PhD (as verified by the current National Academic Recognition Information Centre (NARIC) database) to be awarded the respective points for each level of qualification.
6. Vocational and professional qualifications can also score points in this area if satisfactory independent evidence is produced to show that the qualification is equivalent to an applicable level UK academic qualification. This will be verified, where possible, by reference to the current NARIC database or the relevant UK professional body.
7. It is the responsibility of the applicant to demonstrate that the professional or vocational qualification for

which points are being claimed equates to an appropriate UK level academic qualification and to submit this evidence with their application.

Evidence Required

8. Points will only be awarded where specified evidence is provided to show that you have been awarded the relevant academic or professional qualification from an accredited institution.

(An accredited institution is a place of study that is recognised as an institution of higher education by NARIC. Professional bodies must be recognised by the equivalent UK regulatory authority.)
9. **Please note - If the qualification for which you are claiming points is one that you previously relied upon to obtain points under your initial HSMP application, you will not need to resubmit the same documentary evidence.** You should however make it clear on your application form that the document in question has been provided previously.

Academic qualification

10. You should provide your original degree certificate, which should clearly show all of the following:
 - The date of the award;
 - The title of the award;
 - The name of the awarding institution;
 - Your name.

Professional qualification

11. If you are claiming points for an equivalent professional or vocational qualification you should provide the original award certificate together with confirmation from the appropriate UK professional body of your qualification's equivalence to UK academic levels.
12. Your original award certificate should clearly show all of the following:
 - The date of the award;
 - The title of the award;
 - The name of the awarding institution; and
 - Your name.
13. The original letter from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels must clearly show:
 - The name of the qualification including the country and awarding body; and
 - Which UK academic level it is equivalent to.

Recent graduates awaiting the issue of the certificate

14. If you are awaiting graduation but have successfully completed your degree then we will consider an

original letter from the institution awarding the degree **together with** your academic transcript. Original provisional certificates are not acceptable.

15. The letter from the institution should be on the institution's official headed paper and should show the following details:
- Your name;
 - The title of the award;
 - The date of the award, confirming That it will be awarded;
 - The date that the certificate will be issued.
16. If the letter does not state what qualification has been 'granted'/'conferred'/'awarded', it cannot be considered as suitable evidence.
17. In addition to the letter above you should supply an academic transcript showing the following:
- Your name ;
 - The Institution awarding the degree;
 - Your course details;
 - Confirmation that the qualification will be awarded.

Exceptional consideration

18. If there are exceptional reasons as to why you are unable to provide either your original degree certificate or an original letter from the awarding body, then you may request exceptional consideration of your case.
19. The Border and Immigration Agency may be willing to consider alternative evidence in support of your claim for points associated with your highest level qualification in exceptional circumstances, such as if you have been affected by war or natural disaster.
20. If there are exceptional and compelling reasons as to why you are unable to provide the required evidence then you will need to explain these reasons fully on the application form in the space provided. You must provide evidence to support your request for exceptional consideration. You will also need to provide alternative supporting evidence as specified below.
21. You should note that unless the Border and Immigration Agency is satisfied with the reasons why you are unable to provide either an original award certificate, or in the case of individuals who are awaiting graduation, a letter from the awarding body, then we will not be able to consider the alternative documentation submitted.

Academic qualification – exceptional consideration

22. In exceptional circumstances we can consider evidence of academic qualification in the form of a letter from the awarding institution AND an academic transcript.

23. The original letter on the headed paper of the awarding institution from an authorised official should show each of the following:

- Your name;
 - The qualification awarded;
 - The date of the award.
24. Your academic transcript must include all of the following:
- Your name;
 - The name of the academic institution;
 - Course details;
 - Confirmation of the award.
25. If the letter/transcript does not state what qualification has been 'granted'/'conferred'/'awarded' it cannot be considered as suitable evidence.

Professional qualification – exceptional consideration

26. In exceptional circumstances we can consider evidence of a professional qualification in the form of a letter from the awarding institution together with confirmation from the appropriate UK professional body confirming your qualification's equivalence to UK academic levels.
27. The original letter on the headed paper of the awarding institution from an authorised official should show each of the following:
- Your name;
 - The qualification awarded;
 - The date of the award.
28. The letter from the UK professional body must confirm both:
- The name of the qualification including the country and awarding body;
 - Which UK academic level it is equivalent to.

PREVIOUS EARNINGS

Points Available

- 29. Under this points scoring area, you can claim for your previous earnings obtained from your work.
- 30. For those whose previous grant of leave in the UK under HSMP was for a **period of more than 12 months**, you will need to provide evidence of your gross earnings before tax over a **single 12 month period within the 15 months directly prior to your application**.
- 31. For those whose previous grant of leave in the UK under HSMP was for a **period of 12 months or less**, you will need to provide evidence of your gross earnings before tax **over a single 8 month period within the 12 months** directly prior to your application.
- 32. The points available for previous earnings are detailed in the two tables below. (These figures represent **total gross earnings before tax**.)

Applicants whose previous period of leave to enter/remain under HSMP was for a period of more than 12 months:

- 33. If you were previously granted a period of leave of more than 12 months under the HSMP, you can claim points for your previous earnings as below:

Previous Earnings (Assessed against a 12 month earning-period) In Pounds sterling (£)	Points Available
40,000 +	45
35,000 - 39,999	40
32,000 - 34,999	35
29,000 - 31,999	30
26,000 - 28,999	25
23,000 - 25,999	20
20,000 - 22,999	15
18,000 - 19,999	10
16,000 - 17,999	5

Applicants whose previous period of leave to enter/remain under HSMP was for a period of 12 months or less:

- 34. If you were previously granted a period of leave of 12 months or less under the HSMP, you can claim points for your previous earnings as below:

Previous Earnings (Assessed against an 8 month earning-period) In Pounds sterling (£)	Points Available
26,500 +	45
23,300 - 26,499	40
21,300 – 23,299	35
19,300 – 21,299	30
17,300 – 19,299	25
15,300 – 17,299	20
13,300 – 15,299	15
12,000 – 13,299	10
10,650 – 11,999	5

For all applicants

- 35. We will consider part-time earnings over the period in question and can consider your total earnings from several jobs during this period. Earnings do not have to be with a single employer.
- 36. If you wish us to consider several part-time jobs you should send in sufficient evidence to establish your earnings for each post individually – that is at least two pieces of evidence from the list below for each job for the relevant period.
- 37. It is important to note that not all income will be considered. Unearned income such as dividends from investments (unless it is in a company in which you are active in day-to-day management), property rental income and interest on savings or funds received through an inheritance are not used when calculating your income.
- 38. We will not be able to consider any allowances paid to you unless they are declared on your pay slips. If the company you work for pays part of your income in dividends then you should provide evidence that this has been declared as earnings. This should be in the form of either personal tax returns or the corporate tax voucher from the company.
- 39. If shares or dividends are part of your earnings package they must be shares or dividends from the company you are working for or running. You must provide evidence of the earnings made on the shares or dividends and evidence that it is derived from shares or dividends in the company you work for or run. Dividend vouchers will only be assessed if they form part of the earned income and not

dividends from investments i.e. they are subject to income tax.

40. If, during the period for which your past earnings are being considered, you have earned monies from overseas, these can be included in the calculation for the purposes of scoring points in this area. You must however provide details of the overseas earnings, and their value converted into pounds sterling. You will also need to clearly indicate on your application form which of your earnings were earned in the UK and which earned overseas.
41. In such circumstances, the sterling value of the overseas earnings for which appropriate documentary evidence is provided, will be added to any UK earnings also evidenced for the period in question. The total figure will then be considered against the appropriate points scoring table above.

Evidence required

General

42. Applicants will be required to submit certified translations where documents provided, such as pay slips etc., are not in English.
43. Applicants who can only provide on-line pay slips, will be required to obtain their employer's signature and stamp on a print-out to authenticate the evidence.
44. The documents provided must be independently verifiable. Where an applicant provides evidence that cannot be verified, we will be unlikely to be able to approve the application.

Salaried Employment

45. Salaried employment covers the type of employment where an individual works for an employer. This can be on a full time, part time, temporary, short term or consultancy basis. It can also be for a single or a number of employers, at different times or at the same time. These workers are likely to qualify for the national minimum wage – further definitions are available on www.dti.gov.uk.
46. If you are claiming points that relate to salaried employment then you will need to provide **two** pieces of evidence to support the earnings for which you are claiming. The two pieces of evidence provided must be consistent with, and corroborate, each other for the full period claimed.
47. We ask for more than one piece of evidence in this scoring area because it is important that we can clearly establish your salary. Having different forms of evidence helps us to do this quickly and efficiently.

48. In order to demonstrate your total salary before tax over the period you should provide both:

- Your income tax return. If the tax document does not cover the full period claimed, a letter from your employer on company letterhead should be provided. This should confirm your gross earnings for the full period claimed. As an alternative, you may supply your original bank statements to cover the full period claimed. Self-assessment tax documents are not acceptable, as they are not independent: **and**
- Wage slips covering the entire 12 month period (or 8 month period if you were originally granted 12 months or less under the HSMP). The wage slips should either be formal pay slips or on company headed paper. If they are on plain paper they should be clearly stamped and signed by your employer.

Definition of a tax return

The term 'tax return' may denote any of the following:

- A document generated by a tax authority, which shows details of declarable taxable income on which tax has been paid or is to be paid in a tax year (e.g. tax refund letter or demand);
- A document generated by your employer for the purposes of an official return to a tax authority, showing details of earnings on which tax has been paid in a tax year (e.g. P60 in the UK);
- A document generated by yourself/the business/the company for the purposes of an official return to a tax authority, showing details of your earnings on which tax has been paid/is to be paid in a tax year, which has been 'approved/registered/stamped' by the tax authority.

Self-certified tax documents, which you have completed yourself, are not acceptable.

If a duplicate tax document is provided, the document should be stamped and dated by either your employer or the relevant tax authority.

49. If any of the work you have undertaken has been in a country that does not have a tax system, then you should provide two of the following:
- Your wage slips covering the period claimed;
 - Your bank statements (to evidence your income) covering the period claimed;
 - A letter from your employer stating your income as claimed.

Exceptional consideration

50. If there are exceptional reasons as to why you are not able to provide either your income tax return or

wage slips to cover the full period for which you are claiming, then you may request exceptional consideration of your case.

51. The Border and Immigration Agency may be willing to consider alternative evidence in support of your claim for points associated with your previous earnings in exceptional circumstances, such as if you have been affected by war or natural disaster.
52. If there are exceptional and compelling reasons as to why you are unable to provide the required evidence then you will need to explain these reasons fully on the application form. You must provide evidence to support your request for exceptional consideration. You will also need to provide alternative supporting evidence as specified below.
53. You should note that unless the Border and Immigration Agency is satisfied that the reasons you are unable to provide either your income tax return or wage slips covering the 12 or 8 month period for which you are claiming, are compelling, then we will not consider the alternative documentation submitted.
54. If you are not able to provide your income tax return and/or wage slips covering the 12 or 8 month period for which you are claiming then you will need to provide alternative supporting evidence in the form of:
 - Bank statements showing that you received the salary described for the full 12 or 8 month period; and/or
 - A letter from your (previous) employer(s) confirming that you received the salary for which you are claiming.
55. The two pieces of evidence that you provide must be consistent with, and corroborate, each other for the full period claimed.

Independent Contractors

56. If you are an independent contractor you may consider yourself to be self-employed because you do not have continuity of employment with a single employer, but you may only be able to provide some of the required evidence from the self-employed evidence list and some from the employed salaried evidence list. To help cater for this we have created a specific category for Independent Contractors (e.g. some IT Consultants, Freelance Journalists, Artists, Management Consultants etc).
57. You might find it helpful to refer to the H.M. Revenue and Customs (HMRC) definition of an independent contractor to help you - Information on employment status for NIC can be found on the HM Revenue and Customs website, under the section on Intermediaries Legislation IR35, found on the A-Z list via the site map on the HMRC website.
58. If you are claiming points for a period where you have been working as an independent contractor then you may not have wage slips covering this period. You must therefore provide specified alternative documents to confirm that the total amount of earnings over the full period claimed equals the full amount you are claiming points for. You must provide all of the pieces of evidence listed below:
 - Your income tax return. If the tax year does not cover the full period claimed, or if you have not yet received this documentation for the current tax year, **please provide your most recent tax return or what tax information you have**. We will consider the tax evidence you have provided, alongside the other three pieces of required evidence. Self-assessment tax documents are not acceptable, as they are not independent; **and**
 - Copies of contracts from your employer to cover the period claimed and to total the amount of earnings claimed. They should give details of the employment, period of contract and your salary; **and**
 - Invoices from the employers showing the actual amounts paid to you; **and**
 - A copy of your bank statements showing the payments made by your employers to you.
59. If the supporting evidence does not contain two forms of corroborating evidence which clearly demonstrate your gross earnings for the period claimed, you should provide at least one of the documents from the list below:
 - A covering letter from your accountant, on business letterhead, which confirms your gross

and net earnings for the claimed earnings period;

- Invoice explanations/payment advices for the full period claimed.

60. Where administration of your earnings is undertaken by a managing agent, the covering letter should explain this financial arrangement.

Self-employment

61. The supporting evidence provided for this category will indicate your involvement in the day-to-day running of the company, either as a sole owner or as one of a number of managing partners where you have a controlling interest in the company.

62. If you are not in salaried employment, you must supply an appropriate combination of the following documents (as stipulated below) to demonstrate your earnings over the full 12 or 8 month period claimed.

63. You must provide **both** of the following pieces of evidence to cover the full period claimed:

- Your personal tax returns – if the tax year does not cover the full period claimed, or if you have not yet received this documentation for the current tax year, **please provide your most recent tax return or what tax information you have**. We will consider the tax evidence you have provided, alongside the other pieces of required evidence. Self-assessment tax documents are not accepted as they are not independent; **and**

- Your personal bank statements.

64. In addition to the documents detailed above, you must supply one of the following combinations of documents to cover the full period claimed:

- Company audited accounts and company tax return (one of these documents should confirm the total payment that you are claiming); or
- Unaudited business/management accounts confirming the total amount that you are claiming (the accounts should be prepared in accordance with statutory requirements) plus either:
 - Business bank statements and a business tax return; or
 - Copies of contracts totalling the full amount payable and corroborating invoices that show that you have been paid the amount claimed.

65. If the supporting evidence does not contain two forms of corroborating evidence which clearly demonstrate your gross earnings for the period

claimed, you should provide supplementary documents from the following list:

- a covering letter from your accountant, on business letterhead, which confirms your gross and net earnings for the claimed earnings period;
- Invoice explanations/payment advice for the full period claimed – showing dividend payments (where appropriate) which have been paid to you as part of your earnings;
- Company bank statements (if not supplied through the combination of documents requested above).

It is not essential that you provide all of the supplementary documents listed above. The additional documents requested are there to ensure that suitable corroborating evidence is provided to support your claimed earnings.

66. Where administration of your earnings is undertaken by a managing agent, the covering letter should explain this financial arrangement.

67. If you operate through a Limited Liability Company as one of a number of shareholders, you should provide a letter from your accountant confirming your proportionate shareholding within the company, together with confirmation of your gross and net income and payment summaries. This evidence will demonstrate your stake within the company.

UK EXPERIENCE

Points Available

68. You can claim 5 points in this area if you meet the following requirements.

69. If your previous grant of leave to enter/remain under HSMP was for a period of more than 12 months.

You can claim 5 points if:

- You qualify for the award of points under the 'Previous Earnings' points scoring area above; and
- At least £16,000 of the 'Previous Earnings' for which you are claiming points were earned in the United Kingdom

70. If your previous grant of leave to enter/remain under HSMP was for a period of 12 months or less.

You can claim 5 points if:

- You qualify for the award of points under the 'Previous Earnings' points scoring area above; and

- At least £10,650 of the 'Previous Earnings' for which you are claiming points were earned in the United Kingdom

Evidence Required

71. If you successfully claim points for earnings in the 'previous earnings' category, which were earned in the UK, then you can claim five points. You do not need to provide any additional evidence. We will assess the evidence supplied in support of your 'previous earnings' score.

AGE ASSESSMENT

Points Available

72. Points can be claimed as follows:

Age at date of application	Points Available
29 or under	20
30 or 31	10
32 or 33	5

73. The points available will be awarded provided you fall within the particular age band for which you are claiming points **on the date of your application**.

74. The date of your application will, in all cases, be considered to be the date your application was posted (and will be established with reference to the postmark on the envelope in which your application was sent.)

Evidence Required

75. As outlined in Section 2 of the guidance notes above, applicants should, in all cases, submit their current passport or other travel documents with their application.

76. Provided this document has been included in your application, no separate documentation will be required to support the claim of points in this area.

TOTAL POINTS CLAIMED

77. You must ensure, when completing the Points Scoring Section of your application form, that you complete the Total Points Claimed table at the end of the section.

78. Points will only be scored in areas for which you have explicitly claimed them, and it is therefore important that this self-assessment table is completed in all cases.

Annex C:

TRANSITIONAL ARRANGEMENTS FOR SELF EMPLOYED PERSONS

Background

1. The existing Immigration Rules providing for grants of further leave to remain under HSMP came to an end on 07 November 2006. After a brief suspension, revised Immigration Rules were introduced on 05 December 2006. These changes introduced a new Points Scoring Assessment for applicants seeking to extend their leave to enter/remain in the UK under HSMP.
2. All applications for extensions to existing HSMP leave submitted on or after 08 November 2006, will be considered against the new points scoring criteria, regardless of when the applicant's previous HSMP approval was granted.
3. It is however acknowledged that there may be individuals who have spent an initial period of leave in the UK under HSMP and who fail to meet the points scoring requirements for an extension of their leave under HSMP, but who may still be able to establish that they are making an *ongoing contribution to the UK economy* through their self-employment/business activities here.

Eligibility for Consideration Under Transitional Arrangements for Self Employed Persons

4. You will only be eligible to have your HSMP extension application considered against the 'Transitional Arrangements for Self-employed Persons' outlined below in the following circumstances:
 - Your previous grant of leave under HSMP was made prior to 08 November 2006;

and

 - You have completed the self-assessment section of the FLR(HSMP) application form and fail to meet the minimum required score of 75 points;

and

 - You are currently engaged in self employment/business in the UK.

Criteria of Transitional Arrangements for Self Employed Persons

5. If you do choose to make your application under these transitional arrangements, you will still be required to complete the Points Scoring Section of the application form (Section 7). In addition you will also need to complete the 'Transitional Arrangements' section of the application form (Section 8).
6. Under Section 8 of the application form, you are required to supply specified original documentation to establish each of the following requirements:
 - You have, during your preceding period of leave under HSMP, set up your own business, either singly or with others; and
 - Your business has been established and actively trading for at least the last four months prior to your application; and
 - Your business has ongoing contractual/business commitments to cover at least the next six months.
7. **Important** - In addition to meeting the requirements laid out under the 'Transitional Arrangements for Self Employed Persons', applicants will still be required to establish that they satisfy the other immigration rule requirements for a grant of further leave to remain under HSMP.
8. These include a separate English Language requirement set out in Section 9 of the application form, which must be satisfied before a further grant of leave under this category can be granted (see Annex D).

Required Evidence

9. To establish that you meet the criteria detailed above, you must submit each of the following pieces of evidence:
 - Registration documents with HMRC confirming you are registered for tax

and

 - Copies of contracts and invoices for services delivered, covering at least the last four months.
10. The following documents must also be supplied where available:
 - Copies of documents establishing contractual/business commitments covering the next six months;

and

 - A business plan/business projections covering a period which includes the next six months.

Alternative Evidence

11. If you are unable to provide either of the documents listed in paragraph 10 above, you may, alternatively, provide the following:

- Draft management/business accounts;
plus
- Two documents from the following list:
 - Utility bills showing the name of your business;
 - VAT Return;
 - Company registration certificate with Companies House;
 - Copies of any registration documents (such as Local Health Authority registration);
 - Lease of premises for business use;
 - Insurance documentation for your business.

12. All documentation supplied must be original

13. If any of the documents provided are not in English, a certified translation must also be supplied.

Annex D:

English Language Requirement

(Please note, this Annex relates only to those applicants who are already in the UK as HSMP participants and who are seeking to extend their leave in this category.)

Background

1. The existing Immigration Rules providing for grants of further leave to remain under HSMP came to an end on 07 November 2006. After a brief suspension, revised Immigration Rules were introduced on 05 December 2006. These changes introduced a new Points Scoring Section for applicants seeking to extend their leave to enter/remain in the UK (see Annex B above).
2. In addition, a separate, mandatory English Language Requirement has been introduced to HSMP.
3. **Important** – The Immigration Rules which provide for entry into the UK under immigration categories including HSMP, are subject to change. The criteria for HSMP extensions may therefore be subject to change in the future.
4. For this reason, from 08 November 2006, all applications for HSMP extensions will be subject to the new English Language Requirement, regardless of the Rules that were in place at the time of the applicant's previous grant of leave under HSMP.

Requirements

5. In order to demonstrate the required level of competence in English, you must possess one of the following:
 - An International English Language Testing System (IELTS) qualification at Band 6; or
 - A Bachelors degree, taught in English, and of an equivalent level to a UK Bachelors Degree.
6. Please note, whilst a Bachelors degree that meets the requirements specified above, will be accepted for the purposes of satisfying the English Language Requirement of your application, higher level degrees (such as Masters or PhDs) and professional/vocational qualifications will not.
7. This is because a Bachelors degree is normally taught over a period of at least three years, during which time a candidate is required to display a level of competence in each of the four areas – listening, reading, writing and speaking in English – equivalent to IELTS 6.
8. For higher degrees and professional/vocational qualifications, it is not possible to establish clearly that such a qualification would necessarily have

been delivered in a manner that would test each of the required elements outlined above.

Required Evidence

IELTS Band 6

9. To establish that you possess an IELTS qualification at Band 6, you must provide the following:
 - An original IELTS Report Form at Band 6.
10. Please note that, whilst for initial applications submitted under HSMP, the IELTS Report Form must be less than two years old at the time of application, for those seeking to extend their existing leave under HSMP, IELTS Report Forms which were issued more than two years prior to the date of the extension application, will be accepted.
11. The Border and Immigration Agency may seek to verify the information from the IELTS Test Report Form with IELTS.
12. Further background information on IELTS can be found at the end of this Annex.

A Bachelors degree, taught in English and of an equivalent level to a UK Bachelors Degree

13. To establish that you possess a Bachelors degree taught in English and of an equivalent level to a UK bachelors degree, you must provide both of the following:
 - Your original degree certificate. The original degree certificate should clearly show: the date of the award; the title of the award; the name of the awarding institution and your name – if you have provided this as part of the Points Scoring Assessment, or have provided it previously, with your initial HSMP application, please indicate this on the application form and we will use the same evidence for this section; **and**
 - An original letter from the awarding body on the official letter headed paper. The letter should confirm your name, the qualification obtained, the date of the award and whether the course was taught in English.
14. **Important** – You will need to provide both these documents even if you were taught in a country where the main language is English. If you have previously provided your Bachelors degree certificate, to claim points for Qualifications, you will not need to submit this document again. However, you will still need to supply an original letter from the awarding body confirming that the qualification was taught in English. We will check that the Bachelor degree meets the recognised standard of a UK Bachelors, (as verified by NARIC) to establish that it is sufficient to meet the English Language criteria.

15. The Border and Immigration Agency may seek to verify this information.
16. If there are exceptional reasons why you are unable to provide both pieces of evidence listed above, then you may request exceptional consideration of your application.
17. We may be willing to consider alternative evidence in support of your claim that you possess a Bachelors degree that was taught in English in exceptional circumstances, such as if you have been affected by war or natural disaster.
18. Similarly, we may consider alternative evidence where you have recently completed your qualification and your award certificate has not yet been issued.
19. If there are exceptional and compelling reasons why you are unable to provide the required evidence, you will need to explain them fully on the application form. You will also need to provide the following, alternative documentation:
 - A letter from the awarding institution; and
 - An academic transcript.
20. The letter from the awarding institution must be original, on the headed paper of the awarding institution and from an authorised official. It must clearly show each of the following:
 - That the degree was taught in English;
 - Your name;
 - The qualification awarded;
 - The date of the award
21. The academic transcript must be original and must clearly show each of the following:
 - Your name;
 - The name of the academic institution;
 - Course details;
 - Confirmation of the award.
22. If the letter/transcript does not state what qualification has been 'granted'/conferred/'awarded' and that the qualification was taught in English, it cannot be considered as suitable evidence.

Alternative Qualifications

23. If you do not possess either an IELTS Band 6 or a Bachelors degree taught in English, but you do possess an alternative English language qualification that is of an equivalent level to IELTS Band 6, we may be willing to consider this in lieu of the qualifications outlined above.
24. Please note, we will, in such cases, refer to UK NARIC in order to confirm the alternative qualification provided is equivalent to IELTS Band 6.
25. If UK NARIC is unable to confirm the equivalency of the qualification in question, we will not accept the

evidence submitted as satisfying the English Language requirement of your application.

26. For this reason, if you will be relying on an alternative English language qualification, you are advised to check its equivalence to IELTS Band 6 before making your application.

Required Evidence for Alternative Qualifications

27. If you are submitting an alternative English Language qualification, you must submit the original certificate issued in respect of this qualification.
28. The Border and Immigration Agency will refer to UK NARIC in all such cases, to confirm that the qualification is of an equivalent level to IELTS Band 6.
29. The Border and Immigration Agency also reserves the right to verify the documentation provided with the issuing organisation.
30. **Important** – IELTS is the preferred English Language qualification. We will only consider alternative certificates if you have obtained them before applying to extend your existing leave to enter/remain under HSMP. **We reserve the right to ask for an applicant to undertake an IELTS test in any circumstance where we do not consider that sufficient evidence has been provided regarding the applicant's level of English.**

Transitional Arrangements

31. The following transitional arrangements relate to any applicant:
 - Whose previous approval under HSMP was granted prior to 08 November 2006; and
 - Who does not possess an English Language qualification that would satisfy the above requirements at the time of their HSMP extension application.
32. As a significant number of applicants will have received their previous grant of leave under HSMP prior to the introduction of this mandatory English Language requirement, these transitional arrangements are intended to support those who may need to submit their HSMP extension applications before they are in a position to satisfy the requirements outlined above. For example, an applicant may have a date set for them to undertake an IELTS test, but may need to submit their leave application before they take this test, as their existing leave is due to expire.
33. For those applicants whose circumstances meet the two points outlined above, the Border and Immigration Agency will accept their application to extend their leave to enter/remain under HSMP, before they are able to provide evidence that they possess a qualification that will satisfy the above English Language requirement.

34. In such circumstances, provided all other requirements for a further grant of leave under HSMP have been met, the Border and Immigration Agency will not make a decision on your application immediately. Instead, we will hold your application open for a period of ten weeks (from the date of application).
35. As your passport will be required by IELTS as proof of identity when undertaking the IELTS test, you should, at the outset, submit a photocopy of your passport with the FLR(HSMP) form. Your original passport should be sent to us along with the original IELTS test report form as soon as this is available.
36. This period will be allowed in order for you to obtain an IELTS Band 6 qualification.
37. In such cases, the Border and Immigration Agency will notify you of the date by which you will need to provide:
- Your IELTS Band 6 Report Form; or
 - Official confirmation from IELTS that you are awaiting the results of an IELTS Band 6 test; or
 - Official confirmation from IELTS that you have a date to undertake an IELTS Band 6 test.
38. Where you are able to provide an IELTS Band 6 Report Form, the Border and Immigration Agency will complete our assessment of your application on this basis.
39. Where you are able to provide confirmation from IELTS that you have already taken your IELTS 6 test or have a confirmed date on which you will be taking this, the Border and Immigration Agency will continue to hold your application open in anticipation of you completing this process.
40. If you do not pass your IELTS 6 on your first attempt, the Border and Immigration Agency will not be in a position to hold your application open to allow for subsequent attempts to be made. Rather, we will complete our consideration of your application on this basis. In such circumstances, your application will fall for refusal as the mandatory English Language requirement will not have been met.

41. **Important** – Where these transitional arrangements are being used, the only qualification that we will accept is IELTS Band 6. The Border and Immigration Agency will not assess alternative English Language qualifications undertaken during this ten week period.

Further Information – International English Language Testing System (IELTS).

42. IELTS, the International English Language Testing System, is designed to assess the language ability of candidates who need to study or work where English is the language of communication. It is jointly managed by University of Cambridge ESOL Examinations (Cambridge ESOL), British Council and IDP: IELTS Australia. IELTS conforms to the highest international standards of language assessment. It covers the four language skills - listening, reading, writing and speaking. We will accept IELTS test report forms for both the Academic and General tests.
43. IELTS is recognised by universities and employers in many countries. It is also recognised by professional bodies, immigration authorities and other government agencies. Please refer to a full list of recognising organisations on the IELTS website: www.ielts.org.
44. IELTS tests are administered at centres throughout the world - there are more than 300 centres, in over 100 countries. A full list of centres is available on the IELTS website: www.ielts.org.

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